INDEX

TO THE

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

VOLUME IV

(18th August to 5th September 1927)

FIRST SESSION

OF THE

THIRD LEGISLATIVE ASSEMBLY, 1927

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1928

Legislative Assembly.

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THE HONOURABLE MR. V. J. PATEL.

Deputy President :

MAULVI MUHAMMAD YAKUB, M.L.A.

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MR. M. R. JAYAKAR, M.L.A.
MR. K. C NEOGY, M.L.A.

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MR. JAMNADAS M. MEHTA, M.L.A.
LIEUT.-COLONEL H. A J. GIDNEY, M.L.A.
MR C. DURAISWAMY AIYANGAR, M.L.A.

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THE

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LEGISLATIVE ASSEMBLY DEBATES

(OFFICIAL REPORT OF THE FIRST SESSION OF THE THIRD LEGISLATIVE ASSEMBLY)

VOLUME IV—1927

LEGISLATIVE ASSEMBLY.

Thursday, 18th August, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

MEMBERS SWORN :

The Honourable Sir George Rainy, K.C.I.E., C.I.E. (Member for Commerce and Railways) ; the Honourable Mr. James Crerar, C.S.I., C.I.E. (Home Member) ; Mr. William Alexander, M.L.A. (Madras : European) ; Mr. Satyendra Chandra Mitra, M.L.A. (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) (*Cries of "Bande Mataram"* from the Swarajist Benches) ; Mr. Abdul Qadir Siddiqi, M.L.A. (Central Provinces : Muhammadan) ; Mr. Satya Charan Mukherjee, M.L.A. (Bengal : Nominated Non-Official) ; Mr. Muhammad Yamin Khan, M.L.A. (United Provinces : Nominated Non-Official) ; Mr. Ardeshir Rustomji Dalal, M.L.A. (Secretary, Education, Health and Lands) ; Mr. Wilfrid Thomas Mermoud Wright, C.I.E., M.L.A. (Secretary, Legislative Department) ; Sir Denys de Saumarez Bray, K.C.I.E., C.S.I., C.B.E., M.L.A. (Foreign Secretary) ; Mr. Hubert Arthur Sams, C.I.E., M.L.A. (Director General of Posts and Telegraphs) ; Mr. Girja Shankar Bajpai, C.I.E., C.B.E., M.L.A. (Department of Education, Health and Lands : Nominated Official) ; Mr. R. H. Courtenay, M.L.A. (Madras : Nominated Official) ; Mr. Richard Thomas Francis Kirk, M.L.A. (Bombay : Nominated Official) ; Mr. Percy Barnes Haigh, M.L.A. (Bombay : Nominated Official) ; Mr. Miles Irving, C.I.E., O.B.E., M.L.A. (Punjab : Nominated Official) ; Mr. Richard Marsh Crofton, M.L.A. (Central Provinces : Nominated Official) ; and Mr. William Alexander Cosgrave, M.L.A. (Assam : Nominated Official).

QUESTIONS AND ANSWERS.

EXPERIMENTAL CREW SYSTEM ON THE EAST INDIAN RAILWAY.

1. ***Mr. Amar Nath Dutt** : (*a*) Have the Government decided to institute an experimental crew system on the East Indian Railway to prevent the public from travelling without tickets ?

(*b*) Is it a fact that an officer has already been appointed to recruit staff for the purpose ? If so, will the Government give the name of the officer appointed for the purpose ?

(*c*) What is the number of crew inspectors and crew subordinates already recruited and to what community do they belong ?

(*d*) What is the total strength of the crew contemplated ?

(*e*) How many cases of assault have been reported against the crews ?

(*f*) Was there any death due to the pushing of a woman from a running train at Burdwan, East Indian Railway ? Has the crew guilty of pushing resulting in the death of the woman been found out and prosecuted ?

(*g*) What is the educational qualification required of those recruited to the crews and to what provinces do they belong ?

(*h*) Are Government aware that the crew system is condemned by the general public ? If so, do the Government propose to discontinue the same ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) The answer to the first part of the question is in the negative ; the second part does not arise.

(*c*) & (*d*). A statement showing the sanctioned strength of the crew staff for the Howrah, Lucknow and a portion of the Asansol Division on which the crew system has been introduced, together with information as to number of ticket collectors' appointments brought under reduction, is being sent separately to the Honourable Member.

Government have no information as to the various communities to which the members of the crew system belong.

(*e*) Government have received copies of two such reports and have been informed of three court cases of this nature instituted against members of the crew.

(*f*) A report to this effect was made but the Government understand that it was found to be untrue.

(*g*) The recruitment of the crews is in the hands of the Agent, East Indian Railway, and Government do not know what educational qualifications are required nor the provinces to which members of the crew belong.

(*h*) The answer to both parts of the question is in the negative.

Mr. Amar Nath Dutt : As regards (*f*) may I inquire where did the Government get the information from ? Was it from the Railway Police ?

Mr. A. A. L. Parsons : From the Agent of the East Indian Railway.

Pandit Hirday Nath Kunzru : May I ask if Government will find out from the Agent what the educational qualifications of the men recruited are ?

Mr. A. A. L. Parsons : I don't think any educational qualifications have been definitely laid down.

Pandit Hirday Nath Kunzru : Are they likely to be laid down soon ?

Mr. A. A. L. Parsons : Not at present.

Pandit Hirday Nath Kunzru : Are the Government aware that in the Oudh and Rohilkhand Railway sections of the East Indian Railway there are serious complaints against men recently recruited because of their improper behaviour towards the travelling public, particularly the third class travelling public ?

Mr. A. A. L. Parsons : No, Sir.

Pandit Hirday Nath Kunzru : Will Government inquire ?

Mr. A. A. L. Parsons : If the Honourable Member can give me information which justifies my making an inquiry, I am perfectly prepared to do so.

Pandit Hirday Nath Kunzru : May I point out, Sir, that I have made as definite a statement as possible. I cannot be expected to find out the names of the actual offenders.

Mr. President : Order, order. Will the Honourable Member put a supplementary question.

DEFECTIVE CONSTRUCTION OF THE COUNCIL CHAMBERS AT NEW DELHI.

2. ***Mr B. Das** : (*a*) Are Government aware that the defective construction of the Council Chambers at New Delhi has already brought lateral cracks along the arched roofs of the corridors on both floors ?

(*b*) Will Government be pleased to state if the Consulting Engineers and Architects of the Council Chambers at New Delhi took into consideration the likelihood of the appearance of cracks through defective design or defective construction or other causes and did they provide sufficient safeguards to avoid such cracks ?

(*c*) Will Government be pleased to lay on the table a statement showing the provision made by the Consulting Engineers and Architects in their initial design ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) & (*b*) Government are not aware of any cracks due to defective construction or defective design. Some cracks are inevitable in a building of this size which is founded on a variable foundation, partly of rock and partly of clay, and subjected to such wide variations of temperature and humidity as in New Delhi. Government are informed that such cracks as exist are not a matter of serious concern, and that it is not possible to provide sufficient safeguard to avoid such cracks.

(*c*) Does not arise.

Maulvi Muhammad Yakub : Will the Government be pleased to state if there are any cracks in the Delhi Jumma Musjid or the old Fort at Delhi ?

The Honourable Sir Bhupendra Nath Mitra : I have no information, Sir.

Maulvi Muhammad Yakub : Will the Government be pleased to collect the information and inform the House ?

The Honourable Sir Bhupendra Nath Mitra : I shall try to get the information and send it on to the Honourable Member.

Mr. Gaya Prasad Singh : Why not place it on the table ?

Mr. A. Rangaswami Iyengar : May I know, Sir, what exactly has been done to the dome of the Assembly which caused so much risk of injury ?

The Honourable Sir Bhupendra Nath Mitra : Sir, there is another question on that point. If the Honourable Member will wait he will get the answer to his question.

Sir Hari Singh Gour : May I beg to inquire if the Honourable Member is aware of any cracks in the old temporary Secretariat in Delhi where the Assembly Chamber used to be before it was shifted to the Imperial Capital.

The Honourable Sir Bhupendra Nath Mitra : I am pretty sure there are cracks in that building. I have myself noticed it.

Mr. N. M. Joshi : May I ask, Sir, in view of the fact that these cracks are due to variations in the temperature, whether the Government of India will make arrangements for taking the temperature of this House from hour to hour ?

SAFETY OF THE CEILING OF THE ASSEMBLY CHAMBER AT NEW DELHI.

3. ***Mr. B. Das** : Are Government prepared to invite an independent committee of Consulting Engineers to give their opinion on :

(*a*) the safety of the ceiling of the Assembly Chamber at New Delhi, and

(*b*) on the defective construction leading to cracks all along the roof of the arched corridors ?

The Honourable Sir Bhupendra Nath Mitra : Government do not consider the action suggested to be necessary.

REPORTS OF THE DIRECTOR OF WAGON INTERCHANGE.

4. ***Mr. A. Rangaswami Iyengar** : (*a*) Will the Government be pleased to state if the wagon exchange officer makes any reports to the Railway Board and whether these reports are made every three months or every year ?

(*b*) Will the Government be pleased to lay the reports made by this officer for the last two years on the table ?

Mr. A. A. L. Parsons : (*a*) The Director of Wagon Interchange is an officer of the Indian Railway Conference Association and makes no direct reports to the Railway Board, but copies of the following reports prepared by him are received by the Railway Board :

Annually—

(*i*) Working of the wagon pool.

(*ii*) Wagon census.

Weekly—

(*i*) Wagon position.

(*ii*) Traffic report.

(*b*) These are purely departmental reports but copies will be shown to the Honourable Member if he will call at the Railway Board's office for the purpose.

PURCHASE BY GOVERNMENT OF THE WORKS OF THE PENINSULAR LOCOMOTIVE COMPANY.

5. ***Mr. A. Rangaswami Iyengar** : (*a*) Will the Government be pleased to state whether on account of the wagon surplus they have made an offer to purchase the works of the Peninsular Locomotive Company ?

(*b*) Has the Company expressed a desire for the price to be fixed by independent valuation ?

(*c*) Have Government rejected the offer of an independent valuation and if so, why ?

The Honourable Sir George Rainy : (*a*) Yes. When last autumn the Government of India became aware that they would not be able to place orders for the supply in 1927-28, and probably in 1928-29, or possibly for some years thereafter, of broad gauge general service wagons—the types of wagon which Indian firms had been manufacturing under the bounty scheme introduced on the passing of the Steel Industry (Protection) Act—they immediately placed the position before representatives of the firms concerned, and discussed with them what measures should be adopted to help them to tide over an admittedly difficult period. As a result of these discussions they made the firms the offer which is described in paragraphs 6 and 7 of a memorandum presented to them, a copy of which I lay on the table. Briefly, the offer was to place orders in India only for wagons of other types and underframes which they would require in 1927-28, and also for certain other railway material needed in that year, provided a reasonable price could be agreed upon, and the firms were unanimous that this would be the best course. I may mention that, though the firms were not unanimous on the subject, the Government of India have implemented this offer. At the same time a suggestion of purchase had been made in the course of the discussion with the firms, and the Government of India accordingly stated that, if either the Indian Standard Wagon Company or the Peninsular Locomotive Company, the two Indian firms which had hitherto specialised in wagon building only, were unwilling to acquiesce in this offer and would prefer that their works should be taken over by Government, they would be ready to discuss the terms on which they would be prepared, as an alternative, to purchase the works. The Peninsular Locomotive Company considered the offer inadequate, and stated that they had therefore no option except to request the Government to take the entire works over. The Government of India thereupon deputed two officers to inspect the works of the Peninsular Locomotive Company, and, after receiving their report, offered the Company a sum of 20 lakhs for the property in a letter dated the 6th of January, 1927, a copy of which I place on the table.

(*b*) Yes. After the Peninsular Locomotive Company had received the offer made verbally on the 5th of January, 1927 and in writing on the following day, they wrote on the 31st of January, 1927 expressing their willingness, should Government desire that the process of fixing a

price should be by valuation, to abide by the decision of an independent valuation at the hands of an approved party on the basis of replacement cost or earning capacity in normal conditions.

(c) Yes. The price offered by Government was not entirely based on a valuation of the property, but took into consideration all the facts of the case. The Government of India are satisfied that it is a more liberal price than would have been obtained by an independent valuation, and in the circumstances they did not consider that an independent valuation would have served any useful purpose.

MEMORANDUM.

The position of the firms engaged in the manufacture of railway wagons in India arising out of the decision of the Railway Board that for the present the purchase of broad gauge wagons of the usual types is not required, was discussed in Calcutta with representatives of Messrs. Burn and Co., Ltd., and the Indian Standard Wagon Company, Ltd., and in Bombay with the representatives of the Peninsular Locomotive Company.

2. In 1916 the Government of India raised the question of encouraging the manufacture of wagons in India. They recognised that some form of encouragement was necessary, and after discussions with certain of the firms interested, they issued on 1st March 1918 a communiqué in which they guaranteed to purchase in India 2,500 broad gauge and 500 metre gauge wagons annually for a period of ten years, provided that the price was not higher than the price at which wagons could be imported and that the materials and workmanship were satisfactory. Tenders in accordance with the terms of this communiqué were first called for in March 1920. But this form of encouragement proved ineffective, and in 1924 on the recommendation of the Tariff Board the Government of India instituted a new method of assistance. The essential feature of the new scheme was that the Government of India were authorised by the Steel Industry (Protection) Act to pay for Indian wagons a price higher than the price at which wagons could be imported. The theory of the scheme was that the number of wagons purchased in India would be determined by the amount set aside for bounties divided by the difference between the lowest satisfactory tender and the accepted Indian tender. Another feature of the scheme was that it was decided, in order to assist the Indian firms, that orders should be placed in India for as few types of wagons as possible. In view of the material change in the position caused by the enactment of the Steel Industry (Protection) Act, the Government of India issued on the 27th June 1924 another communiqué in which they formally withdrew the communiqué of 1st March 1918. In this later communiqué they expressly stated that they were not in a position to forecast the exact number of railway wagons of different types that they were now likely to require annually in the future, but they went on to say that they had every reason to expect that their requirements would be amply sufficient to give effect to the policy contained in Section 4 of the Steel Industry (Protection) Act. This communiqué elicited no protest or objection from the firms engaged in the manufacture of wagons in India.

3. The Government of India have thought it necessary briefly to re-state the position as they see it, in view of the statements which were freely made by the representatives of the firms in Calcutta and Bombay that the communiqué of March 1st, 1918, was still in force. The Government of India are unable to accept this view. At the same time, they recognise that their policy since 1918 has been directed towards fostering the wagon industry in India, and they are anxious to do what they can to find the best solution of the difficulty which has now arisen.

4. The position is that after a careful assessment of the results of the measures which have been and are being taken to expedite and improve the working of Indian Railways, the Railway Board have arrived at the conclusion that the broad gauge Railways in India should be able to carry efficiently with their existing stock of wagons all the traffic that is likely to offer in 1927-28 and 1928-29 and possibly for some further years. They are not likely to require therefore in 1927-28 more than a few wagons of special types.

5. Various proposals have been made by the firms concerned. But the one which seemed to find most favour was that the Government should lease, until such time as they found themselves again able to guarantee continuity of orders, the works of the Indian Standard Wagon Company and of the Peninsular Locomotive Company, and that they should endeavour to provide the remaining firms with remunerative work. The Government of India are not prepared to accept this proposal, nor do the other suggestions made commend themselves to them.

6. If the firms are unanimous that their best course is to face the risk and to hold on until the Railways are again in a position to place orders for wagons of the type usually made in India, the Government, after giving their most careful consideration to the problem ; are unable to make any other suggestion for assisting them than that made by Sir Charles Innes at the interviews in Calcutta and Bombay. That offer was as follows :

(*i*) They will call as soon as possible for tenders in India only on such miscellaneous wagons of different gauges and different types as they will require in 1927-28. The exact number of the wagons will depend upon the conversations now going with the Company Railways, but it is hoped that the number will reach between 1,700 and 1,800.

(*ii*) The Government will also call, as soon as possible for tenders in India only for such underframes as they will require in 1927-28. Here again, the exact number will depend upon the conversations now proceeding with the Companies, but it is hoped that the number will be in the neighbourhood of 600.

(*iii*) The Government will instruct the State-worked Railways to place orders in India for such spare parts as they require and as they cannot conveniently make in their own workshops, and

(*iv*) Government will undertake to instruct the State-worked Railways to call for tenders in India only for shedding, roof trusses and bridge spans up to 80 feet span.

7. This offer will relate to the material required in 1927-28 only, and the Government cannot say more than that they will consider the situation again in the autumn of next year. The offer, moreover, is subject to the stipulation that orders will be placed in India only if a reasonable price can be agreed on.

8. This offer is being made to each of the four firms concerned. It may be that some of them may be unwilling to acquiesce in this offer and may prefer that their works should be taken over by Government. If this is so, the Government will be prepared to discuss the terms on which they would be willing to purchase the works either of the Indian Standard Wagon Company or of the Peninsular Locomotive Company or of both these firms. In this connection, they would wish to inspect the works and equipment of these two firms with the object of determining what in such an event would be a fair offer. But it should be clearly understood that if they do take over these works, it is their intention ultimately to use the Indian Standard Wagon Company's works for the manufacture of railway wagons and to use the works of the Peninsular Locomotive Company for the manufacture of underframes.

Copy of a letter, dated the 6th January 1927, to Mr. Manu Subedar.

I write to confirm what I told you yesterday, namely *Firstly*, that whether or not the Government of India take over the Peninsular Locomotive Company and the Indian Standard Wagon Company or only one of them, and notwithstanding that the Indian Wagon Building firms are not unanimous in their views as to what is the best course for them to adopt, the Government of India intend to carry out the offer contained in clauses (*i*) to (*iv*) of paragraph 6 of the memorandum which formed an enclosure to Railway Board's letter No. 3420-S.III, dated the 19th November 1926, subject only to the conditions stated in paragraph 7 of that memorandum ; *Secondly*, the Government of India are not prepared to extend the scope or duration of that offer; and *Thirdly*, that Government of India offer to purchase the whole of the buildings, fixtures, plant, tools, machinery, materials, equipment, land and stock in trade of the Peninsular Locomotive Company hereinafter referred to as the " property ", subject to the following conditions :

(*a*) that the Company are in a position to sell the property to Government free of all encumbrances and particularly that Government will not be bound

by the terms of any leases or agreements executed by the Peninsular Locomotive Company. Government will not take over any contractual obligations entered into by or any liabilities of the Company in respect, for instance, to loans or to agreements with employees ;

(*b*) that the property referred to shall be that existing on the 31st December 1926 in accordance with certified lists to be agreed upon by representatives of the Company and the Government and shall also include all other equipment obtained in replacement of any part of the said property ; also all small tools obtained after the 31st December 1926 and used for the work carried on in the workshops. But it shall not include any equipment, plant, machinery or tools under order on the 1st January 1927, or ordered thereafter. If the Company wish to sell to Government any such equipment, plant, machinery, or tools this will be a matter for separate negotiation and the purchase price therefor will be in addition to the purchase price offered for the property ;

(*c*) that Government are able on terms suitable to them to obtain possession of all the land in the occupation of the Company and to secure the continuation of such of the conveniences and arrangements incidental to the business of the Company as will enable Government to make use of the purchased property for the conduct of the business they have in view ;

(*d*) that the date of purchase will be decided later with reference to the time when the Company will have completed all their existing contracts ;

(*e*) that Government shall not be charged with any expenses incurred by the Company in connection with the sale of the property to Government or the winding up of the business of the Company ;

(*f*) that Government shall pay as the purchase price of the property Rs. 20 lakhs. This is a final figure, and the Government of India are not prepared to discuss it.

The offer to purchase will expire on the 28th February 1927.

Mr. A. Rangaswami Iyengar : May I know, Sir, if the Companies acquiesced in the proposition that an independent valuation will be worse for them than the offer that was made by the Government of India ?

The Honourable Sir George Rainy : I have no information to that effect, Sir.

Mr. A. Rangaswami Iyengar : Then upon what basis do the Government say that, as a matter of fact, the independent valuation will be worse for the Companies than what the Companies themselves consider good for them ?

The Honourable Sir George Rainy : That was the opinion of the Government of India, Sir.

Mr. A. Rangaswami Iyengar : I know. Have the Government any opinion as to what the Company thinks of this matter ?

The Honourable Sir George Rainy : There has been considerable amount of correspondence between the Company and the Government of India. But I do not wish to suggest in any way that the Company took this view of the case.

Mr. A. Rangaswami Iyengar : May I know, Sir, whether the Company still urges an independent valuation ?

The Honourable Sir George Rainy : I do not think the question arises, Sir, of an independent valuation. The Company have accepted the Government of India's offer and the transaction is complete.

Mr. A. Rangaswami Iyengar : May I know once again what exactly is the offer which the Company have accepted now ?

The Honourable Sir George Rainy : Rs. 20 lakhs, Sir.

NUMBER OF CASUALTIES AMONG PUNJABI TROOPS AT SHANGHAI.

6. ***Diwan Chaman Lall** : (*a*) Will Government state the number of casualties and the circumstances under which they took place, among Punjabi troops at Shanghai since their arrival there ?

(*b*) In view of the danger of Indian troops being involved in hostilities at Shanghai and the danger of consequent loss of Indian lives, will Government state whether they intend to recall their forces ?

Mr. G. M. Young : (*a*) One of the Indian contingent has been killed and two wounded.

(*b*) The Indian troops, with the exception of the Company of Sappers and Miners and a few ancillary units, are under orders to return to India.

RIOT AT PONABALIA.

7. ***Maulvi Abdul Matin Chaudhury** : Will the Government be pleased to make a statement with regard to the shooting incident at Ponabalia in the district of Barisal as foreshadowed in the Honourable the Home Member's reply to Mr. K. Ahmed's question on March 4th, 1927 ?

The Honourable Mr. J. Crerar : A full statement was issued by the Bengal Government in a communique, dated March 5th, 1927. I am afraid I am unable to add any information to the facts contained in that communique except that the latest report of casualties was that they amounted to 19 killed and 12 wounded. The whole circumstances connected with this occurrence are, as the Honourable Member is probably aware, at present under judicial examination in connection with the case of rioting which has been instituted against certain persons, and it would not be proper for me at this stage to make any further statement.

Maulvi Abdul Matin Chaudhury : Do the Government intend to hold a public inquiry after the cases are finished ?

The Honourable Mr. J. Crerar : Government will await the result of the judicial inquiry before forming any opinion on the subject.

HARDSHIPS OF PILGRIMS RETURNING FROM THE GURUKUL KANGRI (HARDWAR) FAIR.

8. ***Pandit Thakur Das Bhargava** : (*a*) Are Government aware that the pilgrims who attended the Gurkul Kangri (Hardwar) Fair in March 1927 numbering about 70,000 people were put to much inconvenience and trouble on their return journey owing to the inadequate and unsatisfactory arrangements of the railway authorities ?

(*b*) Is it a fact that no enquiry office was opened by the Railway up till 21st March either in or about the railway premises ?

(*c*) Are enquiry offices generally opened for the convenience of the passengers at big fairs ?

(*d*) Was any mela officer appointed on the occasion ? If so, will the Government kindly name the gentleman ?

Mr. A. A. L. Parsons : (*a*) No.

(*b*) A special officer and extra staff were posted at Hardwar early in March and were available to supply any information required.

An enquiry office was opened in April before the outward rush commenced.

(*c*) Government understand that enquiry offices are opened when occasion renders this advisable.

(*d*) Yes. If the question refers to railway officials, the name of the officer is Khan Sahib M. A. Rashid.

ALLEGED HARASSMENT OF PILGRIMS AT HARDWAR.

9. ***Pandit Thakur Das Bhargava** : (*a*) Is it a fact that originally there was a proposal to run special trains on 20th and 21st March to enable pilgrims to leave Hardwar but subsequently these trains were cancelled with the result that the pilgrims had to wait for a much longer time at Hardwar ?

(*b*) Is it a fact that coolies and subordinate railway staff harassed the pilgrims and, owing to the absence of information in respect of the arrival and departure of trains, pilgrims and their family members and children had to run from one passenger hall to another ?

(*c*) Is it a fact that no platform tickets were issued and no passenger could have access to the railway station authorities for getting information or making any complaints ?

(*d*) Is it a fact that the two ticket collectors on duty between 8 and 11 P.M. at the first class entrance were very rude to passengers so much so that gentlemen connected with the personal staff of Mahatma Gandhi and Mr. Deshbandhu, editor of *Tej*, were very roughly treated and that the latter lodged a complaint with the station master on duty ?

(*e*) Has any action been taken against the offending ticket collectors, and if so, what ?

Mr. A. A. L. Parsons : (*a*) Two special trains were run on the 21st March 1927 conveying outward pilgrims from Hardwar and in addition extra coaching rakes were available at Hardwar if required. The Railway reports that no pilgrims were detained at Hardwar.

(*b*) No complaints of harassment were received. Railway officers and extra supervising staff were stationed at Hardwar and every endeavour was made to assist pilgrims by distribution of explanatory pamphlets, special marks on tickets and exhibition of signs.

(*c*) A number of platform passes were issued enabling passengers to get on to the platform and it is reported that any passenger who wished to make a complaint could without difficulty have seen the special officer posted at Hardwar.

(*d*) Government have no information and understand that no complaints against the ticket collectors were received by the Railway.

(*e*) Does not arise.

APPOINTMENT OF INCOME-TAX OFFICERS, INSPECTORS AND STENOGRAPHERS IN THE PUNJAB AND THE NORTH-WEST FRONTIER PROVINCE.

10. ***Pandit Thakur Das Bhargava** : (*a*) How do the Government propose to fill the posts of Income-tax Officers, Inspectors and stenographers who are to be appointed from 1st April 1927 in the Punjab and the North-West Frontier Province ?

(*b*) If the answer to part (*a*) is that these posts are to be filled by direct recruitment, will the Government state if any departmental men possess the qualifications necessary for such posts and in case such men are available why their claims should be ignored ?

(*c*) Are there any clerks in the department who have passed the departmental examination of Inspectors ?

(*d*) Are there any clerks who have already been doing the work of stenographers ?

(*e*) Do Government propose to consider the advisability of filling the newly created posts of Inspectors and stenographers by clerks already working in the Department ?

The Honourable Sir Basil Blackett : (*a*) and (*e*). Appointments of Income-tax Officers are made by the Commissioner of Income-tax subject to the approval of the Local Government. Appointments to the other posts mentioned are made by the Commissioner of Income-tax.

(*b*), (*c*) and (*d*). The Government have no detailed information as to the qualifications, etc., of men in the Department. They have no reason to suppose that their claims have not been (or will not be) duly considered in making the appointments referred to.

Nawab Sir Sahibzada Abdul Qaiyum : Are the Government aware that the posts of stenographers in the North-West Frontier Province are practically monopolised by clerks from outside the province ? Are they prepared to find facilities for local people with proper qualifications ?

The Honourable Sir Basil Blackett : I doubt, Sir, whether the question arises, but I am afraid the answer is not within my knowledge.

LIQUIDATION OF THE ARMY CANTEEN BOARD AND REVERSION TO THE SYSTEM OF INDIAN CONTRACTORS.

11. ***Mr. T. A. K. Shervani** : 1. Is it a fact that a Circular No. 30946|4, dated the 25th January 1927, has been issued by the Army Department ?

2. (*a*) Is it a fact that on the 17th January 1927 the Quartermaster-General in India called a meeting of the Army Contractors at Delhi to intimate to them the Government's decision to liquidate the Army Canteen Board and to revert to the system of Indian contractors ?

(*b*) If the answer to part 2 (*a*) is in the affirmative, was the decision based on the recommendation of the Commission appointed to investigate into the working and financial position of the Army Canteen Board and also on the almost universal condemnation of the Army Canteen Board by the Commanding Officers in India and their approval of the tenancy system ?

(*c*) Did the Quartermaster-General in India on the 17th January 1927 read over to the Army Contractors certain proposals, now embodied in the Circular referred to above ?

(*d*) Did the contractors ask for time to think over the matter ?

(*e*) Was such permission refused to them ?

(*f*) Did the Quartermaster-General allow them 45 minutes only after their persistent request ?

(*g*) Is it a fact that the contractors were not allowed to get from the office copies of the above proposals, and that scores of such copies in typed form were then available ?

(*h*) If the answer to part 2 (*g*) is in the affirmative, what was the Government's objection ?

3. Are Government aware that some of the contractors at that very time objected to the measures as being exacting and unworkable ?

4. (*a*) Are Government aware that the Quartermaster-General in India tried to secure consent, threatening to import the Navy, Army and Air Force Institutes from England ?

(*b*) Did the Quartermaster-General in India try to silence any objections and criticisms by threatening to remove from the approved list the names of those contractors who did not agree to these proposals *in toto* ?

Mr. G. M. Young : 1. A letter was issued by the Government of India bearing the number and date mentioned by the Honourable Member, and laying down the terms on which Government was prepared to revert to the unit contractor system for Army Canteen arrangements. A revised letter containing modified terms is under issue.

2. (*a*) The Quartermaster-General called the meeting referred to in order to intimate the Government's decision to liquidate the Army Canteen Board (India) and to inform those present of the conditions on which Government was prepared to revert to the system of unit contractors.

(*b*) In deciding to liquidate the Army Canteen Board full weight was given by Government, amongst other considerations, to the recommendations of the Commission referred to, and to the wishes of a large number of Commanding Officers.

(*c*) The Quartermaster-General read over and explained the conditions on which Government were prepared to revert to a system of unit contractors. These conditions were in the main based on proposals made by the contractors in a memorial submitted by them to His Excellency the Commander-in-Chief, praying for a return to the unit contractor system. The conditions were embodied in the letter referred to by the Honourable Member.

(*d*) Yes.

(*e*) No.

(*f*) The contractors were given about an hour to consider and discuss matters among themselves, after some discussion had taken place between them and the Quartermaster-General.

(*g*) Each contractor present had a typed copy of the conditions.

(*h*) Does not arise.

3. Yes, but a considerable number of the contractors expressed themselves as satisfied with the conditions, which, as I have already stated, were largely based on proposals made by the contractors themselves. Some of the terms are being modified in the revised letter to which I have already referred.

4. (*a*) The Quartermaster-General was not concerned to secure consent by threats. His object at the meeting was to ascertain whether there was a sufficient number of contractors ready to accept the conditions and render possible a reversion to the unit contractor system. He found that there was a sufficient number. He explained that if there were not a sufficient number, the only alternative was a central system, which would probably be the Navy, Army and Air Force Institutes.

(*b*) The answer is in the negative. The approved list was not then in existence : but it now exists, and is composed of the contractors who accepted the terms.

DISPOSAL OF THE STOCKS OF THE ARMY CANTEEN BOARD.

12. *Mr. T. A. K. Shervani : (*a*) Is it a fact that the Government have suffered much financially in consequence of the failure of the Army Canteen Board and is at present anxious to replenish the losses by the disposal of the Board's stock ?

(*b*) Are Government aware that the Army Canteen Board has already been declared to be no quasi-Governmental Institution but a private concern, incorporated under the Indian Companies Act ?

(*c*) Are Government interested in furthering the Board's interests even at the cost of those of Indian tradesmen ? If so, why ?

(*d*) Is it a fact that the objects of the institution of the Army Canteen Board were mainly two, namely :—

(*a*) improvement of the Canteen Service ; and

(*b*) provision of a war time organisation ?

Mr. G. M. Young : (*a*) Yes, Sir. The actual extent of the losses will not be known until the Board's stock is finally disposed of.

(*b*) The Government are not aware of any such declaration. The Army Canteen Board is a company guaranteed by the Government of India.

(*c*) No, Sir. The second part does not arise.

(*d*) The answer is in the affirmative.

DISPOSAL OF THE STOCKS OF THE ARMY CANTEEN BOARD TO INDIAN CONTRACTORS.

13. *Mr. T. A. K. Shervani : (*a*) Is an intending contractor in the Northern or Western Command bound to purchase from the Army Canteen Board stocks apportioned to each regiment, which may roughly be estimated to be about Rs. 80,000 ?

(*b*) If so, what steps have been taken to make this huge investment safe for the contractor ?

(*c*) Is he given fixed tenures or a period sufficient to enable him to get a return on his investment, and within which he could not be turned out except for a serious breach of the terms of the agreement ?

(*d*) Are Government aware that the " terminable-at-will " nature of the contract is causing great dissatisfaction and unrest among the *bona fide* contractors who have in consequence evinced no keen interest in taking over Institutes from the Army Canteen Board ?

(*e*) Are Government prepared to consider any amendment in the duration of contract which might be a stimulus to and foster enterprises for the betterment of the condition of the troops ?

Mr. G. M. Young : (*a*) The answer is in the affirmative, except that the estimated figure is greatly in excess of the actual.

(*b*) to (*e*) Government are reconsidering the question of the duration of contracts.

REFORMS IN THE CANTEEN SERVICE.

11. ***Mr. T. A. K. Shervani** : (*a*) Are Government aware that certain reforms in the Canteen Service have been proposed by an eminent contractor, wherein a war time organisation finds a conspicuous place ?

(*b*) If so, are Government prepared to consider a syndicate as therein suggested, financially self-supporting promoting co-operation among contractors for war time emergencies and always at the beck and call of the Army Headquarters ?

Mr. G. M. Young : (*a*) The answer is in the affirmative.

(*b*) Government are now considering what is the most effective and economical method of utilizing the services of contractors in war.

PURCHASE OF THE STOCK OF THE ARMY CANTEEN BOARD BY INDIAN CONTRACTORS.

15. ***Mr. T. A. K. Shervani** : (*a*) Are Government aware that under the rules recently enforced a contractor purchasing stores from the Army Canteen Board has no option, but is constrained to accept the decision of the Board's representative ?

(*b*) If so, do Government propose to see that contractors are given a free hand to refuse to purchase those things which they have reason to believe to be unfit for use or unsaleable from the nature of the thing ?

(*c*) Are Government aware that the scale of valuation of the Board's stock has been arbitrarily fixed ?

(*d*) Have the prices been calculated on the invoice (not sale) price of the stuff to be sold, and has a percentage of reduction been fixed thereon ?

(*e*) Has any regard been paid to the fact that prices generally and more especially those of machinery have now considerably gone down ?

Mr. G. M. Young : (*a*) Under the strict letter of their agreements the contractors had no option : but in practice their objections were sympathetically dealt with by the Liquidator.

(*b*) No, Sir : but the contractors are not compelled to take over articles which in the opinion of the Liquidator are unfit for use or unsaleable.

(*c*) and (*d*) The answer is in the negative. Prices were calculated on retail prices, as in the latest available official price lists of the Army Canteen Board, less 15 per cent. discount for beer stocks, and 12½ per cent. for other stocks. Further concessions have since increased the discount on individual articles

(*e*) Every factor has been considered.

UNIVERSAL RATE OF REBATE IN CONNECTION WITH THE CANTEEN SERVICE.

16. **Mr. T. A. K. Shervani** : (*a*) Is it a fact that the Government have sanctioned a universal rate of rebate applicable to the whole of India ?

(*b*) If so, are Government aware that business conditions on the plains differ from those in the hills ?

(*c*) If so, are Government prepared to see that in sanctioning universal rebates, the rates for the hills and the plains are to be separately considered ?

(*d*) Are Government aware that under the new rules an Officer Commanding has the power only to increase the rebate above the minimum fixed at Rs. 3-4-0 per head *per mensem* and that he is not to reduce it under any circumstances ?

(*e*) Do Government propose to sanction a universal rebate after due consideration of all conditions and circumstances and without leaving anything in the hands of the Officer Commanding to enhance the same ?

Mr. G. M. Young : (*a*), (*b*) and (*d*) Yes.

(*c*) and (*e*) Government are now reconsidering the terms of rebate.

ESTABLISHMENT IN INDIA OF THE BOARD OF THE NAVY, ARMY, AND AIR FORCE INSTITUTES.

17. ***Mr. T. A. K. Shervani** : Is it a fact that the Government are anxious to import and establish the Board of the Navy, Army and Air Force Institutes and are therefore putting obstacles in the way of contractors ?

Mr. G. M. Young : The answer is in the negative in both places

(Mr. President then called on Sir Purshotamdas Thakurdas in whose name question No. 18 stood.)

Mr. K. C. Neogy : May I request you, Sir, under Standing Order 19, to direct that the answer to this question may be given ?

Mr. President : Does the Honourable Member wish to put the question standing in the name of Sir Purshotamdas Thakurdas ?

Mr. K. C. Neogy : It is for you, Sir, to ask the Government to answer this question.

Mr. President : I am perfectly prepared to allow the Honourable Member to put the question standing in the name of Sir Purshotamdas Thakurdas if he is willing to do so.

(Mr. K. C. Neogy then put question No. 18).

REFUSAL OF THE SWEDISH MATCH COMPANY TO FURNISH DETAILS OF THEIR WORKS COST TO THE TARIFF BOARD.

18. ***Sir Purshotamdas Thakurdas** : (*a*) With reference to the examination before the Tariff Board on 13th, 14th and 16th April last of the representative of the Swedish Match Combine in India, have Government noticed the report in the press that the said representative refused to supply the President of the Tariff Board with any details regarding the cost of production of matches by that Combine in India even *in camera* ?

(*b*) If the reply to the above be in the affirmative, will Government be pleased to state what action they propose to take against such a foreign Combine, manufacturing in India, thus challenging a technical body set up by the Government for the purpose of enquiry into the industry ?

(*c*) Will Government be pleased to state if they propose to undertake any legislation to prevent a repetition of such an incident in connection with any future enquiry by the Tariff Board ?

The Honourable Sir George Rainy : (*a*) Yes.

(*b*) and (*c*) The attention of the Honourable Member is invited to the Tariff Board's press communique, dated the 7th July, 1927. In view of the changed attitude of the Swedish Match Company as announced therein, the Government of India do not propose to take any action in this matter.

Mr. B. Das : May I enquire if the Swedish Match Combine have received any concessions from the Government of India or from any Local Government in any shape or form ?

The Honourable Sir George Rainy : I am afraid I must ask for notice.

COASTAL SERVICE MAINTAINED BY THE BRITISH INDIA STEAM NAVIGATION COMPANY BETWEEN BOMBAY AND KARACHI.

19. ***Mr. Harchandrai Vishindas** : 1. Will Government be pleased to state if it is a fact :

(*a*) that the British India Steam Navigation Company used to ply two steamers every week for coastal ports between Karachi and Bombay and back ?

(*b*) that of late such service has been reduced to one steamer to the great hardship of the passengers of those ports ?

(*c*) that such action on the part of the above company is due to the lack of competition with them owing to their having the monopoly of the Government mail contract ?

2. Do Government propose to take steps to alleviate the public inconvenience by breaking the monopoly of the above company by making competition free or by any other means ?

The Honourable Sir George Rainy : 1. (*a*) The British India Steam Navigation Company ordinarily maintains a coastal service of two steamers between Bombay and Karachi and *vice versa*.

(*b*) It is understood that at the beginning of this year, one steamer had to be withdrawn from this service by the British India Company for a short period owing to other vessels of the Company being requisitioned by Government for transportation of troops for the Shanghai Defence Force. The withdrawal was unavoidable, but the Government understand that it caused no great inconvenience to passengers as on no occasion were any passengers unable to obtain accommodation on the reduced service.

1 (*c*) and 2 The Bombay Steam Navigation Company, Limited, also maintains a service of two steamers per week, one from Bombay to Karachi direct and back, and the other *via* intermediate ports. The British India Steam Navigation Company do not therefore hold a monopoly of this service.

Mr. Harchandrai Vishindas : May I enquire if the full service has been restored after the emergency for which some of the steamers were withdrawn to Shanghai and China was over ; that is to say, I wish to know whether the original service has been reinstated ?

The Honourable Sir George Rainy : I understand so. My information is that the service was reduced only for a short period.

Mr. Sarabhai Nemchand Haji : May I enquire if the Government propose to make any proportionate reduction in the mail subsidy in view of the fact that one ship had been removed from the mail service ?

The Honourable Sir George Rainy : I think that enquiry ought to be addressed to my Honourable Colleague in charge of the Department of Industries and Labour.

The Honourable Sir Bhupendra Nath Mitra : Will the Honourable Member kindly repeat the question ?

Mr. Sarabhai Nemchand Haji : In view of the fact that one of the mail ships for which the subsidies are granted was temporarily withdrawn, will Government consider the advisability of reducing proportionately the amount of the subsidy ?

The Honourable Sir Bhupendra Nath Mitra : So long as there was no interference with the conveyance of mails the question of reducing the subsidy did not arise.

Mr. Sarabhai Nemchand Haji : Is it no inconvenience if one ship is run instead of two ?

The Honourable Sir Bhupendra Nath Mitra : There is a certain volume of mails to be carried, and so long as the company carries that volume of mails, the question of reducing the subsidy cannot arise.

Mr. Sarabhai Nemchand Haji : Whether it is once a week or twice a week does not matter ?

The Honourable Sir Bhupendra Nath Mitra : As it is, the mail steamer takes the mails once a week. A subsidiary steamer does take certain mails occasionally, but the fact that the subsidiary steamer is not employed cannot be used as an excuse for reducing the subsidy.

Mr. B. Das : Is it a fact then that the steamship company was showing a favour to the Postal Department by carrying mails in the subsidiary steamer ?

The Honourable Sir Bhupendra Nath Mitra : It is not a question of favour at all. The steamship company do put in two vessels on that service mainly for commercial purposes, and the conveyance of mails was really a subsidary function

SUPPRESSION OF THE TRAFFIC IN WOMEN AND CHILDREN.

20. ***Mr. Ganganand Sinha** : (*a*) Have Government prepared or are they preparing any report for presentation to the Traffic in Women and Children Committee of the Assembly of the League of Nations regarding the suppression of the traffic in women and children ?

(*b*) If the answer is in the negative, will the Government be pleased to state the reasons for the same ?

(*c*) If the answer is in the affirmative, are Government prepared to circulate the same among the Members of the Central Legislature ?

Mr. W. T. M. Wright : (*a*) The annual report for 1926 has been forwarded to the India Office for transmission to the Secretary General of the League of Nations.

(*b*) Does not arise.

(*c*) A copy of the report has been placed in the Library for perusal by Honourable Members

Mr. N. M. Joshi : May I know whether there is any Indian lady on the Committee of the Assembly of the League of Nations which is considering the question of the traffic in women and children ?

Mr. W. T. M. Wright : I believe not.

Mr. N. M. Joshi : May I ask whether Government will take steps to secure the appointment of an Indian lady on this Committee

Mr. W. T. M. Wright : A reference in this sense was received from a certain society and the letter was forwarded to the Secretary of State.

Mr. N. M. Joshi : May I ask whether the Government of India have recommended the appointment of an Indian lady to the Secretary of State ?

Mr. W. T. M. Wright : I am not sure of that— whether the communication amounted to a recommendation or not.

REPORTS OF THE VARIOUS COMMITTEES OF THE ASSEMBLY OF THE LEAGUE OF NATIONS.

21. ***Mr. Ganganand Sinha** : How many copies, if any, are Government receiving of the Reports of he various Committeec of the Assembly of the League of Nations ? How many copies of them are kept in the Library for the use of Members ? Why are not these reports circulated among the Members of the Central Legislature for information ?

Mr. W. T. M. Wright : The number of copies received by Government is usually three and is in no case in excess of the number required for official use. Government doubt whether they would be justified in

incurring the very great expenditure involved in the printing of additional copies for circulation. The reports are, however, reproduced in the Official Journal of the League of Nations, one copy of each issue of which will be placed in the Library.

(1) SUPPRESSION OF THE CIRCULATION OF, AND TRAFFIC IN, OBSCENE PUBLICATIONS.

(2) EXPULSION OF FOREIGN PROSTITUTES.

22. ***Mr. Ganganand Sinha** : (*a*) Have Government sent any report to the Secretariat of the Assembly of the League of Nations regarding :

(*i*) suppression of the circulation of and traffic in obscene publications ;

(*ii*) expulsion of foreign prostitutes ?

(*b*) If so, will the Government be pleased to lay a copy of the same on the table ? If not, why ?

The Honourable Mr. J. Crerar : (*a*) (*i*) Yes.

(*ii*) Apart from the annual report on the traffic in women and children, which also refers to foreign prostitutes, no separate report about the latter has been sent to the League.

(*b*) The reports (*a*) (*i*) received from local authorities were transmitted in original and no copies have been kept. For the report on (*a*) (*ii*), the Honourable Member is referred to the annual report for 1926, now in the Library, on the traffic in women and children.

APPOINTMENT OF INDIANS IN THE SECRETARIAT OF THE LEAGUE OF NATIONS.

23. ***Mr. Ganganand Sinha** : (*a*) Will the Government be pleased to state how many Indians, if any, have been appointed in the Secretariat of the League of Nations ?

(*b*) What hand had the Government in these appointments ? How are they paid and by whom ? What are the qualifications of the gentlemen appointed ? How were selections made and on what basis ?

Mr. W. T. M. Wright : (*a*) Four, including two in the Secretariat of the International Labour Office.

(*b*) (*i*) None.

(*b*) (*ii*) From the funds of the League.

(*b*) (*iii*) Government have no information.

(*b*) (*iv*) Under Article 6 of the Covenant appointments to the League Secretariat are made by the Secretary General with the approval of the Council. The principles followed in making appointments are indicated in the statement of the Secretary General printed on page 21 of the Official Journal, Special Supplement, No. 37, a copy of which is in the Library. Government have no information regarding the circumstances in which the Indians employed in the Secretariat were selected.

Mr. R. K. Shanmukham Chetty : Was not some representation made by the representative of the Government of India to the League of Nations that more Indians ought to be appointed to the Secretariat of the Assembly and the International Labour Office ?

Mr. W. T. M. Wright : That was done, I believe, last year.

Mr. R. K. Shanmukham Chetty : May I know whether any more Indians have been appointed as a result of the representation thus made ?

Mr. W. T. M. Wright : I am not in a position to say whether any further appointments have been made since that representation was made ?

Mr. R. K. Shanmukham Chetty : I remember that this representation was made some years back by the Right Honourable Srinivasa Sastri when he represented the Government of India, and I would like to know whether, since that representation was made, the Government of India have taken any steps to bring to the notice of the authorities of the League the necessity of appointing more Indians to the Secretariat ?

Mr. W. T. M. Wright : I believe the Honourable Member is aware that the matter was brought to notice by the Indian Delegation in the last Assembly.

Mr. R. K. Shanmukham Chetty : What steps have the Government of India taken so far to see that the representations thus made are fruitful ?

Mr. W. T. M. Wright : The Delegation was instructed to make representations.

Mr. R. K. Shanmukham Chetty : Do the Government of India think that it is not necessary for them to take any further steps to bring this matter to the notice of the authorities of the League ?

Mr. W. T. M. Wright : If the Honourable Member wishes me to give a full history of the representations that the Government of India have made for the last 4 or 5 years, I must have notice of the question.

Diwan Chaman Lall : Is the Honourable Member aware of the fact that the Government of India lent the services of one of their officers to the League of Nations, and how can he say now that the Government of India do not know how these appointments are made ?

DIFFERENT NATIONALITIES REPRESENTED ON THE STAFF OF THE SECRETARIAT OF THE LEAGUE OF NATIONS, ETC.

24. ***Mr. Ganganand Sinha** : Have Government any up-to-date information as to the strength of the staff of different nationalities appointed to the League of Nations Secretariat and the respective contributions of those nations to the League ? If so, will the Government lay a statement on the table detailing the same ? What is the proportion of such appointments to the contributions of the different nations in general and India in particular ?

Mr. W. T. M. Wright : Information on the two points referred to in the first part of the question will be found on pages 73 to 91 of the League of Nations Official Journal, January, 1927, 8th Year, No. 1, a copy of which is in the Library. It has however been ascertained that an Indian, Mr. Dalal, whose name is not shown in the Staff List on pages 76 *et seq.* is in fact employed in the Legal Adviser's section of the League

Secretariat. The Government of India have been unable to undertake the somewhat elaborate mathematical calculations which would be involved in extracting the proportions referred to in the last part of the question.

Diwan Chaman Lall : May I ask the Honourable Member whether this is not a very simple calculation which would take less than half an hour ?

Mr. W. T. M. Wright : In that case I would suggest that the Honourable Member might make the calculation himself.

Diwan Chaman Lall : Is the Honourable Member aware that the subject has been raised time and again and that replies to this question have been given not only here but in Geneva as well ?

Mr. W. T. M. Wright : Yes. The facts are before the Honourable Member, and, if he likes to work out the proportion, it is perfectly open to him to do so.

Diwan Chaman Lall : Will the Honourable Member make inquiries as to what was said in Geneva ?

Mr. Ganganand Sinha : With reference to the question just asked, may I know what time is likely to be required in making that calculation ?

SUPPLY TO THE HEALTH ORGANISATION COMMITTEE OF THE ASSEMBLY OF THE LEAGUE OF NATIONS OF DATA REGARDING INFANT MORTALITY, PHYSICAL HYGIENE AND NUTRITION.

25. ***Mr. Ganganand Sinha** : (*a*) Have Government received any direction or suggestion from the Health Organisation Committee of the Assembly of the League of Nations regarding furnishing it with data regarding infant mortality, physical hygiene and nutrition ?

(*b*) If so, what steps, if any, are being taken by the Government to do the same ?

(*c*) Will the report of the Government on the subject be available to the Members of the Central Legislature ?

Mr. G. S. Bajpai : (*a*) No.

(*b*) and (*c*). Do not arise.

RECOMMENDATIONS AND CONVENTIONS ON UNEMPLOYMENT ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCES.

26. ***Mr. Ganganand Sinha** : (*a*) Have Government received any suggestion or direction from the International Labour Office regarding measures proposed in the recommendations and conventions on unemployment adopted by the International Labour Conferences ?

(*b*) If so, will the Government be pleased to lay the same on the table and indicate what steps, if any, they are taking to act up to it ?

The Honourable Sir Bhupendra Nath Mitra : Several Conventions and Recommendations relating to unemployment have been adopted at different sessions of the International Labour Conference. The Draft Conventions and Recommendations so far passed will be found in the statement laid on the table in answer to the Honourable Diwan Chaman Lall's starred question No. 286 on 27th January 1925. The effect given to these Conventions and Recommendations will be found in the same

statement. A Resolution concerning unemployment was adopted by the Eighth International Labour Conference in 1926, and the Government of India are at present endeavouring to collect certain information for which the International Labour Office has asked in this connection.

Mr. N. M. Joshi : May I ask whether the Government of India are aware that at this year's session of the International Labour Conference a committee was appointed to go into the question of the action taken on the ratifications, and the Committee laid some blame on the Government of India for not taking action on the Convention regarding unemployment and the establishment of labour exchanges in India ?

The Honourable Sir Bhupendra Nath Mitra : I have seen something to that effect in the papers but have not yet received authoritative reports from Geneva. As soon as we get the reports we shall certainly look into the matter.

Mr. N. M. Joshi : May I ask whether the Government of India does not receive reports from their representative on the Governing Body of the International Labour Office ?

The Honourable Sir Bhupendra Nath Mitra : If the Honourable Member will have a little patience, he will get that information in my reply to another question. We are still awaiting those reports. We shall get them very soon and then we shall look into the whole question.

APPOINTMENT OF A CORRESPONDENT OF THE INTERNATIONAL LABOUR OFFICE IN INDIA.

27. ***Mr. Gangananda Sinha** : (*a*) Will the Government be pleased to state whether or not they have received any information regarding the appointment of a Correspondent of the International Labour Office in India in pursuance of the Resolutions passed by the International Labour Conferences ?

(*b*) If so, will the Government be pleased to lay the same on the table ?

(*c*) What hand, if any, have the Government in such an appointment ? If the appointment has been made, will the Government be pleased to state the name and qualification of the Correspondent ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The Governing Body of the International Labour Office has decided to create a correspondent's office in Delhi in 1928.

(*b*) This information will be found in the Report of the Director of the International Labour Office for 1927. I do not propose to lay the Report on the table.

(*c*) No appointment has yet been made, and the Government of India understand that it is the Director's intention that the correspondent should, if possible, be appointed in 1928 after a period of training in his office. The Director intends to consider in this connection the claims of those Indians who recently applied for a higher grade appointment in the International Labour Office, but the appointment will not necessarily be made from among these candidates. These applications

were received at the request of the Director by an officer of the Government of India and were forwarded to the Director with a report upon them : they were not examined by the Government of India.

CONDITIONS OF LABOUR IN INDIA.

28. ***Mr. Ganganand Sinha** : Have Government been in communication with the International Labour Office with regard to the conditions of labour in India in pursuance of the Resolutions passed in the International Labour Conferences ? How far has the matter progressed ? How is the matter to be investigated and by whom ? What have Government so far done to help the inquiry ?

The Honourable Sir Bhupendra Nath Mitra : I presume that the Honourable Member is referring to the documentary enquiry which is being conducted by the International Labour Office into conditions of labour in a number of Asiatic countries, including India. The Government of India have been in communication with the International Labour Office on the question, and they understand that the enquiry is in progress. They have supplied the International Labour Office, from time to time, with a large amount of documentary material bearing on labour conditions in India and are endeavouring to collect further information desired by the Director of the International Labour Office.

PROMOTIONS TO HEAD POSTMASTERSHIPS OF PERSONS WHO HAVE PASSED THE POSTAL ACCOUNTANTS' EXAMINATION.

29. ***Mr. B. P. Naidu** : (*a*) Is it a fact that the Director-General of Posts and Telegraphs in his special circular No. 50, dated the 16th October 1924, introducing the Postal Accountants' examination, has clearly stated as follows :

"As soon as the effects of this scheme begin to mature, Heads of circles will, in making appointments to Head Postmasterships *ordinarily* give preference to an official who holds a current certificate as Accountant, it being understood that the Accounts work in the Post Office must necessarily be defective, if the Postmaster himself is deficient in the knowledge of accounts."

(*b*) Is it a fact that 88 officials passed the Postal Accountants' examination held in April 1925 and 94 in the examination held in August 1926 ?

(*c*) Has any preference been given to those who passed the Postal Accountants' examination in making appointments to the Head Postmasterships in the Madras Circle ? If not, why ?

(*d*) What are the principles regulating the promotion to Head Postmastership from those who have passed the Postal Accountants examination ?

(*e*) Will the promotions be given according to seniority in the gradation list, irrespective of the date of passing the examination or regulated according to seniority and priority of passing, taken together ?

Mr. H. A. Sams : (*a*) Yes.

(*b*) Yes.

(*c*) No, because preference for the appointment of Head Postmasters is ordinarily to be given to passed Accountants only when they are sufficiently senior to be considered for promotion.

(*d*) Among the officials eligible for promotion to the appointment of Head Postmaster, preference will ordinarily be given to one who has passed the Accountants' Examination. It was not intended that promotions to Head Postmaster will be made only from among passed accountants irrespective of seniority.

(*e*) Promotion will ordinarily be given according to seniority in the gradation list irrespective of the date of passing the examination.

APPOINTMENT OF A JUNIOR POSTAL OFFICIAL AS ACCOUNTANT OF NELLORE.

30. ***Mr. B. P. Naidu** : Is it a fact that while the seniormost qualified Accountant in the Nellore Division was actually working as Accountant, Nellore, not only attending to the work in the Accounts Branch but also attending to the Telegraph Branch for 4 hours a day, in addition, for months together, an absolute junior, who was quite a novice, so far as practical work was concerned and who had to be trained by the former, was posted as permanent accountant, the former being transferred elsewhere as Sub-Postmaster ? If so, why ?

Mr. H. A. Sams : I have enquired into the matter and am satisfied that the transfer referred to was in the interests of the service.

PRINCIPLES REGULATING THE APPOINTMENT OF PERSONS WHO HAVE PASSED THE POSTAL ACCOUNTANTS' EXAMINATION AS ACCOUNTANTS.

31. ***Mr. B. P. Naidu** : What are the principles that generally regulate the appointment of those who have passed the Postal Accountants' examination as Accountants ? Are not seniority and efficiency taken into consideration ?

The Honourable Sir Bhupendra Nath Mitra : The principles are seniority and efficiency.

APPOINTMENT OF A PACKER IN THE KANDUKUR SUB-POST OFFICE.

32. ***Mr. B. P. Naidu** : (*a*) Is it a fact that there is no messenger or packer attached to the Kandukur Sub-Post Office under the Nellore Head Office ?

(*b*) Have the postmen who belong to the superior service to perform these functions also which are usually done by members of the inferior service ?

(*c*) Is it proposed to appoint a packer to that office to have the telegrams delivered promptly and relieve the postmen of the packer's work, for the performance of which they have to break their beats and attend the office in the noon alternately at considerable inconvenience ?

Mr. H. A. Sams : (*a*) Yes.

(*b*) Yes, when there is not sufficient work for a separate packer or messenger.

(*c*) The question has been under consideration and a packer will be sanctioned shortly.

HOUR OF DESPATCH OF SECTION MAILS AT KANDUKUR.

33. *Mr. B. P. Naidu : (*a*) Are the section mails at Kandukur despatched at 13 hours daily ? Are not the staff and the public put to considerable inconvenience, on account of the whole transactions to be included in the mails having to be performed within one hour, namely, from 11 to 12 ?

(*b*) Are Government prepared to consider the question of altering the hour of despatch of mails by availing themselves of the motor bus services which are now plying regularly between Singarayakonda and Kanigiri ?

Mr. H. A. Sams : (*a*) The reply to the first portion is in the affirmative. Regarding the second portion steps are being taken to remove the inconvenience by altering the working hours of the Kandukur Post Office.

(*b*) The matter is under consideration.

COST OF THE SIMLA EXODUS.

34. *Mr. Gaya Prasad Singh : With reference to my starred question No. 890 of the 14th March 1927, regarding the cost of the " Simla Exodus ", and the following statement of the cost subsequently furnished to me, namely :

	Rs.
1921-22	4,41,683
1922-23	6,40,049
1923-24	2,70,145
1924-25	4,47,120
1925-26	5,10,680

will the Government kindly give reasons for the increase in the cost in 1922-23, and 1925-26 ; and also state if the total cost includes house rent, hill allowances, etc., paid in Simla ? And if not, what is the additional expenditure on this account ?

The Honourable Mr. J. Crerar : Information is being collected and will be supplied to the Honourable Member.

Mr. Gaya Prasad Singh : I wish that the information collected should be laid on the table, considering its importance.

The Honourable Mr. J. Crerar : I will consider the matter when the information is before me.

CURTAILMENT OF THE STAY OF THE GOVERNMENT OF INDIA IN SIMLA, ETC.

35. *Mr. Gaya Prasad Singh : Is there any proposal to curtail the length of the stay of the Government of India in Simla ? If so, will the Government be pleased to give the result, and also state what offices and establishments it has been decided to locate permanently in Delhi all the year round ?

The Honourable Mr. J. Crerar : The question of the duration of the stay of the Government of India in Simla is under consideration, but no decision regarding it or upon the question of locating permanently in New Delhi further offices and establishments has yet been reached.

Mr. A. Rangaswami Iyengar : Is it a fact that when the project of constructing a new capital at Delhi was decided in 1911 the main reason urged was that it would avoid the Simla exodus and the huge additional cost involved in it ?

The Honourable Mr. J. Crerar : I am not aware that in 1911 it was contemplated that it was possible for the Government of India to remain for the whole year round at Delhi.

Mr. K. C. Neogy : Is it a fact that it was expected at one time that it would be possible for the Government of India to stay at Delhi for seven months in the year and at Simla for five months ?

The Honourable Mr. J. Crerar : I think that proposal has been considered. As I informed the Honourable Member who asked the question, the whole matter is under consideration and no decision has yet been arrived at.

Mr. A. Rangaswami Iyengar : Is it a fact, Sir, that an enormous amount of expenditure has been incurred in Delhi with a view to making it suitable for Honourable Members and the Secretariat to live there during the hot season ?

The Honourable Mr. J. Crerar : It is certainly a fact that the construction of New Delhi has involved very considerable expenditure.

HOLDING OF THE AUTUMN SESSION OF THE CENTRAL LEGISLATURE IN DELHI.

36. *Mr. Gaya Prasad Singh : (*a*) Is it in contemplation to hold the Autumn Session of the Central Legislature in Delhi in future, instead of in Simla, in September and October ?

(*b*) Is it a fact that a query addressed to the Health Officer of Delhi has elicited the reply that the climate of Delhi at that time is extremely malarious, and should be avoided, if possible ? If so, will the Government be pleased to lay a copy of this communication on the table ?

(*c*) Is it not a fact that it is more costly to the tax-payer to hold a Session of the Indian Legislature in Delhi than in Simla, on account of motor haulage, and conveyance allowances paid to Honourable Members ?

(*d*) Will the Indian Legislature be consulted before coming to a decision on this point ?

Mr. W. T. M. Wright : (*a*) No, Sir, but the question of holding an Autumn Session in Delhi in *November* instead of in Simla in September is under consideration in connection with the question of the duration of the stay of the Government of India in Delhi.

(*b*) A copy of a letter from the Honourable the Chief Commissioner of Delhi to the Government of India giving information on the subject is laid on the table.

(*c*) The answer is in the affirmative, so far as the budget of the Central Legislature is concerned

(*d*) I am not in a position to give any definite assurance on this point at present, but Government would certainly be concerned to ascertain the views of the Legislature.

Copy of a letter No. 3482-Home, dated the 11th May 1927, from the Honourable Mr. A. M. Stow, O.B.E., I.C.S., Chief Commissioner, Delhi, to the Joint Secretary to the Government of India, Home Department.

In reply to your letter No. F.-202|1|27-Public, dated the 20th April 1927, I have the honour to forward a copy of Statement 2—Temperature, in Volume B of the Delhi District Gazetteer, 1913, which has been brought up to date by the Director General of Observatories, who remarks that, as fortnightly normals of 8 hours temperature are not available, monthly normals have been given instead. He adds that the periods during which temperature changes most rapidly on the average in Delhi are the middle of March and the middle of November. The average changes occurring in April and October are exemplified by the following normal data of temperature :—

		1st.	8th.	15th.	22nd.	29th.
April	(Max.	93·4	95·5	97·9	100·0	102·2
	(Min.	55·8	58·3	61·1	64·1	66·9
October	(Max.	93·4	93·3	92·5	90·7	88·2
	(Min.	74·1	71·6	68·8	66·1	63·2

2. I also enclose statements supplied by the Chief Medical Officer, Delhi, showing—

(*a*) Maximum and minimum temperatures and rainfall in April, May, June, October and November 1922 to 1926 inclusive ;

(*b*) total deaths from fever during the same five months with an explanatory note dealing with exceptional conditions. Particulars for fortnightly periods cannot be furnished ;

(*c*) the number of cases of " fever " treated at the New Delhi Hospital, month by month, for the last three years.

The Chief Medical Officer, who has 3 years' experience of Delhi, points out that the diagnosis shown by these figures cannot be relied on, but that the total figures can be taken as a very reliable guide to the health of the community. He suggests that, if the Government of India contemplate spending a longer period in New Delhi than they have done hitherto, they should remain there for April, May and June which are the healthiest, although the hottest months of the year, and avoid New Delhi in October, which is the unhealthiest month. The particulars given by Colonel Franklin have been collected in collaboration with the Health Officer of New Delhi who has five years' experience of health conditions there throughout the year. It is common knowledge locally that September and October are " bad " months.

Comparative statement showing death from fever in Delhi Province.

	Fever.					Total deaths.				
	April.	May.	June.	October.	November.	April.	May.	June.	October.	November.
1922	514	652	706	910	800	883	1,108	1,154	1,545	1,466
1923	1,504	1,216	1,128	979	713	3,058	2,109	1,700	1,634	1,262
1924	819	961	1,105	614	635	2,169	1,797	1,666	1,195	1,226
1925	735	826	529	1,030	736	1,293	1,373	952	1,523	1,265
1926	717	1,007	1,254	1,964	1,628	1,475	1,758	2,022	2,976	2,527

In 1923 there was plague throughout Delhi Province.

In 1924 owing to the measures taken, the plague was confined to rural circles.

In 1926 there was a general epidemic of Malaria.

SEPARATE ESTABLISHMENT FOR THE LEGISLATIVE ASSEMBLY.

37. *Mr. Gaya Prasad Singh : (*a*) With reference to starred question No. 971 of the 16th March 1927, regarding a separate establishment for the Legislative Assembly, have the Government received any scheme from the Honourable the President of the Legislative Assembly for the separation of the office of the Assembly from the Legislative Department ?

(*b*) If so, are Government in a position to place the scheme on the table, and to indicate their decision thereon ?

Mr. W. T. M. Wright : (*a*) Yes, the scheme was received only yesterday and will be considered by Government with as little delay as possible, after the close of the present Session.

(*b*) The answer is in the negative.

Sir Hari Singh Gour : I beg to inquire if a copy of the scheme will be made available for inspection by Members on this side of the House ?

Mr. W. T. M. Wright : I am not in a position to answer that yet. We will consider the matter.

APPOINTMENT OF A COMMITTEE OF THE GOVERNMENT OF INDIA TO CONSIDER THE QUESTION OF REFORMS AND THE STATUTORY COMMISSION.

38 *Mr. Gaya Prasad Singh : Is it a fact that a Committee of the Government of India, consisting of the Honourable Mr. S. R. Das, the Honourable Sir Alexander Muddiman, the Honourable Sir Basil Blackett, and the Honourable Sir John Thompson, have discussed certain proposals regarding the Reforms, and the Statutory Commission, about May last ? Was there any conference held in Simla about that time ; and are Government in a position to indicate the nature of the conference, and the decision arrived therein ?

The Honourable Mr. J. Crerar : The Honourable Member is correct in supposing that the Viceroy, accompanied by certain members of his Government, held certain informal discussions, to which I presume his question refers, a short time ago. These discussions were confidential, and the Honourable Member will therefore appreciate that it is impossible for me to make any statement in regard to them.

Mr. A. Rangaswami Iyengar : Is it a fact that certain Governors were also consulted in this connection.

The Honourable Mr. J. Crerar : I have no information on that point.

STATUTORY COMMISSION ON REFORMS.

39. *Mr. Gaya Prasad Singh : Has there been any correspondence between the Government and the Secretary of State for India, regarding the appointment of the Statutory Commission on Reforms ; and are Government in a position to make any statement on the subject ?

The Honourable Mr. J. Crerar : The reply to both parts of the Honourable Member's question is in the negative.

OPENING BY THE BENGAL NAGPUR RAILWAY OF A BOOKING OFFICE IN THE TOWN OF PURI.

40. ***Mr. Gaya Prasad Singh** : (*a*) Are Government aware that Puri (in Orissa) is an important place of pilgrimage, as well as a health resort ?

(*b*) Is it a fact that a largely-signed petition was submitted by the public and the pilgrims of Puri to the Agent, Bengal Nagpur Railway, asking for a booking office to be opened in the town ?

(*c*) Are Government aware that when this matter formed the subject of an interpellation in the Bihar and Orissa Legislative Council on the 8th March, last, the Local Government stated that " they are aware that the absence of such an office is a local grievance with which they have some sympathy " ?

(*d*) Do Government propose to have a booking office of the Bengal Nagpur Railway opened in Puri town for the convenience of the public and the pilgrims ?

Mr. A. A. L. Parsons : (*a*), (*b*) and (*c*). Yes.

(*d*) The Agent of the Railway reports that after a careful examination of the subject it has been decided that the opening of a booking office in Puri town will not be an advantage to ignorant and illiterate pilgrims, who form the bulk of the passenger traffic, as it would not be possible to supervise a booking office in the town as effectually as at the station.

Mr. B. Das : Is the Honourable Member aware that the Pilgrims' Committee in 1915-16 recommended that a booking office should be opened in Puri Town, as also in Gaya ? How is it that that recommendation has not been given effect to for so long ?

Mr. A. A. L. Parsons : The recommendation has not been given effect to for the reasons I have just given in my reply to the main question. I was not myself aware of a committee having dealt with the matter before, but I am quite prepared to take it from the Honourable Member that that is the case.

Mr. B. Das : Will the Honourable Member consult his colleagues on his left in the Department of Education, Health and Lands regarding the recommendations of the Pilgrims' Committee ?

CONSTRUCTION OF A RAILWAY FROM RISHIKESH TO KARNAPRAYAG.

41. ***Mr. Gaya Prasad Singh** : Will the Government kindly state what progress, if any, has been made in the proposal to construct a railway from Rishikesh to Karnaprayag, on the way to Badri Nath, and when is the survey of the section likely to be completed ?

Mr. A. A. L. Parsons : Owing to the difficult nature of the country and the late start made last working season due to staff not being available, the progress on the Rishikesh Karnaprayag Railway survey has been rather slow. It is expected, however, that the field work will be completed by March, 1928.

OPENING UP OF THE SANTHAL PARGANAS BY RAILWAYS.

42. *Mr. Gaya Prasad Singh : (a) Is it proposed to launch any railway project (East Indian Railway) in Bihar, which will open up the Santhal Parganas areas, and bring them into touch with centres of trade and industry ?

(b) Are Government aware that this tract of the country is rich in coal and iron, and awaits development ?

Mr. A. A. L. Parsons : (a) The Bausi-Naya Dumka-Sainthia Railway, which will serve the Santhal Parganas, is under investigation.

(b) Coal and iron are known to exist in the locality.

REMODELLING THE STATION OF BAIDYANATH DHAM ON THE EAST INDIAN RAILWAY.

43. *Mr. Gaya Prasad Singh : Are Government aware that the railway station of Baidyanath Dham (East Indian Railway) is insufficient to cope with the requirements of the heavy pilgrim traffic, and is there any proposal to make necessary extensions in connection with it ?

Mr. A. A. L. Parsons : Government understand that the remodelling of Baidyanath Dham station has already been sanctioned by the East Indian Railway authorities and that the work is expected to be completed by 31st March 1928.

CASES DEALT WITH BY THE RAILWAY RATES ADVISORY TRIBUNAL.

44. *Mr. Gaya Prasad Singh : Will the Government kindly furnish a statement, showing the number and details of cases submitted to the Railway Rates Advisory Tribunal since its inception, together with the decision or other steps in connection with them ?

Mr. A. A. L. Parsons : I am having a copy of the statement required placed in the Library.

Mr. B. Das : Will Government be pleased to state whether they have considered the advisability of changing the function of the Rates Advisory Committee to that of a Rates Tribunal, as was recommended by the Acworth Committee ?

Mr. A. A. L. Parsons : There is no present intention of doing so, Sir.

Mr. B. Das : What are the reasons why this has not been given effect to ?

Mr. A. A. L. Parsons : The reasons have, I think, been previously explained in this House, but I am afraid in any case it would not be possible for me to give a complete answer to that question without notice.

Mr. B. Das : Does the Honourable Member realise that the Rates Advisory Committee has no statutory powers ?

Mr. A. A. L. Parsons : I am well aware that the Rates Advisory Committee has no statutory powers.

LEGISLATION FOR THE REGULATION OF TRADE DISPUTES IN INDIA.

45. *Mr. Gaya Prasad Singh : Is it a fact that about August 1924, the Government drafted a Bill for the regulation of trade disputes in India ? If so, what has happened to it ; and is there any such measure likely to come up before the House ?

The Honourable Sir Bhupendra Nath Mitra : A Bill relating to the investigation and settlement of trade disputes was drafted by the Government of India in August 1924. Thereafter it was circulated to Local Governments and published for criticism. A number of criticisms were received and it is probable that, as a result of these criticisms, it will be necessary to modify the original proposals. In this connection the provisions of the law recently passed in England are also being examined. A Bill dealing with this subject will in all probability be introduced in the next Session of this House.

WORKMEN OF THE EASTERN BENGAL RAILWAY AND MEMBERSHIP OF LABOUR UNIONS.

46. **Mr. Gaya Prasad Singh** : Has the Agent, Eastern Bengal Railway, issued a notice (No. 438-0-3-27), dated 16th March last, warning the workmen of that Railway not to join Labour Unions which have not been registered under the Trade Unions Act ? If so, what is the reason for this pressure for compulsory registration ?

The Honourable Sir George Rainy : The answer to the first part of the question is in the affirmative. As regards the second part of the question Government do not accept the interpretation put upon the notice by the Honourable Member. The Agent issued it in the interest of the workmen themselves.

Diwan Chaman Lall : May I ask the Honourable Member whether the workmen themselves are more competent to consider their own interests than the Agent ?

The Honourable Sir George Rainy : I do not think that arises, Sir, but I think it is clearly within the province of the Agent to take action which he believes to be in the interests of his workmen.

Diwan Chaman Lall : May I ask the Honourable Member whether it is not a fact that under the Trade Unions Act it is not compulsory for a union to register itself, and if workmen want to form a union there should not be any objection ?

The Honourable Sir George Rainy : If this is a question of law which he has put to me, I am afraid I must ask for notice.

Mr. A. Rangaswami Iyengar : Does not that amount to a certain amount of pressure ?

The Honourable Sir George Rainy : I do not think so, and I am quite sure it was not meant as such by the Agent.

Diwan Chaman Lall : If, as the Honourable Member has said, it was in the interests of the workmen, may I ask why the Agent refused permission for the formation of this union ?

The Honourable Sir George Rainy : I think it is obvious, Sir, that the Legislature having provided for the registration of trade unions, it must be to the advantage of workmen to belong to a registered union rather than an unregistered union.

Mr. A. Rangaswami Iyengar : But why did the Agent issue a notice if it was not to compel people ?

The Honourable Sir George Rainy : I do not think there was any compulsion.

Pandit Nilakantha Das : May I ask if this is confined to one railway ?

The Honourable Sir George Rainy : The notice to which the question refers relates to one railway only.

ISSUE OF THIRD CLASS ORDINARY RETURN TICKETS.

47. ***Mr. Gaya Prasad Singh** : (*a*) Have the Government received any representation addressed to the Secretary, Railway Board, from certain citizens of Patna, in which the following passage occurs, relating to the grievances of third class passengers :

" The necessity of granting third class ordinary return tickets looms large to those observers, who experience the terrible rush at the window of the third class booking office, which is always found at almost all the big stations. The rush generally at stations, such as Gaya, Patna, Allahabad, etc., is so terrible that it becomes almost impossible to reach the window, and the passengers are often left behind."

(*b*) Are Government aware that the above represents a substantially correct state of affairs ? What steps have been taken to remedy this evil ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) The reply to the first part of the question is in the negative. Both the Railway Board and Railway Administrations are paying particular attention to improving the facilities for the issue of tickets to third class passengers, and I am sure that the Agent of the East Indian Railway will be glad to consider whether the arrangements at any particular station are capable of improvement, if the matter is brought to his attention by his Local Advisory Committee. But the issue of third class ordinary return tickets is likely to encourage fraudulent travelling, which, as the Honourable Member is aware, is already far too prevalent ; and the Railway Board are not therefore prepared at present to consider their issue.

EXPULSION OF HINDUS FROM THE NORTH-WEST FRONTIER TRIBAL TERRITORY.

Mr. H. G. Cocke : With your permission, Sir, I desire to ask the Foreign Secretary if he is in a position to make a statement about the recent expulsion of Hindus from the North-West Frontier tribal territory ?

12 NOON.

Sir Denys Bray : Excitement over the *Rangila Rasul* case spread to the frontier districts early in June and reached its height in Peshawar towards the latter part of July. The atmosphere became tense and caused the authorities much anxiety. Under Sir Norman Bolton's skilful handling, however, the frontier districts issued from a grave crisis without a

serious breach of the peace. For though the economic boycott of Hindus was freely advocated, especially in Peshawar, the movement met with little success ; and though in one or two villages Hindus were maltreated, order was restored on the arrest of the culprits, coupled with action under the Police Act and the Code of Criminal Procedure.

The spread of the indignation across the border into tribal territory was more serious. Here feelings, always acutely sensitive to the appeal of religion, rapidly became deeply stirred. The Afridi and Shinwari countries were inflamed by the preaching of a well-known Mullah, who called upon the tribesmen to expel the Hindus from their midst, unless they dissociated themselves in writing from the doings of down-country Hindus. The first class to expel their Hindu neighbours were the Kuki Khel and Zakka Khel on the 22nd July. Fired by their example the Shinwaris gave their Hindus notice to quit a few days later ; but after some of them had gone, agreed to allow the rest to remain. Some of the Hindus on leaving the Khyber were roughly handled. In two cases stones were thrown though happily without damage. In a third a Hindu was wounded and a large amount of property carried off ; but the property was recovered by Afridi Khassadars in full, and the culprits fined for the offence. Thereafter arrangements were made for the picketing of the road for the passage of any Hindus evacuating tribal territory. Under pressure from the Political Officer an Afridi *jirga* decided towards the end of July to suspend the Hindu boycott pending a decision in the *Vartman* case. In the following week, however, several families, who had been living in sarais at Landi Kotal moved to Peshawar, refusing to accept the assurances of the tribal Maliks, yet leaving one person from each family behind to watch over their interests. In all between four hundred and four hundred and fifty Hindus, men, women and children, came into Peshawar. The latest news is that a *jirga* of the leading Maliks has been summoned to Peshawar from various parts of Tirah to discuss their return.

It will be seen that the trouble has been confined to one small section of tribal territory in the neighbourhood of the Khyber Pass, and this localising of the movement is a matter for which Sir Norman Bolton and his officers may justly take credit. Some of the Hindus were definitely expelled ; some were induced to leave their homes by threats ; some left from fear ; some no doubt from sympathy with their neighbours. Now expulsion and voluntary exodus from tribal territory are alike without parallel. These Hindus have lived there, most of them, for more generations than they can record, as valued and respected, and indeed essential members of the tribal system, for whose protection the tribesmen are jealous and whose blood-feuds they commonly make their own, and throughout this unhappy business it has been the aim of Government to use their influence so that as soon as the passions of wrath and bitterness on either side permit, the Hindus may return to their homes and take up their old position of respect among the tribes of Tirah. Powerful economic and traditional forces are already at work to heal the breach. That the breach will be healed before long I am confident, provided always that nothing untoward arises from any malicious or thoughtless intrusion from without. I do not like to add more, lest something be said that might retard the return of these Hindus to their homes, or worse still, that might open up fresh tribal areas to the contamination of a bitterness which is now fast dying out.

Nawab Sir Sahibzada Abdul Qaiyum : May I know whether the Government are aware that these tribal Hindus had voluntarily and for various reasons sympathised with the Mussalmans of the country in their troubles in connection with the *Rajpal* case but that after the down-country propaganda extended to that place from their own co-religionists, they retracted their sympathy and came up to the authorities and demanded extraordinary protective measures to be taken in their favour, which according to the custom of the country, it was not the business of the authorities to interfere in ?

Sir Denys Bray : If the Honourable Member would allow me to say so I would venture to deprecate any questions of detail on the case.

Mr. B. Das : Will the Honourable Member kindly make a statement showing the result of the meeting that takes place between the Maliks and the Chief Commissioner in order to allay the feelings of the Members of this House ?

Sir Denys Bray : I shall gladly do so if it seems to be in the public interest that I should.

Diwan Chaman Lall : May I ask the Honourable Member if the Mullah who went about preaching in the territory came from Peshawar or from down-country ?

Sir Denys Bray : The Mullah came up from India ; he had just returned from the Haj.

Diwan Chaman Lall : May I ask whether any steps were taken to prohibit the entry of the Mullah into that tribal territory, or to prosecute him when he came back ?

Sir Denys Bray : I possibly did not make myself clear. The Mullah belongs to the trans-frontier.

Nawab Sir Sahibzada Abdul Qaiyum : Do Government know that there is a Mullah called " Chaknawar Mulla " who comes from Afghan territory, that on his way back from the Haj he passed through the Khyber, where there are a good many followers of his in the Shinwari and other countries, and that his preaching was also a factor in this matter ?

Sir Denys Bray : That is so. Sir.

UNSTARRED QUESTIONS AND ANSWERS.

NUMERICAL STRENGTH OF MUSLIMS AND NON-MUSLIMS IN THE CLERICAL ESTABLISHMENT OF THE PUNJAB POSTAL CIRCLE.

1. **Mr. Abdul Haye** : (*a*) Will the Government please lay on the table a statement showing the numerical strength of Muslims and non-Muslims employed in the clerical establishment of the Punjab Postal Circle, in each grade, in each Division and 1st class H. O. separately ?

(*b*) Will the Government please state what ratio Muslim officials in each Division and 1st class H. O. bore in 1900, 1910, 1920, and 1926-27 ?

(*c*) Will the Government state in what Postal Division and 1st class H. Os. the recruitment of Hindus is totally or partially restricted ?

(*d*) Will the Government place on the table a statement showing the number of Muslims and non-Muslims appointed in the clerical establishment of the Post Offices in each Division and 1st class H. O. in the Punjab since the passing of the order referred to in (*c*), if any ?

The Honourable Sir Bhupendra Nath Mitra : Government do not possess the information called for, nor do they propose to collect it as they consider that the amount of labour and expenditure involved would be disproportionate to the value of the result. Steps are being taken to ensure that in all future recruitment the policy of the Government of India in regard to communal representation in services is given effect to.

MEAGRE REPRESENTATION OF MUSLIMS IN THE POSTAL DEPARTMENT.

2. **Mr. Abdul Haye** : (*a*) Are Government aware that great dissatisfaction exists among Muslims in the Punjab with regard to their meagre representation in the Postal Department ?

(*b*) Will the Government please state what steps are being taken to remove the general discontent in this respect ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Government are aware of such feeling as exists on this question.

(*b*) In certain Head Offices and Divisions a proportion of vacancies in the clerical cadre is being reserved for the present exclusively for Muhammadan recruitment.

MEAGRE REPRESENTATION OF MUSLIMS IN THE OFFICE OF THE POSTMASTER GENERAL, PUNJAB.

3. **Mr. Abdul Haye** : (*a*) Will the Government please state if a Muslim was ever appointed as Superintendent, Postmaster General's office, Punjab, during the last 20 years, if not, why ?

(*b*) Will the Government please state if a Muslim was ever appointed as Head Assistant, Postmaster General's office, if so, when and for what period ? If not, why ?

(*c*) Will the Government state the number of Head Clerks' appointments in the Postmaster General's office (Punjab) and in what ratio they are held by Muslims and non-Muslims ?

(*d*) Will the Government state the number of selection grade appointments in the Postmaster General's office, Punjab, and how many of them are held by Muslims ?

(*e*) If the Muslims are meagrely represented in the above-mentioned appointments in the Postmaster General's office (Punjab), what steps are Government prepared to take to increase their number ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) No ; because no senior Muslim was available at the time a vacancy occurred.

(*b*) No ; the appointment was created in 1919, and has since then been held by senior officials who happened to be non-Muslims.

(*c*) Twelve. The ratio of Muslims to non-Muslims is 1 to 5.

(*d*) Twenty-two,—of these three are held by Muslims.

(*e*) The appointments in question are filled by selection from among the senior suitable officials. Government do not propose to take any steps to modify the existing method of selection so as to base the selection on principles of communal representation.

TRANSFER OF OFFICIALS IN THE OFFICE OF THE POSTMASTER GENERAL, PUNJAB.

4. **Mr. Abdul Haye** : Will the Government state whether formerly officials in the Postmaster General's office were transferred to Circle appointments and *vice versa* ? If so, why has this practice been discontinued ?

Mr. H. A. Sams : Transfers of officials belonging to the Postmaster General's office to Circle appointments and *vice versa* used to be made and are still made in exceptional circumstances to meet the exigencies of the public service.

PERIOD OF EMPLOYMENT OF MR. NAUBAT RAI IN THE PUNJAB CIRCLE AS PERSONAL ASSISTANT AND DEPUTY POSTMASTER GENERAL.

5. **Mr. Abdul Haye** : Will the Government state for how long Mr. Naubat Rai has been in the Punjab Circle office both as P. A. and Deputy Postmaster General ?

Mr. H. A. Sams : Rai Bahadur Naubat Rai has been in the Punjab Circle as P. A. for 2 years 8 months and 12 days and as Deputy Postmaster General for 4 years and 11 days.

APPOINTMENT OF MUSLIMS AS PROBATIONARY SUPERINTENDENTS OF POST OFFICES.

6. **Mr. Abdul Haye** : Will the Government please state how many appointments of Probationary Superintendents of Post Offices were made from 18th August 1925 to 1st April 1927 and how many of them were Muslims ?

Mr. H. A. Sams : Six appointments of Probationary Superintendents of Post Offices were made between the 18th August 1925, and the 1st April 1927. None of them were Muslims.

MAXIMUM PERIOD OF EMPLOYMENT OF AN OFFICER AS DEPUTY POSTMASTER GENERAL OF A CIRCLE.

7. **Mr. Abdul Haye** : Will the Government please state what is the maximum period for a Deputy Postmaster General to work in a Circle ?

Mr. H. A. Sams : No definite period is prescribed.

EDUCATIONAL GRANT TO THE BHARATI SCHOOL COMMITTEE OF THE HINDUS OF KOHAT FOR THE CONSTRUCTION OF THEIR HIGH SCHOOL.

8. **Pandit Thakur Das Bhargava** : (1) Have the Government helped the distressed Hindus of Kohat by any educational grant in the last year or the present year ?

(2) Have the Bharati School Committee of the Hindus of Kohat applied for a grant-in-aid for the construction of their High School ?

(3) If so, has the grant been sanctioned ? What is its amount ?

(4) If none has been sanctioned so far, will the Government consider sympathetically the justice of sanctioning the grant as soon as possible ?

Mr. A. R. Dalal : (1) Yes.

(2) Yes.

(3) No. The plans and estimates of the proposed building are under scrutiny ; the amount of grant cannot be determined until the scrutiny is complete.

(4) The case will be considered under the rules laid down in the Education Code of the North-West Frontier Province.

HINDU AND MUHAMMADAN COLLEGES, HIGH SCHOOLS AND MIDDLE SCHOOLS IN THE NORTH-WEST FRONTIER PROVINCE.

9. **Pandit Thakur Das Bhargava :** (1) Will the Government be pleased to state how many Hindu Colleges, High and Middle Schools exist in the North-West Frontier Province ?

(2) Will the Government be pleased to state how many Muhammadan Colleges, High and Middle Schools exist in the North-West Frontier Province ?

(3) Do Government pay any grant-in-aid to any such Hindu College, High or Middle Schools ? If so, how much ?

(4) Do Government pay any grant-in-aid to any such Muhammadan College, High or Middle Schools ? If so, how much ?

Mr. A. R. Dalal : The information is given below :

(1)

College	1
High schools	9
Middle schools for boys	5
Middle schools for girls	5
	20

(2)

College	1
High schools	5
Middle schools	2
	8

(3) Yes ; Rs. 10,000 a year to the College and Rs. 94,939 a year to the High and Middle schools.

(4) Yes ; Rs. 80,000 a year to the College and Rs. 67,723 a year to the High and Middle schools.

INCREASE OF THE WATER TAX IN THE KASAULI CANTONMENT.

10. **Pandit Thakur Das Bhargava :** (1) When were the waterworks at Kasauli established and who stood the expenses ?

(2) What is the rate of water tax realised from the citizens of Kasauli Cantonment ?

(3) Is it proposed to increase the water taxes in Kasauli ?

(4) Have the Cantonment Board of Kasauli taken over certain pipes and do they propose to pay for the extra water supply for the civil population at the rate of Rs. 2-8-0 per thousand gallons ?

(5) Is it a fact that a public meeting of the citizens of Kasauli was held to enter emphatic protests against the contemplated proposals mentioned in part 4, and did a deputation of citizens wait upon the Executive Officer in this connection ?

(6) What was the ultimate decision of the Cantonment Board ?

(7) In view of increased cost of living and other hardships occasioned by increasing the water taxes at Kasauli, do the Government propose to drop the proposals, if any, for increasing the water tax at Kasauli ?

Mr. G. M. Young : (1) The waterworks at Kasauli were established in 1904 at the expense of the State.

(2) The existing water rate is Rs. 2 per 1,000 gallons. The existing water tax is :

(*a*) 3 per cent. on the annual rental of buildings within 1,000 feet of the nearest standpost, and

(*b*) 1½ per cent. on the annual rental of buildings beyond 1,000 feet of the nearest standpost.

The question is under consideration in view of the fact that the loss to the State during 1925-26, under the existing rates, amounted to Rs. 30,022.

(4). (*a*) No. The water costs Rs. 2-8-0 per 1,000 gallons to produce, and the Military Engineer Services have claimed to be paid at this rate. The question of accepting this enhanced rate is under consideration by the Cantonment Board.

(5) A meeting of the residents of the bazaar was held on the 16th January 1927, and a copy of the proceedings was sent to the Cantonment Board in the form of a petition. No deputation waited on the Executive Officer, but on the invitation of the President a deputation representing the residents of the bazaar attended a meeting of the Board held on the 19th January 1927. The whole situation was explained and the Board assured the deputation of sympathetic treatment.

(6) The Cantonment Board has not yet come to a decision on the subject.

(7) No, but the Government are considering the possibility of assisting Cantonment Authorities generally by grants-in-aid to pay for water supplied by the Military Engineer Services at full rates.

COMPLAINTS OF HOUSE OWNERS IN THE AMBALA CANTONMENT REGARDING THE INACCURACY OF THE SURVEY PLAN.

11. **Pandit Thakur Das Bhargava** : (*a*) Is it a fact that the owner of a house in B. C. Bazar, Ambala Cantonment, applied to the Cantonment Authority for permission to reconstruct his house on a more sanitary plan ?

(*b*) Is it a fact that on receiving the application the Executive Officer found that the house in question did not exist in the Survey Plan and the site under the house was shown there as an open plot ?

(*c*) Is it a fact that the Executive Officer, on his own authority, not only rejected the application of the house owner but also directed him to demolish the house as it was an encroachment according to the Survey Plan ?

(*d*) Is it a fact that on the protest of the non-official members, the Executive Officer withdrew the notice of demolition issued by him, but insisted on the application being referred to the Government of India for orders ?

(*e*) Are Government aware that the Survey Plan in Ambala was prepared by petty subordinates of the Cantonment Authority in 1902 without informing the people of the results of the survey and giving them an opportunity to contest the same where they conflicted with their rights ?

(*f*) Is it a fact that in scores of cases in the past the Survey Plan has been found to be wrong and has either shown houses where none existed or shown sites of old houses as vacant plots ?

(*g*) Are Government aware that in the past the Cantonment Authority in Ambala has been deciding each case, where the Survey Plan has not tallied with the existing conditions of land, on its merits ?

(*h*) Is it a fact that some secret instructions were issued by Colonel Lawrinson in November 1926 directing the Executive Officer to stick to the Survey Plan regardless of its discrepancies ?

(*i*) Is it a fact that these instructions having been enforced by the Executive Officer with the support of the official members have caused great hardships to house owners in Ambala Cantonment and trampled upon their rights in many cases ?

(*j*) Do Government propose to issue instructions that the Survey Plan not being a conclusive document of title, the discrepancies therein should be dealt with as in the past on the merits of each case ?

Mr. G. M. Young : (*a*) and (*b*). Yes.

(*c*) No. The Cantonment Board directed the Executive Officer to issue a notice to remove the encroachment.

(*d*) The notice was withdrawn and the case referred to higher authority.

(*e*) No. The Plan of 1902-03 was correctly prepared by the Survey of India.

(*f*) The Government of India are informed that this is not the case.

(*g*) Government have no information of individual cases.

(*h*) The Government of India understand that no such instructions were issued to the Executive Officer.

(*i*) Does not arise.

(*j*) The Government do not propose to issue any such instructions, but they have no doubt that any case in which discrepancies are disclosed will be dealt with on the merits.

ELECTRIC STREET LIGHTING OF THE SADAR BAZAR, AMBALA.

12. **Pandit Thakur Das Bhargava** : (*a*) Are Government aware that a large portion of the Sadar Bazar, Ambala, with a population of 10,000, is still without electric street lighting ?

(*b*) Is it a fact that for further extension of electric street lighting, a sum of Rs. 70,000 was provided for in the budget of 1927-28 ?

(*c*) Is it a fact that the major portion of this allotment has been diverted from the Sadar Bazaar and is being spent on providing electric lights on the roads leading to N. I. Lines ?

(*d*) Is it a fact that there are very few bungalows on these roads ?

(*e*) Do the Government propose in view of the obvious undesirability of the proposal to direct that the same may not be given effect to ?

Mr. G. M. Young : (*a*) Government are informed that the greater part of the Sadar Bazaar has already been provided with electric street lighting. They are not aware of the exact extent of the area still unlighted.

(*b*) No. A sum of Rs. 7,000 only was provided for the whole Cantonment.

(*c*) No. Less than half the budgetted sum is to be utilised for this purpose.

(*d*) No.

(*e*) No. The Government do not regard the proposal as undesirable.

APPOINTMENT OF THE VICE-PRESIDENT OF THE CANTONMENT BOARD, AMBALA, AS CHAIRMAN OF ALL SUB-COMMITTEES.

13. **Pandit Thakur Das Bhargava** : (1) Is it a fact that in the regulations framed under section 44 of the Cantonments Act by the Cantonment Board, Ambala, in June 1926 and submitted after the unanimous approval of the Cantonment Board to the Local Government, it was provided that the Vice-President should be the *ex-officio* Chairman of all sub-committees ?

(2) Is it a fact that in the meeting of the Cantonment Board held on 28th February 1927, it was decided by a majority of votes that instead of the Vice-President, as originally proposed, the President should be the Chairman of all sub-committees ?

(3) Are Government aware that the above majority consists mainly of the official members ?

(4) Is it a fact that the Government of India have recognised that at the present time, the non-official Vice-President is a figurehead in a Cantonment Board and has held out assurances, to the All-India Cantonments Association that the Government would shortly either by executive instructions or by a modification of the Cantonments Act, confer increased and definite powers upon the Vice-President ?

(5) If the reply to the above question be in the affirmative, do the Government intend to take steps that the amendment proposed and passed by the majority of the Cantonment Board to make the President

instead of the Vice-President Chairman of the sub-committees, is not accepted by the Local Government ?

Mr. G. M. Young : I am making enquiries and will let the Honourable Member know the result.

REGULATION RELATING TO THE LAYING OF PAPERS APPERTAINING TO THE AGENDA OF THE CANTONMENT BOARD, AMBALA, ON THE TABLE FOUR DAYS BEFORE A MEETING.

14. **Pandit Thakur Das Bhargava** : (1) Is it a fact that in the regulations submitted to the Local Government for approval by the Ambala Cantonment Board under section 44 of the Cantonments Act in June 1926, it was provided that the Secretary shall lay on the table all the papers pertaining to the agenda four days before the date of a meeting of the Cantonment Board ?

(2) Is it a fact that in the amended form in which the regulations have been adopted in the meeting of the Cantonment Board held on 28th February 1927 by a majority of votes mainly official, it has been proposed to reduce four days to two ?

(3) Are Government aware that there are bulky papers, files and account papers to be seen by a member before he is able to express his opinion about the same in the next meeting of the Cantonment Board ?

(4) Are Government aware that the responsible non-official members of the Board filed a strong note of dissent protesting against the change ?

(5) Do Government propose to take steps to see that the amendment is not approved by the Local Government ?

Mr. G. M. Young : I am making enquiries and will let the Honourable Member know the result.

COMPLAINTS OF HOUSE-OWNERS IN AMBALA CANTONMENT.

15. **Pandit Thakur Das Bhargava** : (1) Is it a fact that when an owner of a house in a cantonment having a large compound attached to it, desires to sub-divide the compound, for building another house, the Cantonment Authority requires him to execute a fresh lease for the whole site ?

(2) Will the Government be pleased to lay on the table the number of cases with particulars, in Ambala Cantonment, in which a fresh lease has been demanded in case of the sub-dividing of the site during the last three years ?

(3) Will the Government quote the law under which such lease is demanded ?

(4) Is it a fact that the demand for a new lease has been made in Ambala Cantonment even where the site happens to be an old free grant ? If so, why ?

(5) Are Government aware that this practice has caused great discontent among the house-owners in Ambala Cantonment who contend that the municipal powers of the Cantonment Authority should not be used to destroy people's rights in land ?

(6) Will the Government be pleased to state in what way Government interests will suffer, if a house-owner is allowed to build another house, on the old existing site already in his occupation ?

Mr. G. M. Young : (1) If the site belongs to Government, Government requires a fresh lease to be executed for the sub-divided portion only.

(2) The answer is in the negative.

(3) A fresh lease is required by Government as landlord before agreeing to any large modification of the purposes to which the site is put.

(4) Government have no information whether a demand has actually been made in such a case, but, if it has, they consider that it is within the legitimate rights of a landlord. Government remains the owner of cantonment land, even when the grant is free of rent ; and retains the right to resume whenever it so desires.

(5) Government are not aware of the existence of any discontent ; nor are the municipal powers of the Cantonment Authority in any way concerned.

(6) Government interests are liable to suffer, if land that is in their ownership is subjected by the tenant to any encumbrance not provided for in the original grant.

EXPENDITURE ON ROADS IN THE BAZARS IN AMBALA CANTONMENT.

16. **Pandit Thakur Das Bhargava** : (1) Are Government aware that out of Rs. 23,000 set apart for Cantonment Fund Roads in Ambala, the Cantonment Board has, by an official majority of votes, allotted only Rs. 8,500 for roads in the bazars and decided to spend the large balance of Rs. 14,500 on roads in the Cantonment area outside the bazars ?

(2) Are Government aware that prior to the constitution of the elected board in Ambala, a very large portion of the grant under roads was spent from year to year on the roads outside the bazars with the result that some of the metalled roads of the bazars were not renewed for over a score of years and several roads continued to be ' kachha ' as at the time of the establishment of the Cantonment ?

(3) Is it within the knowledge of the Government that five non-official members including the Vice-President pressed for Rs. 15,500 being spent on the bazar roads and the balance for the outside ?

(4) Is it a fact that the bazars contribute 70 per cent. of the Cantonment Fund, have all local trade and industry there and have several kachha roads without drains which by becoming marshy in the rainy season form a great menace to public health ?

(5) Is it a fact that the official members disregarded the wishes of the elected members in this respect and put forth the plea of dividing the grant between the two areas according to the length of roads in each ?

(6) Are Government aware that the condition of roads in the two areas differs greatly and the bazar roads stand no comparison with roads outside ?

(7) Have Government seen the note of dissent filed by the elected members against the decision of the majority, namely, the official members ?

(8) Do Government propose to go through the note and direct if they think fit, that the grant under roads be divided as suggested by the elected members—at least for the next year ?

Mr. G. M. Young : (1) The figures quoted by the Honourable Member are correct : but, as by themselves they might convey a wrong impression, I may add that in the previous year 1926-27, Rs. 40,000 were spent on roads in the bazaars and only Rs. 5,000 on roads in the Cantonment area outside the bazaars.

(2) Government are informed that the facts are not as stated in the question.

(3) Yes.

(4) It is difficult to estimate the actual contribution of the bazaars to the income of the cantonment, as much of the wealth of the bazaars is derived from the cantonment area outside the bazaars. Government understand that the Cantonment Board is pursuing a policy of gradual improvement in the roads and drains throughout the whole cantonment.

(5) No, Sir. Government are informed that the matter was reported on by a special Committee, and that both points of view were put forward and fully discussed in the Cantonment Board.

(6) No, Sir. Government are informed that the bazaar roads are in a better condition, if anything, than those outside the bazars, as the result of the very large expenditure recently incurred on the former.

(7) and (8) The answer is in the negative.

PUBLICATION OF THE AMENDMENTS MADE BY THE CANTONMENT BOARD, AMBALA, TO THE REGULATIONS FRAMED UNDER SECTION 44 OF THE CANTONMENTS ACT.

17. **Pandit Thakur Das Bhargava** : (1) Are Government aware that section 44 (*3*) of the Cantonments Act requires that the regulations framed under section 44 be published for public objections in such manner as the Local Government may prescribe ?

(2) Is it a fact that the Local Government of the Punjab have so far prescribed no system or procedure of publication for such regulations ?

(3) Are Government aware that the Central Provinces Government have decided that such regulations framed by the Cantonment Board of the Cantonments in its jurisdiction, should be translated into the vernacular of the Province, displayed at conspicuous places, announced by beat of drum and published in the local Gazette and other papers having circulation in the Cantonment concerned ?

(4) Are Government aware that no such thing was done by the Ambala Cantonment Board when it framed its regulations in June 1926 ?

(5) Is it a fact that these regulations have been materially altered by the Cantonment Board, Ambala, by a majority of votes in its meeting of 28th February 1927 and submitted to the Local Government without notifying the amendments to the public or inviting their opinions and views about the same ?

(6) Do Government propose to direct that the regulations be published in the manner adopted by the Central Provinces Government, before these are considered and approved by the Local Government ?

(7) Are Government aware that there is a strong public feeling against the non-publication of these amendments and that several non-official members have filed notes of dissent against non-publication ?

(8) Do Government propose to peruse those notes of dissent and see that the regulations are passed in a way that their legality may not be challenged in future ?

Mr. G. M. Young : I am making enquiries and will let the Honourable Member know the result.

GRANT OF PERMISSION TO NON-MEMBERS TO ADDRESS MEETINGS OF THE CANTONMENT BOARD, AMBALA.

18. **Pandit Thakur Das Bhargava** : (1) Are Government aware that in the regulations framed by the Cantonment Board, Ambala, under section 44 of the Cantonments Act, provision has been made to allow a person, not a member of the Board, to address a meeting of the Board, if the majority of the members present desire the same ?

(2) Is it a fact that in the meeting of the Cantonment Board held on 28th January 1927, the President allowed one Mian Khan to address the meeting and on an objection being raised by the Vice-President to the illegality of the procedure, a reference was made to the Northern Command to give a ruling on the point ?

(3) Is it a fact that the Northern Command in its letter No. 36264-A.I.L.C., dated 10th February 1927, informed the President that no one who was not a member of the Board could address its meeting ?

(4) Are Government aware that in spite of this ruling, the Cantonment Board, Ambala, in its meeting held on 28th February 1927, decided by a majority of votes that permission to address the meeting of the Board could be given to a non-member if the majority of the members so desired ?

(5) Are Government aware that there being a standing majority of official members in the Cantonment Board, the regulation in question would practically give them the power of allowing outsiders to speak in or address a meeting of the Cantonment Board ?

(6) Do Government propose to direct that this regulation be cancelled as being both illegal and opposed to the instructions given by the Northern Command ?

Mr. G. M. Young : I am making enquiries and will let the Honourable Member know the result.

IMPROPRIETY OF DISCUSSIONS OF THE AGENDA OF BUSINESS BY THE PRESIDENT OF THE CANTONMENT BOARD, AMBALA, WITH INDIVIDUAL MEMBERS, BEFORE THE MEETING.

19. **Pandit Thakur Das Bhargava** : (1) Is it a fact that the President, Ambala Cantonment Board, discussed certain items of the agenda fixed for the meeting of the Cantonment Board, Ambala, held on 28th January 1927, some days before the date of meeting, with a member of the Cantonment Board ?

(2) Is it a fact that on the fact coming to the notice of the Vice-President, he wrote to the President to come to the meeting with an open

mind and to protest against his discussing the agenda with individual members before coming to the meeting ?

(3) Are Government aware that as a result of these secret discussions, the Cantonment Board either approved the decisions already arrived at and brought in typed form to the meeting or passed them by a majority of votes ?

(4) Do Government propose to issue instructions as to the impropriety of such discussions by the President with individual members before the meeting is held ?

(5) Do Government propose to put a stop to the practice of bringing in, by the Executive Officer, of typed decisions already arrived at in such secret meeting, to be passed by the Board or at any rate by the standing official majority ?

Mr. G. M. Young : (1), (2), (3), (4) and (5). The Government of India have no information of this incident, and propose to take no action. They see no reason why the President of a Cantonment Board should not discuss the agenda with any member of the Board at his discretion.

REJECTION OF MOTION FOR ADJOURNMENT PROPOSED BY NON-OFFICIAL MEMBERS OF THE CANTONMENT BOARD, AMBALA.

20. **Pandit Thakur Das Bhargava** : (1) Are Government aware that a motion for adjournment of the meeting of the Ambala Cantonment Board was brought forward by 5 non-official members, as a protest against certain high-handed and illegal acts of the President ?

(2) Will the Government state the circumstances under which the adjournment motion was brought forward ?

(3) Is it a fact that after the motion was rejected by a majority of votes, mainly official, the non-official members filed a note of dissent stating the facts which necessitated the motion ?

(4) Do Government propose to direct the official President of Ambala Cantonment Board to show greater regard and consideration to the views of the non-official members ?

Mr. G. M. Young : (1), (2) and (3). The Government understand that a motion for adjournment was put forward and rejected by a majority of the votes of the Board including those of certain elected members, and that certain other elected members filed a note of dissent. They are not aware of the grounds on which the motion was put forward and do not consider that any useful purpose would be served by making enquiries.

(4) The answer is in the negative.

HOLDING IN CAMERA OF MEETINGS OF THE CANTONMENT BOARD, AMBALA.

21. **Pandit Thakur Das Bhargava** : (1) Are Government aware that in the ordinary meeting of the Cantonment Board, Ambala, held on 29th January 1927 and in the special meeting of the same Board held on 5th February 1927, the President directed the discussion of one or two items in camera ?

(2) Is it a fact that as required by section 42 of the Cantonment Act, no reasons were recorded by the President for the decision of these items in camera ?

(3) Are Government aware that on the Vice-President's pointing out the illegality, the President on 28th February 1927, while confirming the

proceedings of the meetings mentioned above, added to the proceedings that the meeting was held in camera, in the interests of the Cantonment Board ?

(4) Do the Government know that the giving of this vague reason has caused great stir among the people, some of whose representatives had to leave the meeting when it was declared to be held in camera ?

(5) Will the Government be pleased to enquire why the reasons were not recorded at the time the meeting was held in camera and why these reasons were not specified ?

Mr. G. M. Young : (1) Yes.

(2) No.

(3) The Government of India understand that the President did not record his reasons in writing until his attention was drawn to the section.

(4) The Government are informed that there was no stir.

(5) In view of the facts stated above, the Government do not propose to make any further enquiry into this incident.

INDIANIZATION OF THE SUPERIOR SERVICES.

22. **Mr. N. M. Joshi** : Will Government be pleased to place on the table a statement on the Indianization of each of the Superior Services for 1920, 1921, 1922, 1923, 1924, 1925 and 1926 showing :

(*a*) the number of posts in each Service at the beginning of each year, new posts created and number of posts at the end of the year ;

(*b*) the number and percentage of Indians and non-Indians at the beginning and at the end of each of these years :

(*c*) the number of vacancies and newly created posts filled during each of these years by Indians and non-Indians and also their percentage ;

(*d*) the percentage recommended by the Lee Commission ?

The Honourable Mr. J. Crerar : I would refer the Honourable Member to the statements laid on the table in reply to his questions of the 15th September 1921, the 2nd July 1923, and the 8th March 1924, and in reply to Mr. J. Chaudhuri's question of the 8th September 1922. A statement showing the progress of Indianization during the years 1924 and 1925 and the position on the 1st January 1925 and the 1st January 1926 was placed in the Library of the House during the earlier part of the Session, and a further statement, bringing the figures up to the 1st January 1927, has since been placed in the Library. These statements, I think, show in a convenient form what is essential for observing the progress of Indianization, and I hope will meet the requirements of the Honourable Member.

The percentages of recruitment recommended by the Lee Commission are stated in Chapter V of their Report.

GRANT OF COMPENSATION TO THE HEIRS OF ROLLA SINGH, MOTOR VAN DRIVER, KILLED IN THE CALCUTTA RIOTS.

23. **Mr. N. M. Joshi** : (*a*) Will Government be pleased to state whether any compensation has been given to the heirs of Mr. Rolla Singh,

driver of the motor van killed during the Calcutta riots and, if so, how much ?

(*b*) Will Government be pleased to state whether they have not yet come to a decision and if they have not, will they explain the cause of delay ?

Mr. H. A. Sams : (*a*) Yes. A gratuity of Rs. 600 was sanctioned for the widowed sister of the late Rolla Singh.

(*b*) Does not arise.

CONSUMPTION OF OPIUM IN INDIA.

24. **Mr. N. M. Joshi** : Will Government of India be pleased to give a statement of the figures in seers of the consumption of opium per 10,000 population in the different provinces of India also mentioning separately the figures for some of the largest cities ?

The Honourable Sir Basil Blackett : A statement showing opium consumption per 10,000 of population in the various provinces of British India and in some of the districts containing large cities, for the three years, 1923-24 to 1925-26, is laid on the table.

(Opium consumption per 10,000 in seers.)

STATEMENT I.

Provinces.	1923-24.	1924-25.	1925-26.
Madras	8·27	8·26	8·41
Bombay Presidency proper	16·78	16·43	15·27
Sind	17·98	18·27	17·14
Bengal	8·55	8·59	8·55
Bihar and Orissa	7·75	7·50	7·37
Assam	47·70	48·61	44·21
Burma	23·37	22·35	21·55
United Provinces	5·32	5·13	4·85
Central Provinces and Berar ..	21·88 (1923)	22·88 (1924)	22·81 (1925)
Punjab	16·13	16·28	18·20
Delhi	See Statement II.		
North-West Frontier Province ..	12·78	10·74	8·48
Ajmer-Merwara	56·46	62·38	67·32
Coorg	2·13	2·31	2·07
Baluchistan	6·95	7·98	6·96

STATEMENT II.

Districts.	1923-24.	1924-25.	1925-26.
Calcutta	92·46	89·75	86·96
24-Parganas	20·36	20·93	19·27
Howrah	16·26	16·49	15·80
Rangoon	110·10	89·39	83·05
Madras	26·24	24·94	27·31
Bombay	42·35	35·85	27·95
Cawnpore	24·70	24·75	23·44
Delhi	20·35	25·49	32·18

OPENING OF A HOSPITAL FOR RAILWAY SERVANTS IN JHANSI CITY.

25. **Mr. N. M. Joshi** : (*a*) Are Government aware that a large number of railway servants residing in Jhansi City have to go to take medicine and get their attendance marked in the railway hospital when they are on sick list leave ?

(*b*) How far is this hospital from the City ?

(*c*) Will the Government consider the advisability of opening a hospital in the Jhansi City ?

Mr. A. A. L. Parsons : (*a*) It is not compulsory for the railway servants residing in Jhansi City to go to the railway hospital when sick. They have the option of being attended to by their own family doctor provided they report their illness to the Railway Medical Officer in charge of their station within 48 hours.

(*b*) Approximately 2¼ miles.

(*c*) The question of opening a branch dispensary at Jhansi City was taken up in 1921, but a dispensary at the place was not considered justified at the time. In view of the recent growth of the station, the question whether such a dispensary is now justified is again under the consideration of the railway administration.

NON-EMPLOYMENT ON SATURDAYS OF WORKERS ON DAILY WAGES IN RAILWAY WORKSHOPS.

26. **Mr. N. M. Joshi** : (*a*) Is it a fact that men on daily wages in workshops are given holidays on Saturdays also ? If so, since when has this practice been started and why ?

(*b*) What savings have the Government effected by adopting this procedure ?

(*c*) Has this practice been started in the Jhansi City only or throughout the Great Indian Peninsula Railway ?

(*d*) Are Government aware that a similar practice has also been started in the Madras and Southern Mahratta Railway workshop at Perambur ?

Has any other Railway in India adopted this practice ?

(*e*) Are Government aware that the workers are getting less wages on account of this practice ?

(*f*) Will Government be pleased to state what they propose to do to make up the loss in wages which the workers suffer ?

Mr. A. A. L. Parsons : (*a*), (*c*) and (*d*). As a general practice workshops are kept open on Saturdays. Recently some portions of the Jhansi Workshops on the Great Indian Peninsula Railway were closed on Saturdays for a short period, as the public traffic requirements would not permit of sufficient vehicles being sent in for periodical repairs. The workshops on the Madras and Southern Mahratta Railway were also closed on Saturdays for a short period owing, I believe, to absenteeism. In both these cases the practice of keeping the workshops open on Saturdays has been resumed.

(*b*), (*e*) and (*f*). In view of the reply to (*a*) the question does not arise.

CONTRACT WITH THE EMPLOYEES OF THE GREAT INDIAN PENINSULA RAILWAY NOT TO ENGAGE ON PRIVATE WORK ON SUNDAYS AND HOLIDAYS.

27. **Mr. N. M. Joshi** : Is it a fact that workers in railway workshops have been bound by contract not to take up any other work on Sundays, Saturdays and other holidays for which they do not get any pay from the Railways ?

Mr. A. A. L. Parsons : Under the terms of his agreement no employee of the Great Indian Peninsula Railway can carry on or be interested in any business or trade without the permission of the authorities.

POSTING OF ORDERS AND CIRCULARS ON NOTICE BOARDS IN THE JHANSI RAILWAY WORKSHOPS.

28. **Mr. N. M. Joshi** : Is it a fact that orders and circulars are not posted on Notice Boards in the Jhansi workshops ; if not, why not ?

Mr. A. A. L. Parsons : No. Orders and circulars intended for workmen are posted on the Notice Board in the Jhansi workshops.

INDIAN GUARDS AND DRIVERS EMPLOYED ON THE MAIN LINE OF THE GREAT INDIAN PENINSULA RAILWAY.

29. **Mr. N. M. Joshi** : Will Government be pleased to state how many Indian guards and drivers are running on the main line of the Great Indian Peninsula Railway for passenger trains and for goods trains ?

Mr. A. A. L. Parsons : Government have no information.

MEDICAL CERTIFICATES OF EMPLOYEES OF THE GREAT INDIAN PENINSULA RAILWAY.

30. **Mr. N. M. Joshi** : Will Government be pleased to state whether the certificates regarding sickness of railway employees of the

Great Indian Peninsula Railway issued by the Civil or Assistant Surgeons are not accepted by the railway authorities ; if not, why not ?

Mr. A. A. L. Parsons : The certificates are accepted if countersigned by Railway Medical Officers.

SICK LEAVE PAY OF EUROPEANS AND INDIANS ON RAILWAYS.

31. **Mr. N. M. Joshi** : (*a*) Is it a fact that the European staff on Indian Railways when on the sick list get full pay and the Indians only half pay ? If so, why ?

(*b*) Is it a fact that the sick leave period of the European staff is excluded from long leave while in the case of Indians, it is not ? If so, why ?

Mr. A. A. L. Parsons : The position as stated in the questions only applies, as far as State-managed Railways are concerned, to old employees of the old East Indian and Great Indian Peninsula Railway Companies, who were taken over by the State under the original terms of service. It does not apply to employees of those Railways appointed since the lines came under State management, who have been brought under the Fundamental Leave Rules, nor does it apply to the other State-managed Railways.

The State Railway leave rules are now under revision and the employees of the old East Indian and Great Indian Peninsula Railway Companies will be given the option of electing these new rules, when issued, under certain conditions.

The position also on most of the Company-worked Railways is as stated in the question, but the leave rules for the employees on these Railways are framed by the Board of Directors under their own powers subject to the condition that the rules are within the basic rules prescribed by Government for Company-worked Railways. Under the terms of the contracts Government cannot interfere with the discretion of the Board of Directors in this matter.

INTRODUCTION OF THE FUNDAMENTAL LEAVE RULES ON THE GREAT INDIAN PENINSULA RAILWAY.

32. **Mr. N. M. Joshi** : (*a*) Is it a fact that the Fundamental Leave Rules are not yet brought into force on Great Indian Peninsula Railway ? If not, why not ?

(*b*) Will the Fundamental Leave Rules apply to all new as well as to the old employees of the Great Indian Peninsula Railway ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the answer just given to his question No. 31.

GOODS SHED ACCOMMODATION AT JHANSI STATION.

33. **Mr. N. M. Joshi** : (*a*) Are Government aware that the goods shed on the Jhansi Station platform is quite insufficient to meet the needs of the traffic of the Station ?

(*b*) Is it a fact that goods remain lying in open space for several days for being despatched and delivered and that much loss is caused by rain thereby ?

(*c*) Will the Government consider the advisability of erecting sheds early ?

(*d*) Why has Orai Station (on the Jhansi-Cawnpore section) been abolished as a Headquarters and Chauranh opened instead ?

(*e*) Has the change increased the hours of duty of the drivers to 18 hours ?

Mr. A. A. L. Parsons : (*a*) No. The goods shed accommodation at Jhansi was increased by 25 per cent. early this year.

(*b*) No complaints to this effect have been received.

(*c*) This is not considered necessary.

(*d*) and (*e*). The engine-runs on the Jhansi-Cawnpore section have recently been revised, but the change of engine crews at Chauranh instead of at Orai has not increased the hours of duty of drivers to 18 hours.

SUPPLY OF WATER NEAR THE GOODS SHED AT JHANSI.

34. **Mr. N. M. Joshi** : Is it a fact that there is no arrangement for the supply of water near the goods shed at Jhansi ?

Mr. A. A. L. Parsons : The reply is in the negative.

There is a stand pipe and a howd near the goods shed and chatties at the gate lodge at Jhansi station.

WIRE FENCING OF THE RAILWAY LINE IN THE JHANSI-MANIKPUR SECTION.

35. **Mr. N. M. Joshi** : (*a*) Is it a fact that there is no wire fencing on both sides of the railway line in the Jhansi-Manikpur section ?

(*b*) Will Government be pleased to state how many animals were run over by the absence of wire-fencing during the past year ?

Mr. A. A. L. Parsons : (*a*) The Jhansi-Banda portion of the Jhansi-Manikpur section is unfenced.

(*b*) During the 13 months January 1926 to January 1927, 61 animals were run over on the unfenced length or an average of 0·51 animals per mile as compared to 0·34 per mile on the fenced portions of the Jhansi Division.

CHARGE OF FULL FARE TO RAILWAY SERVANTS FAILING TO GET THEIR PASSES INITIALLED.

36. **Mr. N. M. Joshi** : Is it a fact that full fare is now being charged from railway servants if they fail to get their passes initialled on the journey ? If so, why ?

Mr. A. A. L. Parsons : The penalty of being treated as passengers without tickets was imposed on railway servants who failed to comply with the rule requiring that passes should be dated before commencement of journey, in order to prevent passes being used more than once.

PERIOD OF MID-DAY REST IN THE WORKSHOPS AT JHANSI.

37. **Mr. N. M. Joshi** : (*a*) Will Government be pleased to state when the workshop at Jhansi remains closed for mid-day rest and for what period ?

(*b*) Is it a fact that the open space where they used to sit and take their food is just being fenced ?

Mr. A. A. L. Parsons : (*a*) Jhansi workshops are closed for the mid-day rest from 11 to 12 hours, Monday to Friday.

(*b*) Yes.

PERIODICAL MEDICAL EXAMINATION OF RAILWAY EMPLOYEES.

38. **Mr. N. M. Joshi** : (*a*) Is it a fact that men in railway service are now medically examined periodically ? If so, why ?

(*b*) How many workers after this examination have been discharged or reduced during the last three years on the Great Indian Peninsula Railway and how many of them were Indians and how many were Europeans ?

Mr. A. A. L. Parsons : (*a*) I would refer the Honourable Member to the reply given to question No. 141 asked by Dr. K. G. Lohokare on the 20th August, 1926.

(*b*) Government have no information.

REDUCTION OF THE HOURS OF WORK OF THE STATION COMMERCIAL STAFF ON THE GREAT INDIAN PENINSULA RAILWAY.

39. **Mr. N. M. Joshi** : (*a*) Are Government aware that the Great Indian Peninsula Railway station commercial staff have to work for twelve to fourteen hours a day ?

(*b*) Is it a fact also that they have to work from 18 to 20 hours a day on Sundays ?

(*c*) Have Government considered the effect of this on the health of the servants and the advisability of reducing the hours of work ? If not, are they prepared to do so ?

(*d*) Is it a fact that on some other Railways the hours of work for such employees are only eight ?

Mr. A. A. L. Parsons : Government have no information on the subject but will make enquiries.

CLOSING OF THE CITY BOOKING OFFICE AT JHANSI.

40. **Mr. N. M. Joshi** : (*a*) Since when has the City booking office at Jhansi been closed and why ?

(*b*) Is it a fact that the Jhansi Municipal Board has passed a resolution requesting the re-opening of the booking office on account of the inconvenience caused to the passengers ? Do Government propose to order the office to be re-opened ?

Mr. A. A. L. Parsons : (*a*) The Jhansi City booking office was closed on the 1st May, 1923, as its continuance was not financially justifiable.

The Great Indian Peninsula Railway have elaborate and adequate arrangements at Jhansi station for dealing with passenger traffic.

(*b*) A petition on the subject was received by the Great Indian Peninsula Railway from the Chairman, Municipal Board, Jhansi. Government do not propose to intervene in the matter, but are forwarding a copy of the question and the reply to the Agent, Great Indian Peninsula Railway.

PAY OF CLERKS OF THE RAILWAY MAIL SERVICE IN THE MUFASSIL AND THE CITY OF MADRAS.

41. **Mr. Abdul Latif Saheb Farookhi** : (1) Is it a fact that the Director General of Posts and Telegraphs has sanctioned the equalization of salaries for postal clerks in the mufassil of the Madras Presidency while the Railway Mail Service staff has not been granted the same privilege ?

(2) If so, why ?

(3) Are Government prepared immediately to grant the same privilege to the Railway Mail Service employees both in the mufassil and the City of Madras ?

Mr. H. A. Sams : (1) No.

(2) and (3). Do not arise.

GRANT OF THE PRIVILEGE TO MEMBERS OF THE INDIAN LEGISLATURE TO KEEP RETAINERS FOR THEIR ARMS.

42. **Maulvi Muhammad Shafee** : (1) Will the Government be pleased to state whether the Ministers, the Executive Councillors, and the High Court Judges, who are exempted under clause (1) (*a*) of Schedule I of the Indian Arms Rules, 1924, can be allowed to keep retainers for their arms ?

(2) If the answer to the first question is in the affirmative, will the Government be pleased to state whether the Members of the Indian Legislature, who are also exempted under clause (1) (*a*) of Schedule I of the Indian Arms Rules, 1924, can be permitted to keep retainers for their arms ?

(3) Has the matter been brought to the notice of the Government that the Provincial Government of Bihar and Orissa has taken the view that the Members of the Indian Legislature are not fit persons to be allowed to keep retainers for their arms ?

(4) Do the Government propose to take some immediate step to remove the difficulty from the path of the Members of the Indian Legislature ?

(5) Are Government prepared to consider the advisability of issuing a detailed notification with regard to the question, clearly laying down the persons or the classes of persons who are entitled to enjoy the privilege of keeping retainers for their arms ?

The Honourable Mr. J. Crerar : (1) Retainers of the officials mentioned are not exempted from the provisions of the Arms Act and the rules framed thereunder.

(2) and (4). The position of Members of the Indian Legislature is the same. There is nothing to prevent their applying for arms licences for their servants.

(3) and (5). No.

STUDENTS FROM BIHAR AND ORISSA IN THE ROYAL INDIAN MILITARY COLLEGE, DEHRA DUN.

43 **Maulvi Muhammad Shafee** : (1) Will the Government be pleased to state the number of students from Bihar and Orissa, who have joined the Prince of Wales' Royal Indian Military College, Dehra Dun, since its inauguration ?

(2) Will the Government be pleased to state whether any student from Bihar and Orissa has been able to take advantage of the concession offered to the sons of Indian officers of good service as regards the curtailment of the college fees ?

(3) Will the Government be pleased to state whether the term Indian officers signifies military officers only or includes officers belonging to the civil services as well ?

(4) If the privilege is confined to the sons of military officers only, are Government prepared to consider the advisability of extending it to the sons of the officers belonging to the civil services ?

(5) If the answer to the last question is in the negative, will the Government be pleased to lay down the reasons for the same ?

Mr. G. M. Young : (1) Four.

(2) Yes ; one cadet.

(3) The term " Indian Officer " refers only to military officers.

(4) and (5). Government do not propose to institute special pecuniary concessions at Dehra Dun for the sons of civil officials. The reason is that those officials are not considered to be any more in need of such concessions than private individuals.

AMENDMENT OF SECTION 153 OF THE BENGAL TENANCY ACT.

44. **Mr. K. C. Neogy** : In connection with the pending amendment of section 153 of the Bengal Tenancy Act, will Government be pleased to make a statement showing—for the last two years—in respect of (*a*) the province of Bengal and (*b*) such parts of Bihar where the Bengal Tenancy Act applies :

(*i*) the number of appeals preferred in the District Courts, in rent suits in which the amounts claimed were above Rs. 50 and Rs. 100 respectively ; and

(*ii*) the number of appeals preferred in the High Courts, in rent suits in which the amounts claimed were above Rs. 100 and Rs. 200 respectively ?

The Honourable Mr. J. Crerar : The information is being obtained from the Local Governments, and will be communicated to the Honourable Member on receipt.

PROPER REPRESENTATION OF THE BANIK COMMUNITY OF BENGAL IN THE SERVICES.

45. **Mr. Amar Nath Dutt** : (*a*) Has the attention of the Government been drawn to the letter dated the 12th May, 1927, addressed to the Secretary, Government of India, Home Department, by Rabindra Nath Dhar ?

(*b*) Is it a fact that the Banik community of Bengal is very poorly represented in the Services, as stated in the letter ?

(*c*) If so, do Government propose to provide for the proper representation of this community ?

The Honourable Mr. J. Crerar : (*a*) Yes.

(*b*) Government have no information beyond that stated in the letter.

(*c*) No. It would not be practicable to make provision for the representation of particular castes or sub-divisions within a community.

TENDERS FOR PAINT, ZINC, LEAD, ETC., CALLED FOR BY THE DIRECTOR GENERAL OF THE INDIAN STORES DEPARTMENT, LONDON.

46. **Mr. Nirmal Chunder Chunder** : (1) Will Government be pleased to state whether the Director General of Indian Stores Department, Branch No. 43, Belvedere Road, Lambeth, S. E. I. invited tenders for 68 tons of paints, zinc, lead and various ground and mixed, in June and July last ?

(2) Will Government be pleased to state whether such tenders were due on the 5th July, 1927 ?

(3) Will Government be pleased to state whether those tenders have been opened and if so at what rates have the tenders been made with respect to each of the above classes of paints ?

(4) Were those tenders asked for in India and if so on what dates and with what results ?

(5) If the answer to the foregoing question is in the negative, will Government be pleased to state the reason why no tenders for the above classes of paints were called for in India ?

The Honourable Sir Bhupendra Nath Mitra : (1), (2) and (3). The Government of India have no information regarding the particular tenders referred to by the Honourable Member. The High Commissioner for India has been addressed on the subject and on receipt of his reply I shall supply the Honourable Member with such information as is available.

As regards parts 4 and 5 of the question, the attention of the Honourable Member is invited to the reply given to questions Nos. 21 and 22 asked by Sir Hari Singh Gour on the 22nd January, 1925.

LIST OF PAINT MANUFACTURERS IN INDIA ON THE APPROVED LIST OF THE INDIAN STORES DEPARTMENT.

47. **Mr. Nirmal Chunder Chunder** : Will Government be pleased to lay on the table a list of paint manufacturers in India who are on the approved list of the Indian Stores Department, noting against each, the prices and the quantities and classes of paints ordered from each and which of them were, or are to be, manufactured in India and which were, or are to be, imported from abroad ?

The Honourable Sir Bhupendra Nath Mitra : Statements giving the necessary information for the period from the 1st April, 1926 to the 15th July, 1927, are being supplied to the Honourable Member.

ARRIVAL OF THE 53 UP PASSENGER AT KIUL JUNCTION ON THE EAST INDIAN RAILWAY.

48. **Raja Raghunandan Prasad Singh** : Has the attention of the Government been drawn to the fact that under the present arrangement 53 Up Passenger arrives at Kiul Junction, East Indian Railway, 22 minutes too late and so misses connection with the 15 Up Express to the great inconvenience of the passengers concerned ? Do they propose to make the necessary changes in the Time Table so as to enable passengers travelling by 53 Up Passenger to avail themselves of a fast train at Kiul Junction ?

Mr. A. A. L. Parsons : According to the time table No. 53 UP Passenger terminates at Bhagalpur and the Honourable Member possibly refers to 47 Up Passenger.

It is quite impossible for Government to take any part in the arrangement of Time Tables. Copies of the question and this answer will be sent to the Agent, East Indian Railway.

MURDERS OF ARYA SAMAJISTS ENGAGED IN THE WORK OF SHUDDHI AND SANGATHAN.

49. **Mr. Mukhtar Singh** : (*a*) How many Arya Samajists engaged in the work of *Shuddhi* and *Sangathan* have been killed during the last three years ?

(*b*) In how many cases in the above cases have the accused been traced and convicted ?

The Honourable Mr J. Crerar . Government are making enquiries. The information will be furnished to the Honourable Member in due course.

PURCHASE OF GHEE FOR THE ARMY IN INDIA.

50. **Mr. Mukhtar Singh** : Is it the intention of the Government to invite tenders for the agency for the purchase, during the coming ghee season, of ghee which will be required for the Army in India ? If the answer be in the negative will the Government be pleased to state its reasons for doing so ?

Mr. G. M. Young : Yes. Offers have already been called for by advertisement in the Press. The second part of the question does not arise.

STRENGTH, CONDITIONS OF SERVICE, ETC., OF LIGHT-HOUSE ESTABLISHMENTS IN BENGAL, MADRAS AND BOMBAY.

51. **Mr. Abdul Latif Saheb Farookhi** : Will the Government of India be pleased to state :

(*a*) The numbers of sea or coast light-houses which exist in each Presidency, namely, Bengal, Madras and Bombay ?

(*b*) The total strength of the establishments in each Presidency ?

(*c*) The years in which the establishments were introduced in each Presidency ?

(*d*) The numbers and names of Brahmins, caste Hindus, Muslims, Adi-Dravidas and Anglo-Indians, or Christians, now working in the grades of assistant light keepers and head light keepers with the pay of their grades, in each Presidency ?

(*e*) The number of men of the several Indian communities other than Anglo-Indians or Christians, appointed to the places of assistant light keepers and head light keepers in each Presidency from the year the sea or coast light-houses were introduced in each Presidency up to the year 1920 ?

(*f*) The period of training for light-house work required to be undergone by a new man before he is appointed to the place of assistant light keeper in each Presidency, and the educational and other qualifications required for an assistant light keeper's post in each Presidency ?

(*g*) The period of light-house experience or the period of service in the Department required by an assistant light keeper to qualify for promotion to the head light keeper's place in each Presidency ?

(*h*) The total Government service of each member of the various Indian communities other than Anglo-Indians or Christians with their names, now working in the sea or coast light establishments in each Presidency ?

(*i*) The number of permanent and temporary vacancies now existing in both the lower and upper grades (*i.e.*, head light keeper's grade and assistant light keeper's grade) of the sea or coast light-house establishments in each Presidency ?

(*j*) From what fund, the sea or coast light-houses and the staffs are being maintained in each Presidency, and from what source has such fund been derived ; and what is the balance of such fund on 1st April, 1927 ?

(*k*) The number of automatical gas acetylene lights and the Chance's incandescent oil burner lights now exhibited in each Presidency, and the average yearly expenses for maintaining an automatical gas acetylene light and an incandescent oil burner light as well ?

(*l*) The necessity for having converted some of the port lights into automatical gas acetylene lights in the Presidencies, and whether there is any proposal to convert all the sea or coast lights into automatical gas acetylene lights in the Presidencies. If so, when ? If not, why ?

(*m*) The numbers and names with their nationalities of the light-house mechanics, now working in each Presidency ?

COUNTING TOWARDS PENSION OF SERVICE RENDERED BY A PERSON AS PORT LIGHT KEEPER ON HIS TRANSFER TO THE SEA OR COAST LIGHT SERVICE.

52. **Mr. Abdul Latif Saheb Farookhi** : Will the Government of India be pleased to state whether the services of a port light keeper who is transferred to the sea or coast light service, is added to his service of the sea or coast light-house, and treated as one and the same Government service at the time of his retiring or completing 30 years' service in both the port and sea or coast light services in all Presidencies ?

The Honourable Sir George Rainy : I will reply to questions Nos. 51 and 52 together.

Information on the several points raised in these questions is being obtained from the Local Governments and will be supplied to the Honourable Member on receipt.

MOTION FOR ADJOURNMENT.

REPRESENTATION OF INDIANS ON THE ROYAL COMMISSION TO CONSIDER THE FEDERATION OF KENYA AND OTHER EAST AND CENTRAL AFRICAN COLONIES.

Mr. President : I have received the following notice of a motion for adjournment from Mr. K. C. Roy :

"I beg to give notice of my intention to move an adjournment of the business of the Assembly on the 18th August to discuss a definite matter of urgent public importance, namely, the situation created by the announcement by the Secretary of State for the Colonies of the early appointment of a Royal Commission to consider proposals for a closer union by federation of Kenya and other East and Central African Colonies and States, and the urgent necessity of immediate action on the part of the Government of India for securing adequate Indian representation in the said Commission and obtaining proper terms of reference to the Commission with a view to protect the rights, status and interests of Indians in the said Colonies."

I must confess that I have not got enough materials before me to justify me in determining the question of the admissibility of this motion. I would therefore like to know if Government are prepared to throw any light on the question of admissibility.

The Honourable Sir Basil Blackett (Leader of the House) : Sir, the public importance of the announcement of His Majesty's Government's decision to send a Commission to Africa to consider the possibility of a closer union by federation between Kenya and the other territories cannot be questioned. But I submit, Sir, that this motion ought to be opposed on the ground that the matter is not urgent. The plea for urgency is, I suppose, based on three factors,—the appointment of the Commission, its terms of reference and its personnel. No urgency can attach to one or two, the appointment of the Commission or the terms of reference : they have been publicly announced. As regards the personnel, it has been stated that it was announced by His Majesty's Secretary of State for the Colonies in the House of Commons that the Secretary of State for India would nominate one member. This constitutes a recognition by His Majesty's Government of the importance of including in the Commission a person conversant with Indian conditions. The Government of India are fully alive to the importance of the decision of His Majesty's Government and are determined to do everything in their

power to safeguard India's interests. Representations have in fact been made to His Majesty's Government, and I submit, therefore, Sir, that it cannot be said that there is a special urgency which would justify this motion being taken up to-day, and that if a substantial number of Members of this House desire an opportunity for discussing it the ordinary opportunities are open through the ballot.

Mr. K. C. Roy (Bengal : Nominated Non-Official) : Sir, while I congratulate the Honourable Sir Basil Blackett on his appointment as the Leader of the House (Loud Applause), I fear I cannot congratulate him on the opposition which he has offered to my motion. I am sorry, sincerely sorry, that the first step of the new Leader should be to oppose a motion which has been dictated by the one solitary consideration, and that consideration is, well being of 60,000 to 70,000 Indians who are settled in the East and Central African territories. I am glad, Sir, that he has admitted the public importance of the motion. But he pleads that there is no urgency. I shall prove, Sir, that there is a great deal of urgency, and that we have suffered in the past—since 1908—due to the lethargy and inactivity of the Government of India. Sir, the operative clause of my motion is that we want immediate action on the part of the Government of India. Are we right, or are we wrong ? Sir Basil Blackett says.....

Mr. President : What action does the Honourable Member wish the Government of India to take ?

Mr. K. C. Roy : Sir, I am coming to that. I want the Government of India to make immediate representation to His Majesty's Government and I want also the Government of India to hear the Non-Official Members of this House. First and foremost, Sir Basil Blackett has said that the announcement of the Commission has been made. What is the announcement ? The announcement is that the Secretary of State has been asked to send out a special Commission, but the Commission has not yet been appointed. There is no Royal Warrant or Instrument of Instructions. Then, there are the terms of reference. I look upon them as mere tentative terms of reference. Those terms of reference are entirely inadequate in regard to the citizenship status of Indians as defined by the Imperial Conference of 1921. Then, Sir, I come to the question of Indian representation. Mr. Amery, the other day—the full text of his speech came only by the last mail—said that there will be a representative of the India Office, and what is the representative of the India Office going to do ? Are we going to be content with the representative of the India Office ? Will he represent the Government of India or will he represent the people of India ? And, Sir Basil Blackett seems to be satisfied with one representative. What has been the practice in the past ? In 1910 His Majesty's Government appointed a very important Commission to inquire into the Crown Colonies.

Mr. President : The Honourable Member is going into the merits of the case. We are now discussing the point of order.

Mr. K. C. Roy : I am not going into the merits of the case. My Honourable friend the Leader of the House is satisfied with one representative of the India Office. But there was a Commission in the past and His Majesty's Government appointed three members, namely, Sir George Scott Robertson, Sir James Latouche and Sir Selwyn Freemantle. Are we going to be satisfied with one member now ? I think, Sir, there is

[Mr. K. C. Roy.]

great urgency in regard to this matter ; we should make immediate representation to His Majesty's Government to widen the terms of reference and to afford full representation of Indians on the personnel of the Commission. The personnel of the Commission is impending ; it has not yet been announced. We know only of one name, he is the President, Commander Hilton Young, not a very inspiring name in India. We are very anxious to make immediate representation, and, Mr. President, I hope you will see your way to admit my motion.

Mr. N. M. Joshi (Nominated : Labour Interests) : Sir, may I say one word on this point ? The discussion on this question is very important from the point of view of Indians in East Africa.

Mr. President : It is admitted that the discussion on this question is very important. The question is whether it is urgent.

Mr. N. M. Joshi : It is urgent in this way, Sir, that if the Royal Warrant is once issued, it will be very difficult to change it, and therefore if we want the terms of reference not to contain any matter which is against the declared policy of the British Government as regards Indian emigration and the Indian residents of East Africa, this is the time for us to do so, and the matter is also urgent from the point of view of the personnel. The Indian community in East Africa is several times larger than the British community in East Africa and they promise to give only one seat on the Royal Commission to Indians. It is therefore very urgent.

Mr. President : Is it a fact that the terms of reference have already been announced ?

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Tentatively, provisionally.

Mr. N. M. Joshi : As regards the personnel, they promise only one seat to Indians. Indians in East Africa are several times larger than the British in East Africa. It is therefore quite urgent that we should make representation to the British Government that the Indian representation on the Commission should be adequate to the number of Indians in East Africa.

Mr. President : If Government have already made a representation to that effect, what is the urgency ?

Sir Hari Singh Gour : May I point out the urgency ? The Honourable the Leader of the House has admitted that the Government of India are in communication with the Secretary of State on the subject of India's representation on this Commission. I presume that itself is a matter of urgency to the Government of India ; and being a matter of urgency it does not lie in the mouth of the Leader of the House to say that, while it is urgent for the Government of India to make representation to the Secretary of State, it is not a matter of urgency, so far as this House is concerned, to strengthen the hands of the Government of India in any communication made by them to the Secretary of State. I am sure, Sir, that the Honourable the Leader of the House will admit that the question of urgency arises on all the three points. First, as regards the terms of reference, I have before me a newspaper cutting of a very recent date from which I gather that the terms of reference are only provisional and if the Government of India.....

Mr. President : Is the Honourable Member reading the terms of reference ?

Sir Hari Singh Gour : The terms of reference. I am reading from a recent issue of the *Pioneer* in which it is stated.....

Mr. President : Is it stated that the terms are provisional ?

Sir Hari Singh Gour : Yes, Sir. They have therefore authorised the Secretary of State to send to Africa a special Commission with the following terms of reference.

The Honourable Sir Basil Blackett : May I shorten the discussion by saying that my information is that the terms of reference are final, and not provisional

Mr. K. C. Roy : May I ask whether there has been a Royal Warrant or Instrument of Instructions ?

The Honourable Sir Basil Blackett : I submit, Sir, that there is no proof of urgency from the point of view of the terms of reference or the announcement of the Commission. The only point that my Honourable friend Mr. Roy makes is that there is urgency as regards the question of the personnel. He desires that the matter may be discussed in order to press upon the Government the necessity of making representations to His Majesty's Government with reference to the personnel. I have told him that representations have been made for the protection of Indian interests by the Government.

Mr. President : Of adequate representation of Indian interests by Indians ?

The Honourable Sir Basil Blackett : Government have, I submit, done all that they can do in this matter. The notice that has been given by Mr. Roy and this discussion has, I submit, made it clear that the House desires that the Government should make this representation and there is nothing more that can be done as a result of this discussion in the House. I therefore suggest that Mr. Roy should withdraw his motion.

Sir Hari Singh Gour : May I ask, has this House no duty in the matter ?

Mr. President : I should like to know whether the Government have made a representation for the adequate representation of Indians on that Commission.

The Honourable Sir Basil Blackett : Of Indian interests, Sir.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : May I say, Sir, that the urgency, so far as this House is concerned, arises, even on the Leader's own showing, on the third part of the motion of which notice has been given by my Honourable friend Mr. Roy ? The question is not whether the Indian Government made representations for the protection of Indian interests in any inquiry the Commission may make. The question is not also whether the India Office, as Mr. Amery said in the House of Commons, has been asked to nominate a representative, it may be of somebody who is in the good books of the India Office. The question is whether we, the people in India, have a right to say that an Indian representative and an adequate number of Indian representatives should be appointed to the Commission if the interests of Indians there are to be adequately protected ; and I say, this House has

[Mr. A. Rangaswami Iyengar.]

got the right and the duty of making this representation to the Government, and the Government, I say, Sir, is equally under a duty to forward that representation to His Majesty's Government and to support it. Therefore, Sir, I think the matter is most urgent, because I expect this Commission may be announced any day and it is necessary that the view of this House on the question of the adequacy and the representative character of Indians to be appointed to the Commission should be pressed on His Majesty's Government.

Mr. President : There are three points raised by this motion. One is the principle of the appointment of the Royal Commission. The announcement of the appointment of the Royal Commission has already been made. That question has therefore settled itself and nothing remains to be done. The second is the question of the terms of reference. It has been contended that the terms of reference that have been published are provisional. On the other hand, the Leader of the House assures me that these terms are not provisional but final. The third point raised by the motion is regarding the personnel of the Commission. There is no doubt that the personnel has not been announced. There is something in the White Paper to the effect that the Secretary of State for India will be asked or is being asked to appoint some nominee of his as a member representing the Indian interests. There is, on the other hand, the desire on the part of Mr. Roy and those who think with him that there should be adequate representation of Indians, and that is a point which is, in my opinion, really urgent. The personnel of the Commission might be announced at any moment and, if the opinion of this House must reach the British Government in time, then it is necessary that the Government of India should make a representation immediately, and this is the opportunity when this House should discuss the question. In my opinion, therefore, the only point relevant to this notice of motion is the question relating to the personnel of the Commission. If Mr. K. C. Roy is prepared to restrict his motion only to the question of the personnel of the Commission, then the Chair is prepared to consider his motion.

Mr. K. C. Roy : I shall certainly modify the motion, if you will only give me five minutes.

Mr. President : If the Honourable Member is prepared to give notice now, I am prepared to consider it at once.

Mr. K. C. Roy : I will give notice in five minutes, Sir.

Mr. President : The Honourable Member should restrict his motion only to the question of the personnel of the Commission.

(Mr. K. C. Roy then drafted and handed in to the Secretary the revised motion for adjournment.)

Mr. President : Order, order : The motion of Mr. K. C. Roy now stands thus :

"I beg to give notice of my intention to move the adjournment of the business of the Assembly on the 18th August to discuss a definite matter of urgent public importance, namely, the necessity of the Government of India taking urgent action to secure the appointment of an adequate number of Indian representatives on the Special Commission announced by His Majesty's Government to be sent to Africa to deal with the question of federation and future policy with regard to the Colonies in Eastern and Central Africa in view of the vital interests of the Indian community in these Colonies involved therein."

The notice seems to me now in order and I will ask the Assembly whether the Honourable Member (Mr. K. C. Roy) has the leave of the Assembly to move this motion.

As no Honourable Member objects to leave being granted, I announce that the leave is granted, and that the motion will be taken up at 4 P.M. or, if the business of the day is finished earlier, it might be taken up earlier with the consent of the Leader of the House.

DEATH OF MR. AMBIKA PRASAD SINHA, M.L.A.

Mr. Gaya Prasad Singh : (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, it is my melancholy duty to bring to the notice of this House the sad and untimely death of one of our colleagues, Mr. Ambika Prasad Sinha, who came from my own Province of Bihar and Orissa. The deceased gentleman was keeping bad health during the last Delhi Session, and on his return to Patna his illness developed into dropsy, to which he ultimately succumbed. Mr. Ambika Prasad Sinha had been a Member of this House almost since the inception of the reformed constitution, and during his tenure of office as a Member he was remarkable for his regular attendance—a fact which cannot be said to the credit of many Honourable Members. He was a man of amiable nature and of lovable qualities and a popular figure in the lobby and in social circles ; but he was stern and unbending in the discharge of his duties as an elected Member of this House ; and his votes were always cast on the popular side. Speaking personally, in the death of Mr. Ambika Prasad Sinha I feel as if I have lost a younger brother. I would request you, Sir, to be so pleased as to communicate to the members of the bereaved family an expression of our hearty sympathy and condolence.

The Honourable Sir Basil Blackett (Leader of the House) : Sir, Mr. Ambika Prasad Sinha belonged to that dwindling number of Members who have been in all the three Assemblies since 1921. He was in all the three Assemblies a universally popular Member, and deservedly so. His personality was such that it helped, if I may say so, to bridge the gap that is caused by the differences between Members in faith, in politics and in race. We shall all miss him and on behalf of the Government and I am sure on behalf of all those of his friends who sit on this side of the House I desire to associate myself with the expression of regret for his untimely death and sympathy with his relatives.

Mr. President : I am sure I shall be carrying out the unanimous wish of this House when I convey to the family of our late colleague the deep sense of regret that we all feel at his death.

RELIEF FOR SUFFERERS FROM FLOODS IN GUJRAT AND PARTS OF ORISSA AND SIND.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, with your permission and the permission of the Member of the Department concerned, I beg to move .

" This Assembly resolves to place on record its deep sympathy with the people of the whole of the province of Gujrat and parts of Orissa in their distress in consequence of the unprecedented floods that have caused widespread famines in the areas affected and requests the President to convey the sympathy of this House to the sufferers.

[Mr. A. Rangaswami Iyengar.]

This Assembly trusts that the Government as well as the Princes and the people of India will do all that lies in their power to help in alleviating the distress of the sufferers."

Sir, I do not propose to take up the time of the House by relating here all the great suffering and the havoc that was wrought by the floods and rains last month in consequence of which one of the most fertile and beautiful parts of India has been sorely devastated and a land which has been repeatedly subject to famine and distress, the province of Orissa, has been made even more miserable than it has been. Sir, it is unnecessary to give any harrowing accounts of this flood havoc that was caused, because I take it Honourable Members have followed the accounts that have appeared in the papers If Honourable Members were not the actual sufferers on the spot, they have been the sufferers in some way or the other, at least by having their train journeys stopped and by having to put up a lot of inconvenience before they could reach Simla to attend to the duties of their office. That distant effect will give them an idea of the very great injury, suffering and distress that have been caused to our fellow-countrymen in these parts and particularly in the province of Gujrat where the distress and the suffering have been wholesale. I am here, Sir, to bespeak your kind offices to convey to these sufferers the sympathy of this House. I have not the slightest doubt that that sympathy will be given in the most ungrudging measure and by every means open to us.

It is unnecessary for me, Sir, to add to the moving appeal which you, as soon as you arrived in this country, issued to the people of this country to respond and help in relieving the distress in your own province.

Your own province, Sir, according to the conventions of this House, remains unrepresented by reason of the fact that you have become the mouthpiece of the whole House, and it therefore rests doubly upon us here on this side of the House to take up the cause which you would otherwise have taken up with great application and devotion. It has pleased us not a little to find that amidst your arduous duties you have announced your decision to dedicate your services to the relief of this suffering in Gujrat under the auspices of the Congress Committee. We here are proud to own a President who has taken upon himself this great and humanitarian work. But I appeal to the House that apart from responding to the appeal of the President to the utmost extent in our power, it is also our duty to go about and find support—financial and otherwise—for this great ameliorative work that is being carried on both in Gujrat and in Orissa. Sir, it is not possible for us to estimate the extent of the damage and the distress that is involved. Accounts of extensive devastation of crops, of lands, of houses, of life and live-stock have appeared in the papers from time to time But to give an idea of the huge work of relief that is before us, I would just make a reference to a conference which was held at Nadiad under the auspices of the Finance Member of the Government of Bombay at which a number of other representatives engaged in this relief work under the guidance of your brother, Mr. Vallabhai Patel, met and discussed plans for the relief of suffering and also tried to form an estimate of the monies that would be required to do this on any adequate scale. I do not wish to tire the House by reading these things, but I find there was a proposal to build 20,000 houses

for the depressed classes at a cost of Rs. 50 each ; that alone would involve Rs. 10 lakhs. I find, Sir, that even more urgent has been the building of about 70,000 buildings for people who are actually ryots and cultivators, who occupy a better status than the depressed classes and whose houses would cost at least Rs. 150 each, and the cost of that has been estimated at about a crore of rupees. Then, Sir, there are houses of the lower middle classes and the upper middle classes and even of rich men which have been completely destroyed and have all to be restored. The cost of that has not been put down here, but the woes of the middle classes have been very great indeed. Then, there are other matters, matters relating to the free distribution of seed paddy for fresh sowings ; there are cases in which we have got to make advances under the Agriculturists Loans Act or under the *takavi* system with a view to help them in starting agricultural operations this season. There are also cases in which pure eleemosynary aid has to be given by the distribution of food grains on a very large scale to prevent actual starvation and acute famine in many parts of Gujrat and Orissa I am sure in Orissa—I have been told by my friend Mr. Das who will inform the House of the exact position—there are thousands upon thousands of families which have been left absolutely without any means. Sir, in this state of things it is the duty of the Central Legislature to take account of the situation and come to the rescue of these distressed Provinces. I say, Sir, it is the duty of the Central Government, notwithstanding the fact that this particular Department may have been provincialised, to come forward and offer to help the provincial authorities by grants and by every other means by which they can help them. I was sorry to understand—I am sure that if my information is wrong, the Honourable the Leader of the House will correct me—that applications which have been made from Bombay for grants out of the Famine Insurance Fund or out of the Indian Peoples' Famine Trust Fund have so far not been promptly responded to ; and so far as the Bombay Government are concerned, my friend, Mr. Vallabhai Patel, long ago appealed to the Bombay Government to set apart one crore of rupees out of the sum at the credit of the Bombay Government in the Famine Insurance Fund to be made available for the purposes of relief in Gujrat. I am not sure that so far anything has been done in that matter, and I am sure that, so far as that fund is concerned, it is actually in the hands of the Government of India held at the credit of the Bombay Government, and this Government have a great deal to do with the matter. But I do not want to raise any controversy on this motion. I am sure the Honourable the Finance Member, who is also the Leader of the House to-day, will view this matter with the utmost generosity and I am sure he will respond to this appeal.

My appeal is also to those outside this House, to the various Princes and aristocrats and others who are better off than our unfortunate brethren in Gujrat, to come and help in this great and humanitarian cause. It is a cause which cannot fail to appeal to the lowest as well as to the highest of our countrymen, and I therefore desire through you, Sir, to make an appeal to every one of them to respond in unmeasured ways to this call of duty to our fellow-countrymen. I do not want to add anything more. I move my motion.

Mr. President : Will the Honourable Member pass the text of the motion on to the Chair ?

The Honourable Sir Basil Blackett : (Leader of the House) : Sir, I desire to associate myself on behalf of the Government most sincerely and sympathetically with this motion which must, I think, appeal to the feelings of all Members of the House. When a catastrophe of the sort that has happened in Gujrat occurs, we can only bow our heads in sorrow and sympathy and set to work in the most practical way to do our best to relieve those who suffer. In this matter I think there is one very bright spot. I am sure we must have all looked on with great admiration at the way in which the citizens and people of the Province of Bombay, admirably led by their Governor in example and precept, have arisen to the occasion and set to work to do all in their power to relieve the distress of the sufferers. It is not possible, in this matter, under the constitution as it stands to-day, for the Government of India directly to ask the tax-payer of the Central Government to make contributions to this deserving cause, but I am very glad of the opportunity that has been given me by the Mover to make it clear that the Government of India are doing all in their power to assist in this matter. I heard only yesterday rumours to the effect that there were some complaints that requests from the Government of Bombay for leave to use monies out of the Famine Insurance Fund were being delayed by the Government of India. I am very glad to be able to assure the House and the people of Bombay that there is no foundation for such an allegation. So far as I can make out, the Government of India have received no request from the Government of Bombay in regard to the Famine Insurance Fund, and that for the simple reason that it is within the power of the Government of Bombay to draw on that Fund for such purposes as these, which are within the ambit of the fund. I believe that it is necessary that notice should be given to the Government of India of the intention of a Provincial Government to make a large draft on their balances which may possibly come up at an inconvenient moment to the Central Government ; but I have made inquiries and I find that no such request has been made and I can assure the House that if such a request is made it will be promptly acceded to by the Government of India. There is one direction in which the Government of India hope that they may be able to help. An application has been received from the Bombay Government for assistance from the Peoples' Famine Trust Fund. That application was received about a week ago and arrangements have been made for calling a meeting of the Committee of that Fund at the earliest possible date. I cannot of course anticipate what will be the decision of the Committee of that Fund, though as I happen to be a member of the Committee I may say that I hope that it will feel itself able to make as generous a donation as the real sufferings in this case worthily demand. Sir, I gladly associate myself with this motion which I am sure must give particular satisfaction to you, coming as it does as a recognition and perhaps as a consequence of your own generous-minded action in the matter.

***Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions: Non-Muhammadan Rural) : Sir, I associate myself with what Mr. Rangaswami Iyengar and the Honourable the Leader of the House have said on this painful subject. We are all in deep sympathy with our fellowmen of Gujrat and of Orissa in the calamity that has befallen

* Speech not corrected by the Honourable Member.

them. I should like to make a proposal, with the leave of the Leader of the House, to insert Sind also in this Resolution.

Mr. A. Rangaswami Iyengar : I have no objection.

Pandit Madan Mohan Malaviya : The people of Sind also have suffered. In fact the Session of the Bombay Legislative Council was cut short to enable Members representing Sind to go back to their homes, because this devastation had overtaken parts of Sind also. The sufferings that the people have undergone and are still undergoing cannot be described. I hear that there are still parts of Gujrat where people are cut off from outside, and it therefore behoves us all to offer our profound sympathy to those of our fellowmen who have fallen victims of this calamity. We are grateful that Members in this Assembly have already expressed their sympathy and taken steps to organize a fund. We are also grateful to learn that the Government of India are prepared to do all that lies in their power to assist the people in this matter. I should, however, like to assure the Government on behalf of the non-official Members, with reference to the observation made by the Honourable the Finance Member that under the constitution of this House the Government of India are not able to allot any funds for help on such an occasion, that should Government find it necessary to bring forward any proposal before this House for the support of the Members to enable them to make a contribution to the fund for the relief of sufferers from floods in Gujrat, Sind or Orissa, I venture to say that every Member of this House will gladly support that proposal.

It has been said, Sir, that the people of Bombay have taken a lead in this matter and have shown a very commendable spirit in fighting this calamity, but I am glad that the Honourable the Leader of the House recognises that the Government of India also, as the Central Government, which draws support from every part of India, have a duty to perform in this matter. Gujrat and its prosperity contribute to the Government of India's Budget ; so do Sind and Orissa. And when these large tracts of country have unfortunately been smitten by this calamity, it is only right that even if they do not stand in need of pecuniary assistance, we should assure them that the Government of India are ready and prepared to offer whatever pecuniary assistance they may be in need of and which it may be in the power of the Government of India to offer. I hope, Sir, that such an assurance will be conveyed further, if it is necessary, in addition to what has already been conveyed, and that through the Governors of the two provinces our fellowmen who are suffering from this calamity will be informed and assured that every Member of this House feels keen sympathy with them in their sorrow and is ready to do whatever lies in its power to help them to get out of that suffering and be restored to their normal conditions of life. I have much pleasure, Sir, in supporting this Resolution.

Mr. President : Sir Basil Blackett and Comrades, I do not think this is a motion which calls for a large number of speeches. I, therefore, with the forbearance of this House, propose to close after making a few observations. Let me, in the first place, thank you all most sincerely for the motion which I am sure you are going to adopt very soon unanimously. In expressing your sympathy with the people of Gujrat you are also expressing your sympathy with your President. As you are aware. I am

[Mr. President.]

the representative from Gujrat. Gujrat is my constituency and any calamity on the people of Gujrat is a calamity on me personally. I cannot say how much I feel on the matter and the motion of my friend Mr. Rangaswami Iyengar speaks for itself. Had it not been for the fact that you have called me to this Chair, I should have been to-day with my people assisting the President of Gujrat Provincial Congress Committee in the great and noble work of relief operations which he has inaugurated. On behalf of these sufferers and on my own, I desire to express our deep sense of gratitude to His Excellency the Viceroy for the very encouraging letter which he has written to me in connection with this motion with a contribution of Rs. 500 towards the fund which I have started as a mark of his genuine sympathy for the cause. Here is the letter which I will read to you—I am sure he wants me to read it to the Assembly :

" *Viceregal Lodge, 17th August, 1927.*

Dear Mr. Patel,

I see that the Assembly is being invited by a Resolution to-morrow to record its sympathy with the sufferers in the recent unhappy floods. I should like, if I may, as head of the Indian Legislature to associate myself with such an expression of sympathy and I trust that the efforts that you are personally making to augment the relief funds will meet in all quarters with a ready and generous response. I am sending separately a small subscription of Rs. 500 for this purpose and only wish it was in my power to offer a very much larger contribution.

Yours Sincerely,
(Sd.) IRWIN "

I now put the question.

The question is :

" That this Assembly resolves to place on record its deep sympathy with the people of the whole of the province of Gujrat and parts of Orissa and Sind in their distress in consequence of the unprecedented floods that have caused widespread famine in the areas affected and requests the President to convey the sympathy of this House to the sufferers. This Assembly trusts that the Government as well as the Princes and the people of India will do all that lies in their power to help in alleviating the distress of the sufferers."

The motion was adopted.

Mr. President : I now declare this motion unanimously carried and direct that the terms thereof be forthwith communicated by wire to the Governors of the two Provinces concerned and also to the respective Presidents of the Provincial Congress Committees.

ASSENT OF H. E. THE GOVERNOR GENERAL TO BILLS

Mr. President : I have the honour to intimate that the following Bills, which were passed by both Chambers of the Indian Legislature, have been assented to by His Excellency the Governor General under the provisions of sub-section (1) of section 68 of the Government of India Act :

The Indian Limitation (Amendment) Act, 1927,

The Indian Registration (Amendment) Act, 1927,

The Steel Industry (Protection) Act, 1927,

The Currency Act, 1927.

The Indian Finance Act, 1927,

The Indian Limitation (Second Amendment) Act, 1927,

The Sea Customs (Amendment) Act, 1927,

The Provident Funds (Amendment) Act, 1927,

The Madras Salt (Amendment) Act, 1927, and

The Repealing and Amending Act, 1927.

STATEMENTS LAID ON THE TABLE.

TENDERS FOR STORES NOT ACCEPTED BY THE HIGH COMMISSIONER FOR INDIA DURING THE LAST YEAR ENDING 31ST DECEMBER 1926.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, I lay on the table a statement furnished by the High Commissioner for India showing all cases in which the lowest tenders have not been accepted by him in purchasing stores for the Government of India during the half year ending 31st December, 1926.

[Sir Bhupendra Nath Mitra.]

HIGH COMMISSION
INDIA STORE

Abstract of cases in which Tenders, other than the lowest complying with of superior quality, superior trustworthiness of the firm tender-

HALF-YEAR ENDING

PART A.—*Cases in which lower foreign tenders, including British tenders for British*

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Cloth Tracing ..	F.1297/1506/13-7-26	Winterbottom Book Cloth Co., Ltd.	455 7 0
Coach Screws ..	F.1950/2125/14-8-26	Guest, Keen & Nettlefold, Ltd.	52 18 7
Steel Tyres ..	F.1747/1874/4-8-26	Surahammers Bruks Aktiebolag for 747 tyres.	4,119 0 0 (Swedish)
	F.1748/1874/4-8-26	The United Steel Companies, Ltd. for 742 tyres.	4,459 10 0 (British).
	F.1749/1874/4-8-26	Blaenavon Co. for 650 tyres.	2,795 0 0 (British).
		Total ..	11,373 10 0
Locomotives ..	F.2450/1494/9-9-26	North British Locomotive Co., Ltd.	26,775 0 0 (Dely : 22/26 Wks.).

ER FOR INDIA.

DEPARTMENT.

the technical description of the goods demanded, were accepted on the grounds ing, greater facility of inspection, quicker delivery, etc.

31ST DECEMBER, 1926.

foreign made goods, have been set aside wholly or partially in favour of tenders.

Lowest Tender not accepted.	Reason for acceptance.
£ s. d. 443 5 0 (German).	The accepted tender was considered to be the best offer, having regard to the extra cost of inspection that would have been incurred if the order had been placed with the lowest tenderer.
36 12 8 (Belgian).	The lowest tenderer required 16 weeks for delivery but, as the indent stated that half of the screws were required in India by October 1926, the offer of Messrs. Guest, Keen and Nettlefold—the next lowest tenderer—was accepted. This firm undertook to deliver in 2 weeks.
11,219 16 1 f. o. b. Gothenburg. (Sweden).	2,139 tyres for railway engine, carriage and wagon wheels of various descriptions were demanded for the State Railways, some being required very urgently. The three firms named were given the items for which they were lowest, with the exception of the following urgent items which were ordered from the United Steel Companies, who offered speedy delivery : 405 tyres, for which the Surahammers Bruks Aktiebolag were lowest. From experience it was anticipated that there would be delay in delivery if these were ordered from the Swedish firm; in addition, considerable time would have been taken up in sending test pieces from the firm's works to the National Physical Laboratory ; further, sailings from Gothenburg are infrequent and the vessels are delayed at Antwerp *en route* to India. 150 tyres, for which the Blaenavon Company was lowest. This firm could not offer delivery until after the resumption of work after the termination of the coal strike.
25,704 0 0 (Dely : 30/38 Wks.) (Swiss).	These locomotives were the first of a new type, and it was considered very desirable that the new standard details should be worked out by a firm of repute under the close supervision of the Consulting Engineers. Further, 12 locomotives of the same type had been ordered before rom the North British Locomotive Company. The lowest suitable tender was from a Continental firm which although generally suitable for this class of work under adequate supervision, was not regarded by the Consulting Engineers as being equal in the matter of workmanship to the North British Locomotive Company. Moreover, the delivery offered—30 to 38 weeks—was extremely long.

[Sir Bhupendra Nath Mitra.]

PART

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Copper Rods ..	F.2524/3437/14-9-26	Broughton Copper Co., Ltd.	7,136 10 8
Carriage, bogies, etc.	F.3779/3215/4-12-26	Metropolitan Carriage, Wagon & Finance Co., Ltd.	2,179 10 0

A—*contd.*

Lowest Tender not accepted.	Reason for acceptance.
£ s. d.	
	The next tender was unsuitable on account of the remote situation of the works. The next two tenders were very little lower than the North British Locomotive Company in price, and the difference would have been more than offset by the extra cost of inspection.
	In view of the facilities for co-ordination of the details of design, the standard of workmanship, economy of inspection and time for delivery, it was considered that the North British Locomotive Company's tender was the most advantageous
7,093 13 0 (German).	The accepted tender was considered to be the best offer, having regard to the extra cost of inspection that would have been incurred if the order had been placed with the lowest tenderer.
2,117 0 0 (German).	The lowest tender was from a Continental firm, and the extra cost of inspection would have been more than the difference between their tender and that of the Metropolitan Carriage, Wagon and Finance Company.

[Sir Bhupendra Nath Mitra.]

PART B—*Cases in which the discrimination*

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Machines, Railway Ticket Printing.	F.1292/1708/12-7-26	Waterlow & Sons, Ltd.	1,070 11 0
Paint, white lead	F.1542/1617/24-7-26	Associated Lead Manufacturers Export Co., Ltd.	385 0 0
Road Rollers ..	F.1576/2054/26-7-26	Aveling & Porter, Ltd.	1,243 15 0
Linoleum ..	F.1600/2103/27-7-26	Fife Linoleum Co., Ld.	723 10 10
Cambric, Cotton, Puggri, Khaki.	F.1752/2686/4-8-26 ..	Louis Behrens & Sons ..	10,625 0 0
	F.1753/2686/4-8-26 ..	E. Spinner & Co. ..	7,583 6 8
		Total ..	18,208 6 8
Venturi Meters ..	F.2184/1275/27-8-26	George Kent, Ltd. ..	701 0 0
Lint	F.2152/850/26-8-26 ..	Southall Bros. & Barclay, Ltd.	1,831 18 6
Paint, Enamel ..	F.2160/2455/26-8-26	London Varnish and Enamel Co., Ltd.	562 10 0

is between British firms only.

Lowest Tender not accepted.	Reason for acceptance.
£ s. d.	
903 0 0	The indenting officer demanded Waterlow's railway ticket printing machines. Competitive tenders were invited and the lowest tenderer—Messrs. Pratchett Brothers—quoted £903 for machines of the type which had been supplied to other Indian railways for the same work as now required. Messrs. Waterlow, the next lowest tenderer, quoted £1,070-11-0. The two quotations were telegraphed to the indenting officer, who replied that Waterlow's machines should be supplied. The order was placed accordingly.
370 0 0	The indenting officer specially asked for the same brand of white lead as previously supplied to him. As the extra cost was only £15 above the lowest quotation, this request was complied with.
1,200 8 0	The indenting officer demanded Aveling and Porter's type road rollers. Competitive tenders were invited and the lowest tenderer, Messrs. Marshall Sons and Company, quoted £1,200-8-0. The next lowest tenderer Messrs. Aveling and Porter, quoted £1,243-15-0. The two quotations were telegraphed to the indenting officer, who replied that Aveling and Porter's tender should be accepted. The order was placed accordingly.
690 0 0	Accepted on the grounds of the superior quality of the goods offered which represented more than the small difference in cost.
17,708 6 8	The indentor cabled for a very early supply in view of shortage in the Factories in India. As the lowest tenderer had not submitted a sample with his tender as required by the specification and in view of the urgency, a portion of the order was placed with E. Spinner & Co., with the quality of whose goods the Department was familiar and who undertook much earlier completion of delivery, and the balance was given to the lowest tenderer.
613 0 0	The meters offered by George Kent, Limited, and by the lowest tenderer were of different types and the tenders were referred to the indenting officer, who selected those offered by George Kent, Limited.
1,767 1 11	The lint offered by Southall Brothers and Barclay, Limited, had an area approximately 2 feet per lb. larger than that of the lint offered by the lower tenderer, and was considered better value.
540 0 0	Accepted on the grounds of superior quality of the stores offered which represented more than the difference in price between the two quotations.

[Sir Bhupendra Nath Mitra.]

PART B

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Cables, 22,000 Volt.	F.1320/S.14250/14-7-26.	Callender's Cable and Construction Co., Ltd.	19,530 12 2
Rolled Steel Joists	F.2401/3671/7-9-26 ..	Lanarkshire Steel Co., Ltd.	765 0 0 (Delivery 3/4 weeks after resumption of work).
Gloves, Worsted ..	F.2546/S.3370/15-9-26	Allen & Bastick ..	496 2 7
Anchors ..	F.2895/1120/13-10-26	N. Hingley & Sons, Ltd.	315 0 0
Turntable ..	F.2997/2819/19-10-26	Patent Shaft & Axletree Co., Ltd.	1,888 0 0
Boilers ..	F.2972/4741/18-10-26	Marshall & Sons ..	1,274 0 0
	F.2973/4741/18-10-26	Cradley Boiler Co. ..	295 0 0
			1,569 0 0
Theodolites ..	F.3065/3543/25-10-26	Cooke, Troughton & Simms, Ltd.	3,246 2 0
X.-Ray Apparatus	F.3110/4689/26-10-26	Watson & Sons ..	263 4 2

—*contd.*

Lowest Tender not accepted.	Reason for acceptance.
£ s. d. 17,392 15 4	It was decided that it would be more economical to accept Messrs. Callender's Company's tenders, who offered cables which were technically superior to those proposed by the lowest tenderer.
759 0 6 (8/10 weeks after resumption of work).	Accepted on the ground of quicker delivery. The stores were required to reach India in December, 1926.
464 2 5 (Delivery 16 Weeks). 480 2 6 (Delivery 10 Weeks). 480 2 6 (Delivery 13 Weeks).	The gloves were originally ordered from Messrs. J. Bradshaw & Co., who after 4 months' delay, proved unable to supply in accordance with this Department's sealed patterns. It was therefore decided to call for fresh tenders and to cancel Messrs. Bradshaw's contract and buy against them. The three lowest tenderers could not undertake to commence delivery before 29th November and, as the gloves were urgently wanted in India, the order was placed with the fourth lowest tenderer, Messrs. Allen & Bastick, who had just completed satisfactorily a similar supply and who offered to commence delivery by 15th October and to complete by 15th November.
302 10 0	The anchors were most urgently required and a telegram was received from India requesting that the order should be placed with the firm who could undertake the earliest delivery. The lowest tender offered delivery in 5 weeks, but Messrs. Hindley & Sons, whose price was £12-10-0 higher, offered delivery in three weeks, and their tender was accordingly accepted.
1,868 0 0	The turntable was urgently required in India. The lowest suitable tenderer offered delivery in 14 weeks, where as the Patent Shaft & Axletree Co., Limited—the next lowest tenderer—offered delivery in 8/10 weeks. As their price was only £20 higher their tender was accepted.
1,380 0 0 1,514 0 0* 1,524 0 0 *Accepted for part offered from stock only.	These boilers were demanded in a telegram which asked that they should be shipped immediately. The lower tenders passed over offered delivery in 12/17 weeks after the receipt of material at works. As these offers were both long and indefinite the order was divided between Marshall & Sons, and the Cradley Boiler Co. who offered early delivery from stock.
3,205 19 0	After consultation with the indenting officer, the order was placed with Cooke, Troughton & Simms, Limited, whose workmanship was considered superior to that of the lower tenderer.
234 18 6	The indenting officer had specially recommended that the apparatus should be obtained from Watson & Sons as this firm's quotation was only £28-5-8 higher than the lowest offer, their tender was accepted.

[Sir Bhupendra Nath Mitra.]

PART B

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Apparatus ..	F.3206/5031/1-11-26	Watson & Sons ..	80 17 7
X-Ray Unit ..	F.3208/4645/1-11-26	A. E. Dean	216 0 0
Buckled Plates, M. S.	F.3221/4865/1-11-26	Joseph Westwood & Co., Ltd.	2,023 9 6 (Delivery 9/11 Weeks).
Sinks, Laboratory	F.3426/5003/12-11-26	Baird & Tatlock ..	27 15 3
Tubing, M. S., etc.	F.3444/5053/13-11-26	John Russell & Co. ..	38 2 8
Trough Plates, M. S.	F.3362/5437/9-11-26	Joseph Westwood & Co.	292 10 0
Traverse Wheel Grinders, etc.	F.3387/5044/10-11-26	Dronsfield Bros., Ltd. ..	124 8 6 (*Plus* F. O. B. charges.)

—*contd.*

Lowest Tender not accepted.	Reason for acceptance.
£ s. d. 79 12 0	The indenting officer specially asked for the supply from Watson & Sons. As their price was only £1-5-7 higher than the lowest tender, their offer was accepted.
177 10 0	Technically equivalent offers at prices lower than those quoted by A. E. Dean were received, but as X-Ray Apparatus of Dean's pattern and make had been demanded, this firm's tender was accepted.
1,773 8 2 (Delivery about 12 Weeks).	These plates were required for the repair of a bridge which was reported to be in a dangerous condition. The lowest tender was for delivery in about 12 weeks. In view of the extreme urgency of the demand the order was placed with Messrs. J. Westwood & Co., who offered an earlier and definite date for delivery.
20 12 6	The sinks were stated to be required in India by about the middle of November and the lower tenderer could not guarantee delivery before the beginning of February, 1927. As Messrs. Baird & Tatlock tendered for delivery at the beginning of December their offer was accepted.
31 19 11	The tubing was required in India by December, 1926.
36 12 2	The two lower tenderers could not undertake delivery until 2—4 weeks after the termination of the coal strike. The order was accordingly placed with the next lowest tenderer who offered definite delivery in 7—14 days.
266 12 6	The trough plates were demanded in a telegram which stated that they were required immediately.
267 0 0	The lowest tenderer offered a very indefinite delivery (6 weeks from the date of the resumption of work after the coal strike) The second lowest tenderer offered delivery in 9 weeks. Although the section of the material quoted for by these firms was not considered unsuitable, yet it was not exactly in accordance with the demand. Messrs. J. B. Westwood & Co., the lowest tenderer, offered material exactly as demanded and promised delivery in 6 weeks. Their tender was accordingly accepted.
119 9 8	The order was placed with Messrs. Dronsfield Bros., Limited, as their machinery was specified by the indenting department and their tender was only about £5 higher than the lower tender.

[Sir Bhupendra Nath Mitra.]

PART B

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Syringes ..	F.3468/4707/16-11-26	Down Bros., Ltd. ..	35 0 0
Socks ..	F.3534/5488/18-11-26 (83,500 pairs).	Henry Bates & Co., Ltd.	4,178 4 3
	F.3535/5488/18-11-26 (66,500 pairs).	Thos. Morley & Sons ..	3,463 10 10
			7,641 15 1
Forks, Table ..	F.3554/4916/19-11-26	Geo. Butler & Co., Ltd.	303 12 11
	F.3556/4916/19-11-26	Walker & Hall, Ltd. ..	300 0 0
			603 12 11
Mild Steel Strip ..	F.3565/5525/19-11-26	J. Walsh & Co. (Birmingham), Ltd.	77 17 6
Levels	F.3557/5393/19-11-26	Cooke, Troughton & Simms, Ltd.	257 0 0
Punkah Motor & Gear.	F.3804/5200/7-12-26	Garrard Gears, Ltd. ..	83 16 6
Spring Steel ..	F.3537/5187/18-11-26	J. H. Andrew & Co., Ltd.	69 8 4

—*contd.*

Lowest Tender not accepted.	Reason for acceptance.
£ s. d. 27 10 0	The indenting officer asked for supply from Down Bros. As their price was only £7-10-0 higher than the lower tenderer, their offer was accepted.
7,539 11 8	These 150,000 pairs of socks were urgently required in India. The lowest tenderer, Messrs. Bates & Co., required 4 weeks to commence and 16 weeks to complete delivery. The Department however had no recent experience of this firm's work as no order had been placed with them for many years. Therefore, in order not to be entirely dependent on them, and with a view to obtaining earlier completion of delivery, it was considered advisable to order 83,500 pairs from this firm, and to obtain the remaining 66,500 from the next lowest tenderer. The extra cost was £102-3-5.
	The forks were required in India not later than 31st December 1926, and the lowest tenderer Messrs. Geo. Butler & Co., Ltd., required 4 weeks to commence and 27 weeks to complete delivery.
598 1 9	Messrs. Walker & Hall, Ltd., the next lowest, offered to commence supply in 3 to 4 weeks and to complete in 14 weeks. In view of the urgency and of the small difference in cost it was decided to divide the order between the lowest two tenderers.
71 15 0	The lowest tenderer offered delivery in 4 weeks after resumption of work on the termination of the coal strike. As the steel strip was urgently required in India the order was placed with the next lowest tenderer who offered delivery in 2 weeks irrespective of the strike.
240 5 0	The indenting officer demanded levels manufactured by Messrs. Cooke, Troughton & Simms. Competitive tenders were invited, and an offer was received from another firm for technically equivalent instruments at £240-5-0. Messrs. Cooke, Troughton & Simms quoted £257-0-0. The quotations were telegraphed to the indenting officer who expressed his unwillingness to accept the cheaper alternative.
76 15 0	Messrs. Garrard Gears, Ltd., offered a more efficient motor, and better value for money than the lowest tenderer, and their offer was consequently accepted.
68 0 1	The spring steel was required as soon as possible. As the lowest tenderer could only offer delivery 4-5 weeks after resumption of work, following the termination of the mining dispute, the order was placed with the next lowest tenderer who offered definite delivery in 3-4 weeks.

[Sir Bhupendra Nath Mitra.]

PART B

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Wire Steel ..	F.3796/5472/6-12-26	Whitecross Co. ..	765 0 0
Machine, Crank pin Trueing.	F.3840/4340/9-12-26	Beyer Peacock & Co. ..	96 10 0
Paper, Printing ..	F.3842/4463/9-12-26	Alex. Cowan & Sons, Ltd.	593 10 10
Ink, registration ..	F.3853/5104/10-12-26	H. Morrell, Ltd. ..	166 13 4
Ink, blue black & red.	F.3854/5104/10-12-26	H. C. Stephens, Ltd. ..	305 4 2
Serge, Drab mixture	F.3879/6018/11-12-26	James Harper & Sons ..	1,447 18 4
Polystat, etc. ..	F.3923/4385/15-12-26	A. E. Dean	46 10 0
M. S. Plates Galvanised.	F.4027/5565/21-12-26	Wm. Beardmore & Co., Ltd.	105 9 4

—*contd.*

Lowest Tender not accepted.	Reason for acceptance.
£ s. d.	
750 0 0	30 tons of steel wire were demanded, of which 10 tons were urgently required. As the lowest tenderer was unable to state when delivery could be made the order was placed with the next lowest tenderer who offered delivery in 3 to 4 weeks.
53 0 0	The machine offered by Messrs. Beyer Peacock & Co. was considered superior in every way to the cheaper machine the design and construction of which was not considered suitable for indentor's requirements.
485 12 6	Previous supplies of this paper had been made by Messrs. Alex. Cowan & Sons. Ltd. On this occasion, however, a lower tender was received for paper which was considered to be equally suitable. The two quotations were cabled to the indenting officer, who in reply stated that he preferred Cowan's paper.
102 1 8 124 6 1	The indenting officer, specified in the Indent that the registration ink should be supplied by Messrs. H. Morrell, Ltd., and that the blue black and red inks should be supplied by Messrs. H. C. Stephens, Ltd. Competitive tenders were obtained and offers for inks considered to be of equal quality were obtained at lower prices than from the above specified firms. The matter was referred to the indenting officer, who replied that it was essential that the inks be supplied by Messrs. Morrell and Stephens, respectively.
1,401 11 6	The lowest tenderer had not executed any contracts for the London Store Department and it was doubtful whether they could supply satisfactorily. In view of the urgency of the demand, and of complaints from the military authorities in India regarding variations in the shade of this material, it was decided to place the order with Messrs. James Harper & Sons, the next lowest tenderer who had recently made satisfactory supplies under another contract.
33 10 0 34 7 4	The indenting officer demanded a polystat specifying Mr. A. E. Dean as supplier. Competitive tenders were invited, and offers of equivalent apparatus were obtained at prices lower than Dean's. The indenting officer was informed, and he replied that Dean's tender should be accepted, as this make was known to be satisfactory.
96 13 0 99 1 10 102 5 0	Wm. Beardmore & Co., Ltd., offered delivery in from 3-4 weeks after the resumption of rolling early in January. None of the firms who tendered at a lower price could make any definite offer of delivery.

[Sir Bhupendra Nath Mitra.]

PART C.—*Cases in which the discrimi..*

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£. s. d.
Couplings, Screw	F.-1736/1882/4-8-26	Wittekindwerke Brausen, Ebeling and Natorp G. m. b. H.	7,545 0 0 (German).
	F.1/737/1882/4-8-26	Fried Krupp, A. G. ..	8,383 15 0 (German).
			£15,928 15 0
Brass and Copper Plate.	F.-2922-3865/15-10-26	C. Heckmann, A. G. ..	219 10 0 (German).
Steel Dogspikes ..	F.-3353-S./3421/9-11-26	Ste. Ame. des Boulonneries de Liege et de la Blanchisserie.	Rate per ton.
No. 1,259,000, tons 407.			£9 16 0 for 250 tons
			£10 2 0 for 157 tons Belgian.
No. 1, 259,000 —tons 407.	F.-3354-S./3421/9-11-26.	Usines and Acieries Allard.	£10 8 0 Belgian.
No. 1,750,000 —tons 570.	F.-3355-S./3421/9-11-26.	A. de Barsy	£10 8 0 Belgian.
No. 2,250,000 —tons 733.	F. 3356-S./3421/9-11-26.	Soc. Anme. Usines Gilson	£10 8 1 Belgian.
No. 500,000 —tons 163.	F.-3357-S./3421/9-11-26.	Usines Gustave Boel ..	£10 8 6 Belgian.
			Total cost of the 7,000,000 spikes
			£23,535 0 0 approx.
Cotters	F.-3759-H. N./538/3-12-26.	Wittekindwerke Brusen, Ebeling and Natorp.	2,875 0 0 German.
	F.-3760-H. N./538/3-12-26.	Becherwerk	1,786 0 0 German.
			£4,661 0 0
Tie Bars ..	F.-3761/H. N./538/3-12-26.	Soc. Anon. de la Providence.	27,000 0 0 Belgian.
	F.-3762/H. N./538/3-12-26.	Soc. Anon des Forges Founderies and Laminoirs de Nimy.	11,852 0 0
			£38,852 0 0

nation is between foreign firms only.

Lowest Tender not accepted.	Reason for acceptance.
£ s. d.	
	The lowest tender was from the Wittekindwerke of Westhofen near Essen. This firm had not previously supplied screw couplings for Indian Railways and it was therefore decided to place only half the requirements with them as a trial order. The remainder was ordered from the next lowest tenderer, Messrs. Krupp.
15,090 0 0 (German). 208 9 2 (French).	Accepted on the grounds of quicker delivery. Half the quantity at each item was required to reach India in November, 1926, and the balance 2 months later. The lowest tenderer could not undertake to deliver the urgent portion in less than 3 to 3½ months, whereas the next tender (which was accepted) offered to deliver in about 4 weeks. Division between the two firms would not have been worth while.
None of the tenders at the lowest rates offered the full quantity of dog-spikes. If no regard had been paid to delivery the 7,000,000 spikes could have been purchased for £23,425 0 0 approx.	These were simultaneous tenders, and in communicating decision on the tenders, the indenting officer stated that it was essential that the whole of the dog-spikes should be delivered in India by the end of June, 1927, and requested that if possible the order should be divided between two or three firms. The order was divided between the *five lowest* tenderers, each receiving an order for the quantity he could be relied upon to deliver within the specified time.
£4,550 0 0	Tenders were invited simultaneously in India and in London, and details of the lowest tenders were cabled to the indentor. Presumably on account of the earlier delivery offered, the indentor selected the highest quotation. It was possible, however, to secure equal or better delivery at a lower price by dividing the contract between two tenderers and orders were placed accordingly.
	Ditto.
£36,515 0 0	

[Sir Bhupendra Nath Mitra.]

PART D.—*Cases in which lower British tenders have been*

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Wheels, Grinding..	F.2383/1862/7-9-26	Alfred Herbert, Ltd. ..	595 18 5 f. o. b. New York.

set aside wholly or partially in favour of Foreign tenders.

Lowest Tender not accepted.	Reason for acceptance.
£ s. d.	
546 5 10	The demand specified that Norton wheels should be supplied as they had been found to be the most satisfactory. As, however, the Carborundum Co. and the Universal Grinding Wheel Co., were known to be manufacturers of wheels of reliable quality, these firms were invited to tender in competition with Alfred Herbert, Ltd., the Agents in this country for Norton wheels. The two first named firms both tendered at about £49-12-0 lower than Alfred Herbert, Ltd. The quotations were therefore telegraphed to the indenting officer who replied that Norton wheels should be supplied.

SUBJECTS DISCUSSED BY THE CENTRAL ADVISORY COUNCIL OF RAILWAYS.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I lay on the table a statement showing :

(1) subjects discussed by the Central Advisory Council for Railways ;

(2) Conclusions arrived at by the Central Advisory Council ;

(3) action taken by Government,

for which the Honourable Sir Hari Singh Gour asked in his question No. 815, dated the 9th March 1927.

Subjects discussed by Central Advisory Council.	Conclusions arrived at by Central Advisory Council.	Action taken by Government.
1922.		
1. Local Advisory Councils	The memorandum regarding "Local Advisory Councils" was discussed and the following outline was provisionally agreed to :— (1) *Title.*—The new bodies should be known as "Railway Advisory Committees." (2) *Constitution.*—A separate Main Committee to be constituted for each Administration. Branch Committees should be formed at important places but it was considered desirable that the decision in this respect should be left to Main Committee in each case who would send on their recommendations for branches to the Central Advisory Council for approval. (3) *Composition.*—The Committee to consist of 12 members as follows :— (*a*) Agent—*ex-officio* Chairman. (*b*) Two Local Government Members to be nominated by the Local Government in whose jurisdiction the headquarters of the Railway was situated. (*c*) Three representatives of the Legislative Council of the Local Government in whose jurisdiction the headquarters of the Railway in question was situated.	The Government of India accepted all the recommendations excepting (*a*) the proposal that the formation of branch committees should be referred to the Central Advisory Committee, it being decided that this should be left to the Agent who will consult the Main Committee, if necessary, and (*b*) a proposal that for the Main Committee on the East Indian Railway both the Government of Bengal and Bihar and Orissa should each nominate one member instead of the Government of Bengal nominating both. The memorandum was revised accordingly and circulated to all the Railways and Local Governments. Railways were requested to take measures in consultation with the local Governments for the constitution of Committees.

Subjects discussed by Central Advisory Council.	Conclusions arrived at by Central Advisory Council.	Action taken by Government.
1922—*contd.*	(*d*) One Member from the Local Municipality or Corporation at the Railway Headquarters. (*e*) Five members representing industries, commerce and trade. It was recommended that members of the Central Advisory Council should not be debarred from membership of the L. A. Cs. and that Agents might invite their Heads of Departments to attend but in the capacity of Technical Advisers only. (4) *Remuneration.*—Non-official members should be paid Rs. 32 for each meeting attended. (5) *Scope of duties.*—The following subjects may be discussed :— (*a*) Alterations in Time Tables and Passenger services. (*b*) Alterations of rates and fares and changes of goods classification. (*c*) Proposals in regard to new projects and extensions. (*d*) Proposals in regard to new rolling stock. (*e*) Any matter affecting the general public interest or convenience. Questions of personnel, discipline and appointments will not be brought before the Committee.	

2. **State *versus* Company management**	Majority was in favour of State Management	The matter was later discussed in the Legislative Assembly and in accordance with its recommendations the East Indian and the Great Indian Peninsula Railways have been taken over by the State.
3. **Strategic Railways**	The Railway capital budget should show under distinct sub-heads the expenditure proposed for (*a*) Strategic Railways, (*b*) other lines. As a necessary preliminary, the list of lines classed as strategic should be reconsidered in the light of lines constructed and worked mainly for military as distinguished from commercial purposes. In respect of Revised budget the existing procedure of showing separate figures of earnings and expenditure of strategic Railways should be maintained.	Recommendations fully given effect to.
4. **Branch Line Policy**	While agreeing that the Branch Line Terms could not be revised just then the Council was of opinion that if the Government of India were satisfied that any particular feeder line was urgently required in the public interest the question of encouraging the floatation of a Branch Line Company should be considered on its merits. (See also item No. 2 under 1925 below).	The Branch Line Terms have since been abandoned with the approval of the Central Advisory Council. See item 2 of 1925 below.
5. **Separation of Budgets**	The Central Advisory Council adhered to the decision of the Railway Finance Committee that the separation of budgets was not then a practicable proposition and that the question should be re-examined when conditions became normal and financial equilibrium was established.	No action on the part of Government called for then.
1923.		
1. **Constitution of a Rates Tribunal** ..	After discussion it was agreed— 1. That the Rates Tribunal should be constituted and that until sufficient experience was gained to enable the Railways Act to be amended the Tribunal should be an investigating body only to deal with the following subjects :— (1) Complaints of undue preference—Section 42(2) of the Indian Railways Act.	The recommendation was accepted by the Government of India and the matter was referred to the Secretary of State for acceptance.

Subjects discussed by Central Advisory Council.	Conclusions arrived at by Central Advisory Council.	Action taken by Government.
1923—*contd.*	(2) Complaints that rates are unreasonable in themselves. (3) Complaints or disputes in respect of terminals—Section 46 of the Indian Railways Act. (4) The reasonableness or otherwise of any conditions as to packing of articles specially liable to damage in transit or liable to cause damage to other merchandise. (5) Complaints in respect of conditions as to packing attached to a rate. (6) Complaints that Railway Companies do not fulfil their obligations to provide reasonable facilities under Section 42(3) of the Indian Railways Act.	
2. Amendment of Railway Act to make travelling without tickets a cognisable offence.	After discussion it was decided that it was not advisable to amend the Indian Railways Act until all other possibilities for checking the evil had been tried.	The suggestion was accepted and the Railway Administrations were asked to furnish the Railway Board with particulars of the steps which had been taken by them to improve methods of ticket checking and collection.
3. Depreciation Fund	A memorandum on the proposed establishment of a Depreciation Fund for Railways was placed before the C. A. C.	A Railway Depreciation Fund has been formed.
4. Provision for New Construction ..	In the event of there being any savings on the Capital programme of Rs. 150 crores authorised for the rehabilitation and improvement of Railways in India during the five years ending 1926-27 after the work of rehabilitation and improvement had been provided for, such savings be utilised for remunerative projects, which should be taken up as and when they could be financed.	The recommendation of the Central Advisory Council was acted upon as far as possible. It was found that the full amount of the Capital programme was not likely to be expended within the quinquennium on open line facilities and the investigation of the prospects of projected railways promising an adequate return was undertaken and expenditure on the more important ones was provided for.

. Mr. Cole's Report	An Officer should be placed on special duty to make definite recommendations for the training of each class of employee and that preliminary negotiations should then be entered into with :— (*a*) Government of Bombay in respect to the Sydenham College of Commerce and Economics. (*b*) Government of Bengal with respect to the Bengal Engineering College.	Mr. Flatt, an Officer of the G. I. P. Railway, was placed on special duty and definite recommendations were drawn up. Negotiations with the Sydenham College were carried out but it was decided that the courses in economics could be more cheaply and as effectively be given at the Chandausi School. As regards the negotiations with the Bengal Engineering College, Sibpur, the recruitment scheme for the training of special apprentices for the Mechanical Engineering and Transportation (Power) Departments provides for a two-year course in higher mechanical training at Sibpur.
1924.		
1. Separation of Railway Finance from General Finances.	The Central Advisory Council recommended that the question should be discussed by a Committee of the Legislature before it was finally placed before the House for discussion.	Steps taken as recommended which eventually led to the separation of Railway Finance from General Finances.
2. *North-Western Railway Contract for Sleepers.*—This was discussed under four issues :—		
Issue No. 1.—In calling for a five-year contract for whole or part supply in October 1922, did Railway Administration exercise ordinary business prudence.	Railway Administrations would have been well advised to watch the course of prices for some time before entering into a long term contract and that in entering into a five-year contract when it did, the Railway Administration did not exercise ordinary business prudence.	The Agent, North Western Railway, was informed that the Government of India recognise that there is room for a fair difference of opinion and are not prepared to subscribe to the view that in concluding a five-year contract, the Railway Administration did not exercise ordinary business prudence.
Issue No. 2.—Should the whole contract have been given to Messrs. Spedding and Company.	The Railway Administration should not have given a monopoly to a single firm.	The Agent, North Western Railway, was informed that the Government of India consider that tenders for part supply should have been considered on their merits.

Subjects discussed by Central Advisory Council.	Conclusions arrived at by Central Advisory Council.	Action taken by Government.
1924—*contd.*		
Issue No. 2.—contd.	Sir Purshotamdas Thakurdas asked— (1) whether Spedding and Company had fulfilled their contracts in full and up to time, and (2) whether prices had been revised in their favour during the currency of any of the contracts.	Sir Purshotamdas Thakurdas's questions were answered in full, the following is a brief summary :— (1) The firm had never let the North Western Railway down even when circumstances were known to be against them and when the rates agreed upon with them became unfavourable. The firm were seldom and then too to a very slight extent behind hand in delivering the contractual number of sleepers in a year. (2) Prices had been revised only once in their favour. The price was raised from Rs. 4-8-0 to Rs. 5 for one year in a five-year contract when the market rate per sleeper during that year ranged from Rs. 9-6-0 to Rs. 12-8-0.
Issue No. 3.—Should the terms have been varied after the acceptance of the contract.	The terms should not have been varied after the acceptance of the contract and the Railway Administration should not have called for tenders in a form which was entirely out of date.	The Agent, North Western Railway, was informed that the Government of India agree with the Central Advisory Council that the terms should not have been varied after the acceptance of the contract. Agent asked to take in hand the revision of the tenders form.
Issue No. 4.—Are there any specific points which form a consideration of this case, the Central Advisory Council might suggest for investigation by the Officers who are enquiring into the best method of obtaining sleepers in future.	1. Proper arrangements should be made for co-ordination between the Railway Department of the Government of India and the Forest Departments of Local Governments in the different provinces in the matter of sleeper supplies.	The Chief Commissioner explained that this matter had already been taken up and that the joint report of the Chief Engineer and a Forest Officer on the subject was under the consideration of the Board.

		The present position is that a Timber Advisory Officer who is a selected Officer of the Forest Department has been lent to the Railway Board to work on behalf of the Railway Department as their adviser in the matter of sleeper purchase and to act as an intermediary between Forest Owners or Departments on the one hand and the heads of the various branches of the sleeper pool on the other.
	2. The whole question of the powers of the Agents in the matter of the placing of sleeper contracts should be brought under review.	Sir Charles Innes promised that this question would be examined and brought up before the next meeting of the Central Advisory Council.
3. Technical training	No proposals in respect of Technical training were made at this meeting. But Rai Bahadur Lala Ramsaran Das complained of the paucity of Indians in the subordinates Traffic Service of the North Western Railway. Sir Charles Innes promised to investigate the matter.	The North Western Railway was addressed on the subject.
4. New Lines	See item No. 4 in 1923 (Provision for New Construction).	
5. Stores Balances	The Chairman pointed out that as a result of a more detailed examination of the position it was now expected that the total estimated amount required to write down stores to the then market value would be Rs. 120 lakhs instead of 3 crores, as originally estimated. He invited the opinion of the Central Advisory Council on Government's proposal to approach the Assembly for a grant to clear off the balance outstanding for that year. After discussing the relative merits of writing down the value of serviceable stores in one instalment or over a period of years, the Central Advisory Council finally approved of Government's proposal.	
6. Purchase of Stores	The Central Advisory Council discussed the question of the purchase of flexoid leather cloth and it was decided that a letter should be written to all Railways requesting that flexoid leather cloth be given a trial.	This was done.

Subjects discussed by Central Advisory Council.	Conclusions arrived at by Central Advisory Council.	Action taken by Government.
1924— *contd.*		
	Two further inquiries were made: (1) whether the Chief Controller of Stores after bringing to the notice of the indenting Railway, for future guidance, any instance in which stores indented for are available in India, held up the next indent, and (2) whether it would be practicable for the Railway Board to get periodical statements of indents, say once in six months from the Indian Stores Department, of articles indented from England which could be obtained locally.	Sir Charles Innes said he would inquire of Mr. Pitkeathly on both points and asked that the matter be brought before the Central Advisory Council again. This was done on the 25th March 1925; see English Stores Indents for the continuation of this discussion.
7 Recruitment of Assistant Traffic Superintendents.	Mr. Neogy suggested that until the permanent scheme for recruitment of Assistant Traffic Superintendents was brought into operation, future recruitment should be made by a committee consisting of the Railway Board and representatives of the Central Advisory Council. It was pointed out that it was unlikely that any further recruitment would be made before the permanent scheme was introduced; but Mr. Neogy's suggestion would be considered.	Since the proposal made by Mr. Neogy at the Council meeting of September, 1924 no selections for appointment of Assistant Traffic Superintendents have been made.
1925.		
1. Railway School of Transportation, Chandausi.	The only proposals were that no racial distinctions should be made at the School as regards messing arrangements and (2) that a Press notice should issue to let the Public know what was proposed to be done at Chandausi.	Both proposals have been given effect to.
2. Financing of Branch Lines ..	The proposed revised policy of financing branch lines company was approved.	The revised policy has been adopted.

3. Locomotive Building in India ..	The Chairman pointed out that owing to the transfer between the Railways of surplus locomotives on one Railway to another on which there was a shortage, it was anticipated that very few engines would be required during the next year or so and that these would be of numerous different types. It has been decided that the Director of Mechanical Engineering with the Railway Board, who was shortly proceeding to England on leave, should study the question of locomotive manufacture in England and verify the conclusion arrived at by the Tariff Board of the number of locomotives which it would be necessary to construct in this country in any one year to make the industry a success.	At a subsequent meeting held on the 22nd August, 1925, the Council was informed that Mr. Chase, Director of Mechanical Engineering, would go into the subject while on leave in England and would submit a Report. The Tariff Board in its report on locomotives proceeded on the assumption that "the economical production of locomotives requires that the unit of production must be about 200 locomotives per annum." "After considering the report made by Mr. Chase the Railway Board came to the conclusion that the assumption made by the Tariff Board was correct."
4. Sleeper Question..	This arose out of a previous discussion regarding the North Western Railway Contract for sleepers (see Issue No. 2 in 1924, North Western Railway Contract for Sleepers) when the Council put forward two specific recommendations in regard to the future arrangements for the purchase of sleepers by Railways, *viz.* :— (1) that proper arrangements for coordination between the Railway Department and the Forest Department should be made, and (2) that the whole question of the powers of Agents in placing the sleeper contracts should be brought under review. Sir Purshotamdas Thakurdas also wished to know why the Railway Board did not accept tenders themselves.	Action as regards (1) was taken by the appointment of a Timber Advisory Officer (see Issue No. 2 in 1924 North Western Railway Contract for Sleepers). As regards (2) H. M. promised that the suggestion put forward by Sir Purshotamdas Thakurdas would be considered. This was done. The Board were not able to accept the suggestion in its entirety, but Railways were asked to submit the following returns:— 1. Name of supplier. 2. Number of sleepers and kind (sal, deodar, cast iron, etc.)

Subjects discussed by Central Advisory Council.	Conclusions arrived at by Central Advisory Council.	Action taken by Government.
1925—*contd.*		3. Period of contract. 4. Price. 5. Name and owner's name, of the forest from which the sleepers are to be supplied. 6. Whether the supplier is owner or lessee of the forest or a dealer buying from owners or lessees. 7. Whether the accepted tenders were the lowest received. If not the reasons for non-acceptance of the lowest tenders similar statements if and when further contracts for additional contract suppliers are executed. As regards long term contracts the Railways were informed that while the Railway Board fully recognise that these may often be advisable and are sometimes necessary they desire that their prior approval be obtained before a contract is actually placed for a period exceeding a year.
5. (1) Recruitment and (2) Railway Board's Report on the recruitment and training of Railway Officers in India.	This was discussed at two meetings—one on the 25th March at which no proposals were made but at which it was agreed that in framing the scheme certain points which arose at the discussion should be considered.	This was done.

	At the 2nd meeting the proposals of the Councils were :—	
	(1) that in Annexure B of the scheme [Transportation (Traffic) and Commercial Departments] no particular degree should be specified but that the Science subjects required for study and examination be stated.	This was done.
	(2) that nominations by Provincial Committees should be on the lines of the Indian Civil Service and that 10 candidates per vacancy should be nominated.	Both these proposals have been carried out.
	(3) that the question that local Services should be entirely abolished should be considered further and be brought up again for final disposal at the next meeting.	This question remains unsettled.
	(4) that for the Mechanical Engineering and Transportation (Power) Departments the Intermediate Examination in Science and Arts should be accepted.	This has been given effect to.
6. Functions of the Rates Tribunal ..	The Secretary of State intimated that Company Railways took objection to the proposal that the Rates Tribunal should be empowered to investigate the question whether rates were unreasonable *per se*. After discussion the Central Advisory Council recommended that in view of the doubt whether the Rates Tribunal would really be useful if this item were excluded from its functions further consideration of the subject should be postponed pending a further reference to the Secretary of State.	The recommendation of the Central Advisory Council was accepted and the matter was referred to the Secretary of State who agreed to the original proposal which was given effect to from 1st April 1926.
7. Further tenders for the supply of wagons under bounty.	The action taken by the Railway Board as explained in their memorandum was approved.	The memorandum dealt with the placing of wagons during the year 1925-26 under the bounty permitted by the Steel Industry (Protection) Act, 1924 and the reasons which actuated the Board in apportioning the wagons among the firms as they had done.

Subjects discussed by Central Advisory Council.	Conclusions arrived at by Central Advisory Council.	Action taken by Government.
1925—*contd.*		
8. English Stores Indents	The arrangement made by the Railway Board with the Chief Controller of Stores was noted.	This arrangement referred to the submission by the Chief Controller of Stores on half-yearly statements showing the cases in which the Indian Stores Department has taken up with the Railway Indenting Officers, the inclusion in their English Indents of articles obtainable in India under the revised Stores Purchase Rules. The present arrangement is as follows :— State Railway indents are scrutinised by the Chief Controller of Stores, Indian Stores Department. If, as a result of the scrutiny, the Chief Controller is of opinion that any item included in the indent could, under the Stores Rules, be purchased in India he communicates his remarks and recommendations to the indenting officer, who is required to report the action he is taking in this matter within fourteen days. The Chief Controller's remarks on State Railways' indents and the replies of the Indenting Officers are discussed by the Chief Controller with the Railway Board at a meeting held once every month, and if it is found that any further action is necessary the Railway Board takes the matter up with the Railway Administration concerned.

1926.		
1. **Revision of State Railway Provident Fund Rule relating to the forfeiture of bonus.**	The proposed revision of the rule was approved.	The revised rule has been given effect to.
2. **Proposal to amend the Indian Railways Act to make travelling without tickets or with improper tickets a congnisable offence.**	In the meeting held in March, 1926, the Central Advisory Council recommended the following points being brought to the notice of Railway Administrations :—	
	(*i*) Marking down certain localities and paying special attention thereto.	
	(*ii*) Employing better ticket checking staff.	The Central Advisory Council's suggestions (*i*), (*ii*) and (*iii*) were communicated to Railways for consideration and action.
	(*iii*) Ensuring that booking facilities were adequate so that travelling without tickets was not due to difficulties in the purchase of tickets.	
	In the meeting held in August, 1920, it was decided to defer consideration of legislation till the next session when the results achieved by the adoption of the Crew system of ticket checking introduced on the East Indian Railway would be known.	The Central Advisory Council's recommendation to defer legislation was agreed to.
	Association of assessors with District Magistrates in accident enquiries.	
3. **Formation of a Railway Staff College at Dehra Dun.**	The Central Advisory Council agreed :—	The Board are progressing with the establishment of the College at Dehra Dun.
	(1) unanimously that a Railway Staff College was necessary.	
	(2) by a majority that the site at Dehra Dun was suitable.	
4. **Association of assessors with District Magistrates in accident enquiries.**	In the meeting held in August, 1926, it was decided by a majority of votes that Dewan Bahadur Rangachariar's proposal should be dropped.	The Central Advisory Council's recommendation was accepted.

PURCHASE BY THE GOVERNMENT OF INDIA OF AMERICAN WAGONS DESTINED FOR RUSSIA.

Mr. A. A. L. Parsons (Financial Commissioner, Railways) : Sir, I have to lay on the table the information promised by me in reply to a question asked by Diwan Chaman Lall, on the 15th February 1927, regarding the purchase by the Government of India of American Wagons destined for Russia.

(*c*) and (*d*).—(1) The estimated cost of erecting and altering 900 covered wagons was Rs. 660-4-0 per wagon ; and the actual cost was Rs. 688-14-0 per wagon which is 4½ per cent. over the estimate.

(2) The estimated cost of erecting and altering 4,100 high sided steel trucks was Rs. 1,460 per truck ; the actual cost was Rs. 2,414-13-0 per truck. The difference between the original estimated amount and the amount paid to the firm was 65 per cent. over the original estimate.

(*e*) No.

Diwan Chaman Lall's supplementary questions.—No inquiry was made by the Audit Department or any other Department as the usual Audit and other checks that were applied indicated no irregularities.

ORDERS FOR WAGONS.

Mr. A. A. L. Parsons (Financial Commissioner, Railways) : Sir, I have also to lay on the table the information promised by me in reply to questions asked by Mr. B. Das, on the 1st March 1927, regarding wagon orders.

Question No. 670—

(*a*) and (*c*). All the wagons referred to have since been delivered.

(*b*) 6,342 were on order in India and the balance outside India.

Question No. 671—

(*a*) Yes.

(*b*) The numbers of wagons, in terms of 4-wheelers, placed on the line, by State-owned Railways, each year, on account of additions and renewals, from 1919-20, are as follows :

1919-20	4,691
1920-21	7,674
1921-22	7,549
1922-23	8,138
1923-24	13,474
1924-25	6,082
1925-26	10,215
1926-27	8,024

Question No. 672—

(*a*) Yes, on the 26th January 1924.

(*b*) The Government of India are unable to make any estimate. The introduction of improved facilities for carrying traffic, on which the Railway Board and Railway Administrations have been engaged in recent years, will enable a similar volume of traffic to be carried by a smaller number of wagons, and the volume of purchases will therefore depend on a development of traffic, the extent of which the Government of India are unable to forecast.

(*c*) The Honourable Member must refer to the evidence given by Sir Clement Hindley as a whole. He pointed out that it was very difficult for him to give any reliable estimate of the probable requirements during the next

five years, or in fact of any year except the year immediately ahead ; that some Railways were getting very remarkable results in the better use of wagons, automatically reducing to some extent the additions necessary year by year; and that consequently it would probably be inadvisable for him to give any figures which might hereafter be used as part of a definite policy of the Railway Board of adding so many wagons a year. He also pointed out that at the time he gave evidence the Railway Board had only admitted the necessity of purchasing 3,000 wagons, both as additions and renewals ; that the State Railways (as opposed to Company Railways) were at the time rather over-stocked ; and that the 3,000 wagons, a figure which might be increased to 4,500, were practically all required for Company-managed Railways. He further explained that the figure of 7,500 wagons mentioned by him was merely an indication or idea of what annual additions *plus* renewals might be after five years' time, based on the information available at the time he gave evidence. Much has of course happened to modify the position since the end of 1923.

Question No. 675—

(*a*) The Honourable Member is referred to the reply to his previous question.

(*b*) The numbers of wagons for which orders were placed by State-owned Railways on account of both renewals and additions (in terms of 4-wheelers) are as follows :

1923-24	..	8,397
1924-25	..	9,895
1925-26	..	6,423
1926-27	..	6,075
TOTAL	..	30,790

(*c*) 23,046 out of these were ordered from sources outside India.

ELECTION OF A MEMBER TO THE COMMITTEE ON PUBLIC ACCOUNTS *VICE* MAULANA A. H. NATIQUE.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I move :

" That the non-official Members of the Assembly do proceed to elect a member to the Committee on Public Accounts in place of Maulana A. H. Natique who has ceased to be a Member of the Legislative Assembly."

The motion was adopted.

ELECTION OF A PANEL FOR THE STANDING COMMITTEE OF THE DEPARTMENT OF INDUSTRIES AND LABOUR.

Mr. President : The House will now resume further consideration of the following motion moved by the Honourable Sir Bhupendra Nath Mitra on the 21st February, 1927 :

" That this Assembly do proceed to elect, in the manner described in the rules published in the Home Department Notification No. F.-49, dated the 22nd August, 1922, as amended by the Home Department Notification No. D.-794-C., dated the 30th January, 1924, a panel consisting of 9 members from which the members of the Standing Committee to advise on subjects in the Department of Industries and Labour will be nominated."

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore-*cum*-North Arcot : Non-Muhammadan Rural) : Sir, I beg to move : " That for the original motion " the following be substituted :

" That this Assembly do proceed to elect, in such manner as may be prescribed by the Honourable the President, a Committee consisting of 7 members to advise on subjects in the Department of Industries and Labour."

The Honourable Sir Basil Blackett (Finance Member) : On a point of order, Sir. I should like to ask your ruling whether this amendment is within the scope of the motion and in order. I submit that it ought to be moved, if at all, as a recommendation to the Governor General in Council to change the rules under which this motion is made, and I would draw your attention.....

Mr. President : Which is the rule ?

The Honourable Sir Basil Blackett : The motion is :

" That this Assembly do proceed to elect in the manner described in the rules published in the Home Department Notification No. ...."

It is in the manner so described in those rules, of which I have a copy here, that a panel is required, and until those rules are changed, I submit that a motion to elect a panel is not a motion that can be amended in the manner proposed. I would draw your attention to the fact that in 1925 a motion similar in character was sought to be moved by the Honourable Member from Nagpur, Sir Hari Singh Gour, and your predecessor ruled that it was out of order.

Mr. A. Rangaswami Iyengar (Tanjore-*cum*-Trichinopoly : Non-Muhammadan Rural) : I submit that once this motion is before the House it is perfectly open to the House to amend the motion, because the motion before the House is :

" That this Assembly do proceed to elect in the manner described in the rules published in the Home Department Notification No. ....."

That being so, I submit that it is perfectly within the province of this House to say that this House will now proceed to elect in some other manner, namely, not by a panel but directly, the people that ought to advise on the subjects relating to the Department of Industries. What we say, Sir, is this, that so far as the question is embodied in a motion before the House and we are asked to pass a motion on the basis of which only the House can proceed to the election of any members to serve on the Standing Committee, it is perfectly open to this House to state in what manner it will constitute the Committee which it is asked to set up. Therefore, I submit the mere fact that the Notification prescribes a particular method by which we are asked to elect does not preclude this House from saying that we want to elect it by a different method, and this amendment is perfectly in order.

Mr. President : The Government ask the Assembly to give them a panel and the amendment says : " No, we shall not give you a panel ". Is that not so ?

Mr. A. Rangaswami Iyengar : We want to give a Standing Committee and that is the main object of this motion.

Mr. President : You say we will give you members of the Committee direct.

***Mr. R. K. Shanmukham Chetty** : The proposal before the House is that the House be called upon to elect a certain number of members to serve on a definite Committee.....

Mr. President : No, the proposal is that the Assembly should elect a panel from which the Governor General shall select certain members.

***Mr. R. K. Shanmukham Chetty** : But the substantive portion of the motion is that the House be called upon to elect certain members who will serve on this Committee—that is the substantive portion—and the election is sought to be held in the manner prescribed in the Home Department Notification. It is perfectly open to this House to say that it will elect the Committee not in the manner prescribed in that particular rule but in some other particular way.

Mr. President : It is not within the competence of the House to say, "We will elect it in a different way." It is open to the House to say, "We will not elect in the manner proposed by the Government." You can oppose that motion and negative it altogether, but it is not within the competence of this House to say : "We shall elect in a different manner from that proposed by the Government". Either accept the manner proposed by the Government or negative it altogether.

***Mr. R. K. Shanmukham Chetty** : It comes to this, that the Government have brought forward a proposal to elect a Committee in a particular manner, and is it not open to this House to say that the Committee shall be elected not in that particular way but in a different manner ?

Mr. President : Are Government bound to accept the decision of the House in the event of this amendment being carried ?

***Mr. R. K. Shanmukham Chetty** : But the Government have made a motion and it is for this House.....

Mr. President : If the amendment is carried, it can merely be a recommendation to the Governor General in Council. They are not bound to accept the motion embodied in the amendment. That being so, it can only come by way of a Resolution recommending to the Governor General in Council to amend that particular rule which lays down the manner in which these advisory committees are to be elected. It cannot come by way of an amendment to this motion.

***Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : I understand that three members are to be nominated out of the panel of nine which we are asked to elect. Instead of that will it be open to this House to elect only three members who are to be appointed and leave the matter there ? We know that three members are to be nominated by the Governor General for this Standing Committee. We desire that we should exercise that right by electing the men whom we want to sit on the Committee and, therefore, without amending the rules is it in the power of this House to elect only three or are we compelled to elect a panel ? We cannot be compelled to.....

1 P.M.

Mr. President : There is no question of any compulsion. The Assembly is not bound to elect a panel. They might throw out the proposal made by the Government of India. That is the only remedy open to the Assembly. They can say : "We do not accept your proposal. We

*Speech not corrected by the Honourable Member.

[Mr. President.]

do not want to elect a panel from which the Governor General will select certain members. We want to elect the members ourselves". For that purpose the legitimate course for the Assembly is to move the Governor General in Council by way of a Resolution recommending to them that they should alter the rules which prescribe the manner of election.

*Pandit Madan Mohan Malaviya : I suggest then that the House should refuse to elect the panel and leave the matter there.

Mr. President : Honourable Members are perfectly within their right in opposing the motion.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : There is another matter to which attention has not been drawn. As matters stand these Committees are Joint Committees of both the Houses. Just as we elect panels, the other House elects panels also, and a number of members are taken from each of these panels for the purpose of constituting the departmental Committee. Do I understand my Honourable friend, who has given notice of this amendment, to hold the view that in future there should be no Joint Committees, but that only this House should have the exclusive privilege of electing departmental Committees ? That is a point on which I have not heard my Honourable friend making any submission and that, I submit, would arise also in connection with the point of order.

Mr. A. Rangaswami Iyengar : I think the amendment is clear.

The Honourable Sir Basil Blackett : I bow to your ruling. As you have ruled this amendment out of order, I have nothing more to say.

Mr. President : Mr. Neogy has raised some point on which he wants a reply.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : As you have decided that the amendment is out of order, no reply is required from Government.

Mr. President : Here is a non-official Member who desires some information in connection with this motion—I think the Government ought to give it.

The Honourable Sir Bhupendra Nath Mitra : So far as the Resolution goes a panel is elected by this House and a panel is elected by the other House. As a matter of fact the other House has already elected a panel and we are awaiting the election of a panel before we can form a Committee.

*Mr. R. K. Shanmukham Chetty : So far as my amendment goes, it is equally all right. I submit that what we propose is to send seven members of this Committee and the other House is perfectly at liberty to send seven members.

Mr. President : I have already ruled that the amendment of Mr. Shanmukham Chetty is out of order. He is perfectly entitled to oppose the motion. Does he wish to speak in opposition to the motion ?

* Speech not corrected by the Honourable Member.

*Mr. Varahagiri Venkata Jogiah (Ganjam-*cum*-Vizagapatam : Non-Muhammadan Rural) : I rise to oppose the motion, for the simple reason that it is always desirable for this House to elect members to serve on Committees rather than to allow the Government to nominate members. I therefore oppose this motion.

Mr. K. C. Neogy : Sir, before I make my submission on this Resolution, I would ask for a ruling from you as to whether we would be in order in discussing the general principles regarding the constitution of all these various Committees which are proposed to be elected, namely, Committees in connection with the Industries and Labour, Commerce, Education, Health and Lands and Publicity Departments, or whether we are to confine ourselves to the merits of the particular Committee attached to the Department of Industries and Labour.

Mr. President : The Honourable Member should confine himself to the motion before the House now.

Mr. K. C. Neogy : Then, Sir, I should prefer to make my submission on a subsequent motion.

***Pandit Madan Mohan Malaviya** : Sir, I wish to draw the attention of the House to the reason which I take it underlies the opposition to this motion, and the desire which underlies also the proposal that we should elect not a panel out of which a certain number will be nominated but the members themselves. What is this Committee, Sir ? The Committee is a Standing Committee to advise on subjects in the Department of Industries and Labour. It is a Committee merely to advise. It is not a Committee which is given any final power of decision. It is not a Committee which is invested with the power of voting funds or making grants for particular industries or for labour organisations or for the benefit of labour. Cannot the Government show the courtesy to this House of asking them to elect three men whom we consider the best to advise Government on these subjects ? Must the Government ask this House to nominate three times the number from whom the Governor General in Council will elect three men whom he also considers to be competent to advise on these subjects ? I submit, Sir, that this much courtesy ought to be shown to this House that it should be asked to elect the men who it thinks are fit to advise on these subjects. If the Government cannot show us that courtesy, without meaning any disrespect, without showing any want of co-operation with them, we should decline the invitation to hamper them by nominating 9 and so putting the Governor General in Council to the trouble of considering which of the 9 are best fitted to be honoured with an appointment on the Standing Committee to advise the Department.

Mr. N. M. Joshi (Labour Interests : Nominated) : Sir, if the amendment of my Honourable friend Mr. Chetty had been moved I would have supported it, because I feel that an elected Committee would have been much better than a Committee appointed out of a panel. Still I am not one of those who will oppose the motion for the appointment of a panel. We have been electing members for the panel now for several years, and I do not know why we should refuse to elect members for the panel now. It

* Speech not corrected by the Honourable Member.

[Mr. N. M. Joshi.]

would have been quite within our rights and it would have been quite proper for us to have insisted upon the members being elected, but if we cannot do that I think we should do the next best thing and elect the members for the panel. I have been a member of the Standing Committee for the Department of Industries and Labour, and I can say that that Committee has met several times and from the point of view of labour it has also done some good work

Mr. K. C. Neogy Sir, I find that general observations have already been made by the Honourable Members

Mr. President I thought the Honourable Member was not going to speak on this motion

Mr. K. C. Neogy Well Sir, in view of the fact that we are having a general discussion might I have your leave to make my submissions generally ?

Mr President Mr Neogy

Mr. K. C. Neogy Sir, I am afraid I am responsible for much of the unhappiness that these Standing Committees have been causing, both to the Government and to this House For, it may not be in the recollection of this House that it was I who in the winter of 1922 moved a Resolution for the appointment of such Committees, as a result of which these Committees came into being

Sir, when the reforms were first under discussion, proposals were put forward from the non official side, as also by the authors of the reforms proposals themselves, that there should be Standing Committees attached to the different Departments of Government in order principally to allow non-official Members to have an insight into the inner working of the Government machinery At one time the Government of India were very much opposed to this idea, but later they seem to have relented, and when the Joint Parliamentary Committee made a recommendation for the appointment of such Committees I may say that they had the concurrence of the Government of India for taking that step Sir, I shall try to refresh the memory of my Honourable friend, Mr. Crerar, particularly by referring to the evidence which Lord Meston (then Sir James Meston) gave before the Joint Parliamentary Committee on the Government of India Bill, and he will find that when he appeared before that Committee for the third occasion, on the 13th October, 1919, he said :—

" that in regard to the Standing Committees with the Government of India, the Government of India would ask that if those institutions are accepted by the Joint Committee, an exception should be made in the case of two Departments, the Army Department and the Foreign and Political Department "

It was thereafter that I made inquiries in this House in 1921 as to what the intentions of Government were in regard to this recommendation of the Joint Parliamentary Committee Strangely enough, the Government of India replied that they had no intention of having any such Committees at all, and thereafter I moved the following Resolution on the 19th January 1922 :—

" This Assembly recommends to the Governor General in Council that Standing Committees elected by Members of the Legislature be associated with the different Departments of the Government of India other than the Army and the Foreign and Political Departments."

In framing that Resolution I proceeded very closely upon the position which the Government of India had taken up in giving evidence through Lord Meston before the Joint Parliamentary Committee. Sir, my Resolution was however very stoutely opposed by the then Home Member, Sir William Vincent, but the House carried my motion in spite of such opposition, after a division. Sir, on that occasion I gave all the relevant extracts from the Government despatches and the Report of the Joint Parliamentary Committee on this question. I have no intention of recapitulating all that I stated on that occasion, but I will just refer to one or two points which have a direct bearing on the present matter. Sir, so far as the question of the constitution of the Committees was concerned, the Joint Parliamentary Committee contemplated a partially elected and a partially nominated Committee. This is what they stated :—

"Our idea is that the non-official Members of the Assembly and the Council of State might elect by ballot in proportion to their respective strengths two-thirds of the Members of each Committee, while the Government nominates the remaining one-third."

The Honourable Sir Bhupendra Nath Mitra : Is the Honourable Member quoting from the Report of the Joint Parliamentary Committee ? I am afraid he is in error.

Mr. K. C. Neogy : I am sorry ; I am referring to the Montagu-Chelmsford proposals. As a matter of fact the Joint Parliamentary Committee did not make any detailed recommendations with regard to this matter.

The Honourable Sir Bhupendra Nath Mitra : They did.

Mr. K. C. Neogy : Not detailed recommendations. What the Joint Parliamentary Committee said in effect was :

"We want to leave it to the Government of India."

They left it to the discretion of the Government of India to determine the Committees' composition and the duties that should be assigned to them.

The Honourable Sir Bhupendra Nath Mitra : Is it the Government of India or the Governor General ? I am sorry the Honourable Member is so unkind. If he will read a previous passage of his speech, he will find out what the Joint Parliamentary Committee had said.

Mr. K. C. Neogy : The Honourable Member is drawing a distinction which to our mind is without any difference. Whether it is the Governor General or the Governor General in Council, so far as we are concerned, we find that there is very little distinction. However, Sir, I am not concerned with these small matters of detail. What we want is that these Committees should be allowed to function in the proper way, and the only way in which they can be useful both to the Government and to the people. Sir, when I moved my Resolution, I was not at all satisfied with the procedure that was laid down either in the Joint Parliamentary Report or in the Montagu-Chelmsford Report about the constitution of these Committees. That is the reason why I asked for entirely elected Committees, but the Governor General in Council thought otherwise and in giving effect to that Resolution of mine, they came to a compromise. They allowed both the Houses to have their election of nominees and they made their own selection of the members from those panels thereafter. Sir, it was certainly a departure from the recommendations of the Montagu-Chelmsford proposals. And my Honourable friend Mr. Shanmukham Chetty has every

[Mr. K. C. Neogy.]

reason for being aggrieved at the manner in which the Government of India are departing from those recommendations. We have got experience of these Committees during these few years, and it is perfectly legitimate on our part now to demand that Government should seriously consider the desirability of revising the rules in regard to the constitution of these Committees. So far with regard to the composition of the Committees, but there is another point to which I want to refer and on which I base my ground for opposition to the motion. Sir, the Government of India, I must say, did not at any time make any secret of their opposition to the idea of these Standing Committees ; but one would have expected that after they had accepted the Resolution, even though partially, they should try to give effect to the intention of Mr. Montagu and Lord Chelmsford and also of the Joint Parliamentary Committee in regard to the work to be placed before the Standing Committees. But what do we find ? Well, before I charge my Honourable friend Mr. Crerar with having dropped the Home Department Committee altogether, I want to say that in justice to the Department with which we are dealing just now, it must be said that that is perhaps the only useful Committee we have got at the present moment. But, Sir, the other Departments, notably the Home Department, have not done anything to justify the constitution of these Committees, and I find that it is not proposed at the present moment to have any Committee attached to the Home Department at all. May I in this connection remind my Honourable friend Mr. Crerar of what Sir William Vincent said while opposing my Resolution on that occasion ? He said :—

"I myself think and thought for some time that in the Home Department a Committee to examine proposals for legislation generally would be of very great value."

I draw my Honourable friend's attention to that expression of opinion with the hope that he will revise his decision and see whether a Committee could not be appointed in connection with the Home Department to discharge this as also various other functions contemplated by the Joint Parliamentary Committee and the Montagu-Chelmsford Report. Sir, if Government are not willing to place work of sufficient importance before the Committees, if that be the attitude of Government, I would have no hesitation in voting against these Resolutions as a matter of principle.

***Mr. Muhammad Yamin Khan** (United Provinces : Nominated Non-Official) : On this question we have heard speeches and criticisms of different types which to my mind are not at all relevant when this motion is moved. As laid down by yourself, Sir, either this motion can be adopted or it can be rejected altogether.

The speeches which have been made here to-day ought to have been made when the question of amendment was being considered. These rules and notifications have been in existence since August, 1922, and the different Assemblies have been working accordingly. It was quite open to Honourable Members during this time to bring in a motion of amendment if they were not satisfied with the present system ; but they did not choose to do so. Now at a time when the question is whether this should be considered or whether there should be an election of a panel or not, this question of amendment has been introduced. I do not think that even the total rejection of this proposal is sound, because here in the Assembly we represent

*Speech not corrected by the Honourable Member.

different parties, different ideas and different thoughts. If we do not have a panel, we will be treading on very dangerous ground. We have the Swaraj Party, the Nationalist Party and the Independent Party, and there are other Members who do not belong to any party at all. If we were only to elect a Committee from the Assembly, probably some of the Members who do not belong to the strongest party, although they may be quite efficient and quite capable of working on the Committee, may be ignored altogether.

Sir Hari Singh Gour : How will they get on the panel ?

***Mr. Muhammad Yamin Khan** : These Members have not got the slightest chance in a Committee of 9 members if we decide as Pandit Madan Mohan Malaviya says, to elect three members and no more. I say it is absolutely impossible because there will be 9 nominations altogether. If the motion is to elect 9 members and if there are only 9 nominations from the Assembly, then they will be considered to be elected. Each party may be able to send three Members only, but the Swarajist Members may not be satisfied with the nominations made by the Nationalist Party. Probably the Independents will send three more. It is, in my opinion, absolutely impossible and impracticable to carry out the suggestion that has been made. It is always safe to elect more Members than are required to serve on a particular Committee. Out of these, the Government may select people of different thoughts, different ideas and different interests who might give sound advice, as is expected from this Committee. This is only an Advisory Committee, and as such it must consist of members representing different political shades of thought and political interests. I think the present system is very sound and all questions relating to its amendment are absolutely irrelevant. Therefore, Sir, I support the motion.

The Honourable Sir Bhupendra Nath Mitra : Sir, I am extremely grateful to my friend, Mr. Muhammad Yamin Khan, whom the way, I should like to congratulate on his maiden speech in this Assembly, for having attempted to divert the debate on to the proper channel. You, Sir, having ruled out of order the amendment proposed by my friend Mr. Shanmukham Chetty, it is hardly neeessary for me at this stage to discuss the propriety of the arrangements which were introduced by the Governor General in 1922, and I shall only make one general remark in connection with these arrangements. I am sorry my friend Mr. Neogy did not bring out the full position when he was attacking the present system a few minutes ago. The present system, as a matter of fact, follows the recommendation of the Joint Select Committee. I have not got the Report of the Joint Select Committee and I shall therefore quote from Mr. Neogy's own speech in this House which he delivered on the 19th January 1922. There he gives this as the quotation from the Report of the Joint Select Committee :—

> " It may even greatly assist the political education of India if Standing Committees of legislative bodies are attached to certain Departments of Government ; but we only express this opinion on the understanding that the appointment of such Committees, their position and the regulations which govern their procedure, shall be matters wholly and exclusively within the discretion of the Governor General."

That was the recommendation of the Joint Select Committee, who apparently came to this conclusion in spite of a different recommendation in the Montagu-Chelmsford Report and after consideration of the constitutional aspect of the case.

[Sir Bhupendra Nath Mitra.]

Having said so much I shall now confine myself to my Resolution. Sir, in accordance with the usual practice—a practice which has been in force for five years—I asked for this panel in February last so that I might be in a position to form my Advisory Committee. As I mentioned in this House a little while ago, the other House had been kind enough to give me a panel.....

Sir Hari Singh Gour : They are always very kind to you.

The Honourable Sir Bhupendra Nath Mitra : The only objection, if I may say so, which this House might have had in giving me that panel was if it had any doubts about the utility of that Committee. Mr. Joshi has already said something about the utility of that Committee. My friend, Mr. Neogy, has been kind enough to admit that probably that Committee has some utility. I do not want to waste the time of the House by reading out the various important items involving questions of policy which were referred to that Committee in the last two years. The members who formed that Committee are fully aware of these subjects. They cover in fact various branches of work with which my Department has got to deal.

Now, I would ask the House to consider whether, because they do not like the present constitution of these Committees or because they do not like the panel system on grounds of high policy, if I may use that expression, it is fair to me that they should deprive me of the services of this Committee and compel me to go without the assistance of my Honourable friends like Mr. Joshi or Mr. Chaman Lall.

Mr. Gaya Prasad Singh : (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Why don't you nominate direct ?

The Honourable Sir Bhupendra Nath Mitra : That is not a matter for discussion at present. The President having ruled the amendment out of order, it is hardly necessary for me to pursue further the propriety of the present arrangements. But as my friend Mr. Gaya Prasad Singh has raised the question, I shall just say a few words on the subject. As it is, in 1925 it fell to my lot for the first time to advise His Excellency the Governor General about the formation of the Committee to be attached to my Department. Now the Assembly elected a panel and the three gentlemen who headed the list were Mr. Chaman Lall, Mr. Joshi and Sir Walter Willson. I took those three gentlemen as members of my Standing Advisory Committee In 1926, the members who headed the poll were Sir Walter Willson, Sir Darcy Lindsay, Mr. Chaman Lall and Mr. Joshi. If I were to follow what my friend Pandit Madan Mohan Malaviya was advocating a little while ago, I should have taken as members of that Committee Sir Walter Willson, Sir Darcy Lindsay and Mr. Chaman Lall, leaving out Mr. Joshi. Well, that shows that this panel system is very elastic. It enables me to put into that Committee people of various opinions from whom I can get the best assistance. That year I took, as a matter of fact, Sir Walter Willson, Mr. Chaman Lall and Mr. Joshi, leaving out Sir Darcy Lindsay, so that in both years I had on my Standing Advisory Committee a European member representing capital, my friend Mr. Joshi who represents labour, and my friend Mr. Chaman Lall who, though he has I believe large capitalistic connections, takes a good deal of interest in the welfare of labour. Now, it may be argued that my

Committee was defective because the representative of capital was a European. I settled that when taking members from the other place. I got a panel from the other place and from that panel a representative of Indian capital was selected, and I also selected a politician with general experience which gave my Committee, if I may say so, a comprehensive outlook. I would ask the House again to consider the whole position before they become so unkind as to vote down my Resolution, because if that is done, I shall be left without any Committee at all, and I can assure the House that there are certain important matters on which I want to consult my Standing Committee as soon as it has been formed. The House will come to know about them from various questions which I will have to answer later on.

I think, Sir, I have dealt with the various points which have been raised by my Honourable friends who have already taken part in this debate, though I did not really want to deal at all with the reasons which actuated my friend Mr. Chetty to move his amendment, as that amendment was ruled by you, Sir, to be out of order. But having explained the position as fully as I have done, I would now request the House to withdraw their opposition to my proposal and to allow me to go on on the lines that I have gone on for two years. If they want to change the present rules, as the Chair indicated, it is open to them to bring in a Resolution and have the rules changed, though, as I have already pointed out, the change in the rules may not operate to the best interests either of the Executive Government or of this House.

***Pandit Madan Mohan Malaviya** : May I ask, Sir, if the Honourable Member will give us the assurance that he will have this matter considered by the Governor General in Council and revise the rules so as to bring them into line with the recommendation contained in the Montagu-Chelmsford Report. That Report says.....

Mr. President : I cannot allow the Honourable Member to make a speech.

The Honourable Sir Bhupendra Nath Mitra : Well, Sir, the question of altering the rules can only be taken up if the House passes a separate Resolution on that subject.

Mr. President : The question is :

"That this Assembly do proceed to elect, in the manner described in the rules published in the Home Department Notification No. F.-49, dated the 22nd August 1922, as amended by the Home Department Notification No. D.-794-C., dated the 30th January 1924, a panel consisting of 9 members from which the members of the Standing Committee to advise on subjects in the Department of Industries and Labour will be nominated."

The Assembly divided :

AYES—47.

Abdul Qaiyum, Nawab Sir Sahibzada.	Ayangar, Mr. V. K. Aravamudha.
Abdullah Haji Kasim, Khan Bahadur Haji.	Ayyangar, Rao Bahadur Narasimha Gopalaswami.
Ahmad, Khan Bahadur Nasir-ud-din.	Bajpai, Mr. G. S.
Alexander, Mr. William.	Blackett, The Honourable Sir Basil.
Anwar-ul-Azim, Mr.	Bray, Sir Denys.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.	Coatman, Mr. J.
	Cocke, Mr. H. G.

*Remarks not corrected by the Honourable Member.

Cosgrave, Mr. W. A.
Courtenay, Mr. R. H.
Crerar, The Honourable Mr. J.
Crofton, Mr. R. M.
Dakhan, Mr. W. M. P. Ghulam Kadir Khan.
Dalal, Mr. A. R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr. J. T.
Dunnett, Mr. J. M.
Ghazanfar Ali Khan, Raja.
Haigh, Mr. P. B.
Irving, Mr. Miles.
Ismail Khan, Mr.
Joshi, Mr. N. M.
Kabul Singh Bahadur, Captain.
Keane, Mr. M.
Kirk, Mr. R. T. F.
Mitra, The Honourable Sir Bhupendra Nath.
Mohammad Ismail Khan, Haji Chaudhury.
Moore, Mr. Arthur.
Mukherjee, Mr. S. C.
Parsons, Mr. A. A. L.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Roy, Mr. K. C.
Sams, Mr. H. A.
Shah Nawaz, Mian Mohammad.
Singh, Rai Bahadur S. N.
Suhrawardy, Dr. A.
Tonkinson, Mr. H.
Wright, Mr. W. T. M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

NOES—36.

Abdoola Haroon, Haji.
Abdul Matin Chaudhury, Maulvi.
Acharya, Mr. M. K.
Aney, Mr. M. S.
Ayyangar, Mr. M S. Sesha.
Bhargava, Pandit Thakur Das.
Chaman Lall, Diwan.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Das, Pandit Nilakantha
Dutt, Mr. Amar Nath.
Farookhi, Mr. Abdul Latif Saheb.
Gour, Sir Hari Singh.
Haji, Mr. Sarabhai Nemchand.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jogiah, Mr. Varahagiri Venkata.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath
Lahiri Chaudhury, Mr. Dhirendra Kanta.
Lamb, Mr. W. S.
Malaviya, Pandit Madan Mohan.
Mitra, Mr. Satyendra Chandra.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Naidu, Mr. B. P.
Neogy, Mr. K. C.
Pandya, Mr. Vidya Sagar.
Sarda, Rai Sahib Harbilas.
Shafee, Maulvi Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Mr. Siddheswar.

The motion was adopted.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President in the Chair.

ELECTION OF A PANEL FOR THE ADVISORY PUBLICITY COMMITTEE.

The Honourable Mr. J. Crerar (Home Member) : I move :

" That this Assembly do proceed to the election, in such method as may be approved by the Honourable the President, of a panel of 14 members from which 7 members of the Advisory Publicity Committee will be nominated."

Before speaking briefly on this motion, I may perhaps be permitted to say one word of a personal character. This is the first occasion on which I have had the honour of addressing this Assembly. I am aware that it is the custom of the House to extend to its newest Members a great measure of patience and indulgence, and, as it falls to me to have the very heavy responsibility of speaking for the first time from this Bench, I trust and hope that I shall have a very large measure of the forbearance of the House. I do not think it is necessary for me to say much on the motion which stands in my name. The question of the expedient of a panel for Advisory Committees has been discussed at considerable length. The particular Advisory Committee which is the subject of my motion is in material respects different from the Standing Advisory Committees attached to Departments which have been the previous subject of discussion, and I should like to observe that the practical considerations of convenience, which were so lucidly explained by my Honourable colleague Sir Bhupendra Nath Mitra, apply probably in much larger measure to the Publicity Advisory Committee. The questions which come before this Committee are of a very general nature, and it is particularly desirable that the representation of different kinds of opinion and different kinds of interest should be as comprehensive as possible. The discretion allowed to Government by the panel system does give them a certain facility for securing the representative character of the Committee, and, as in matters of publicity it is extremely important that different points of view should be carefully and duly considered, the particular expedient which is adopted in this motion, as in the motion which has preceded it, is one which from a practical point of view is so convenient that I trust it will commend itself to the House. I hope the House will pass the motion which stands in my name.

The motion was adopted.

ELECTION OF A PANEL FOR THE STANDING COMMITTEE OF THE COMMERCE DEPARTMENT.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I rise to move :

" That this Assembly do proceed to elect, in the manner described in the rules published in the Home Department Notification No. F.-49, dated the 22nd August, 1922, as amended by the Home Department Notification No. D.-794-C., dated the 30th January 1924, a panel consisting of 9 members from which 3 will be nominated to serve on the Standing Committee to advise on subjects in the Department of Commerce."

I do not propose, Mr. President, to say more than a word or two about this Resolution. The Honourable Mr. Crerar has mentioned that it is customary for new Members to trust a great deal to the indulgence and the kindness of the House. I certainly have the utmost confidence

[Sir George Rainy.]

that the House will bear with my youth and inexperience and will not deny me the protection for which I ask. All I wish to add is that there are certain subjects, particularly those connected with merchant shipping, on which I think it is very important and very necessary that those who have to administer the Commerce Department should have the assistance of an Advisory Committee. I move the motion that stands in my name.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : May I know, Sir, how often the Committee attached to the Commerce Department has been summoned in the past, and what are the subjects that were placed before it for discussion ?

The Honourable Sir George Rainy : I am afraid, Sir, I am not in a position to give the Honourable Member the information for which he asks, but I would again plead for indulgence on the ground that I at any rate was not personally responsible for the number of times they met.

Mr. N. C. Kelkar (Bombay Central Division : Non-Muhammadan Rural) : I stand to oppose this motion. I wanted to speak on the very first motion just now made, but it was generally thought to be a somewhat useful Committee. At the same time of course we did vote against the motion in order to put down on record our emphatic protest against the manner in which the members of these Advisory Committees are selected. My objection to this procedure of appointing these Committees is that it is almost a double dose of distrust—double distillation of distrust, in this sense that, in the first place, they are only Advisory Committees ; and I say distrust is shown because you do not give them any definite executive authority, no authority at all. You only want these people to act as an Advisory Committee. Secondly, you do not want to give the Legislature the power to elect their own representatives even on an Advisory Committee. This particular Committee is nothing more than an Advisory Committee, and, as has been pointed out by my friend over here just now, the Committee also is very seldom convened. An Advisory Committee is like the King's advisers. The King summons them only when His Royal Majesty finds that he wants advice, and we find that His Royal Majesty is never in need of advice because he always wishes to exercise his own will. And it is the same case with the Advisory Committees here. They have no definite powers ; no rules of business are prescribed for the Committees. The Committee has no initiative because it can attend only when called. But we have accepted even this position. I want this to be marked and noted. Our objection is not mainly at this moment to the advisory nature of these Committees and their powers, but that apart from that, they are appointed from a panel and not by direct election. And that is why I call it, again, a double dose of distrust. Now you place the Legislatures in an awkward position. I really cannot see the logic of it. You appoint Select Committees by direct election from both the Legislatures, and the fate of Bills, very important Bills, sometimes hangs on these very Select Committees. They shape, they give proper form to, the Bills and in many cases, I should say mostly, Bills are passed in the Legislature as they are shaped and formed in the first instance by the Select Committee. Now you can trust the Legislature to directly elect people to sit on Select Committees for shaping the destiny of Bills, but

I wonder how you cannot trust the Legislature to elect their representatives on an Advisory Committee, which meets very rarely and can only give advice. Even supposing wrong representatives have been chosen : after all, how far does it go ? It does not go very far. They are only to give advice. Theirs is not to enforce or put into practice any executive powers of authority. Well, if they are wrongly chosen, who is responsible, who takes the consequences ? It is the Legislature. We have been told that Heads of Departments are so gracious and so wise that they are always prepared to condone the defects and the mistakes of the Legislature ; and in one instance we were told that though the Legislative Assembly elected wrongly, our friend over there very wisely made a certain selection, meaning that the result of the election was very bad, but he used his discretion and his wisdom in order that particularly good and useful people only might be taken. But I would reply to him on that point. He does not remember perhaps that the result of that particular election which he mentioned must have been in that particular fashion simply because of the panel system of election. It shows on the face of it that the Assembly, as a whole, did not take any keen interest in that particular election. If the Assembly had taken any interest in that election, I say certainly that the result would not be as he mentioned it to this House. Then again there is this point. You have got to consider it from the point of view of the Legislature. We elect here a panel of 8 or 9 people, and who ultimately decides who will be taken out of that panel ? The Governor General. Now why should there be this slur, a double slur, a slur in the first instance upon the choice we make and a slur in the second instance upon those people who have been left out ; and these people can be slurred over, they can be left out, without the Governor General giving any good or any reasons at all. You put up a list of 8 or 9 people as having been elected by the Assembly as fit for the business. The Governor General says, " I will not have this man ", and he uses his pen to strike out the name of that man. What is the guarantee that the Governor General will properly exercise his discretion ? It has been pointed out by Sir Bhupendra Nath Mitra that this discretion has been given to the Governor General by the Joint Parliamentary Committee. But after the discretion was given, we can say that that discretion has not been properly used, and therefore we claim this ultimate right and this definite right for the Assembly itself for making definite and direct elections to these Advisory Committees. Either the Government wants advice or does not want advice. After all, this is a mere recommendation and Government have voluntarily taken it upon themselves to seek advice. Well, if they had not chosen to seek advice, the matter would have ended, as we cannot force the hands of Government. But if they really want to seek advice, let them do it sincerely, let them trust us to give the proper advice through properly accredited representatives. So the result is this, that we elect certain people as a panel and certain selections are ultimately made by the Governor General ; and not only those who are left out are humiliated but in a way the panel itself is humiliated by the omission.

3 P.M.

Now, it has been said that this method has worked well. It has even been stated that this is a better method than the other method of direct election. Now, if the Honourable Member sincerely and honestly believes in that statement, why

[Mr. N. C. Kelkar.]

should he not go further and propose that even for Select Committees for Bills to be elected by the Legislature this method should be followed and that there should everywhere be panels ? If nomination out of an elected panel is the better method, why not apply it to each and every case ? Why do you apply it to only those cases of Advisory Committees ? In my opinion, absolutely no case has been made out for selecting this method of having a panel out of an elected body. It has been said that sometimes representative men are necessary for advisory bodies. The assumption seems to be that if you give the Assembly the power to make direct elections to advisory bodies, then representative men will not come in. Here again I fail to see the reason. Why should not the Assembly be trusted to choose properly elected representatives, if it can be trusted to choose similar representatives on Select Committees for Bills ? I really fail to understand this distinction between the formation of Select Committees for Bills and the formation of Advisory Committees for giving advice. There may be some other criterion for having these Committees only as advisory bodies and for having Select Committees as bodies with some definite authority and power. That is not my point. I have already stated that I have accepted one position, though I do not agree that it is the best position. I go further and say that even these Committees which are to co-operate with the Departments and give them advice should also have certain rules of business, some powers of initiative, and at least limited executive powers in the initial stage. But that is not my position now. I am quite content at this moment to have the Committees as Advisory Committees, but my argument is that once having accepted that position, why do you force upon us the other distrust also ? Why don't you trust our Advisory Committees elected directly by ourselves ? This is an argument which applies, I suppose, to all similar motions that are now before the House, and so if I have spoken on this one, I have spoken for all.

Mr. M. S. Aney (Berar Representative) : Sir, the ground on which I want to oppose this motion is a very simple one. The principles on which this Committee is formed have been sufficiently discussed and my Honourable friend Mr. Kelkar has also shown how absurd it is to appreciate the principle of panels in the case of these Standing Committees when it is rejected as useless in the case of Select Committees and other Statutory Committees elected by this House. I do not want to touch that point. I want to emphasise the fact that, if the Government of India really want Advisory Committees, then they must be given sufficient opportunities and scope to discharge their functions during the period for which they are in existence. Last time I put a few questions with a view to elicit information regarding the functions and work performed by the various Committees appointed under these Notifications. At that time the answer given on the floor of the House was that the information was not available and it would be collected and supplied to the Member. Subsequently it was supplied to me ; unfortunately I have not got the typed copies of the reply given with me at present. But I have gone through them and I find that the one Committee that has functioned and has done some important work was the Committee for which a motion was tabled by my Honourable friend Sir Bhupendra Nath Mitra and which was carried by the House shortly before. As regards other Committees, some of them never met at all. It is certainly an insult to this House to call upon it to proceed to elect a Committee and never to make use

of that Committee. That being the position, there is a legitimate feeling of resentment. I think Members would be well advised in rejecting the proposal altogether as a mark of protest and indignation. Sir, I oppose the motion.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I do not oppose my friend the Honourable Mr. Kelkar when he says that the system of the election of these Committees is full of defects, but, I submit, that by rejecting the motion which is before the House we will not amend the system of election. What would be the result if we reject this motion ? The result would be that there will be no Committee at all. Now, Sir, is not the constitution of our Assembly full of defects and anomalies ? What sanctions have our Resolutions got ? They are not binding on the Government. There are certain other things in the constitution of this Assembly which are full of anomalies and defects, but we cannot remove those anomalies and defects by rejecting motions. The proper system of amending the rules is by moving Resolutions. If my Honourable friend Mr. Aney or any other Members consider that the present system of election of these Committees is not sound, they can move a Resolution to the effect that the rules of election should be amended, but it is not proper and desirable to reject motions like this.

As regards the working of the Advisory Committees, if any Department does not hold meetings of their Committees they are to be censured in the House. Motions ought to be moved in the House that such and such members should be censured for not calling the Committees of their Departments. There, too, Sir, by rejecting the motions for the election of the Committees, we will not be removing the defects. For these reasons I support the motion before the House, and I respectfully submit that the Honourable Members who are opposing this motion will consider the question in this light. They should move Resolutions, they should censure the members, but they should not deprive some Members of the Assembly, at any rate, from a small power of advice which they exercise by being elected to these Committees.

***Diwan Chaman Lall** (West Punjab : Non-Muhammadan) : Sir, I would not have risen to talk upon this subject had it not been for the speech of my Honourable friend Maulvi Muhammad Yakub. I think he was rather confused about the subject. He started off by stating that the only remedy we possess is to move Resolutions, but ended up by saying that we cannot compel the Government to listen to us because the Government is under no obligation to respect any Resolution that we might pass. The contradiction is there. But I want to assure the Honourable Member in charge of this Department that we do not wish him to carry away the idea that we are not anxious to have Standing Committees for the Departments. In fact, the legitimate development of the committee system seems to me to be this that we must have a complete right to elect our own men and not leave the choice to the Member in charge of the Government of India. What is the object of these Committees ? The object is merely to associate the Legislature with the Executive in order that both the Executive and the Legislature might benefit. What we are pressing for is a development of this system which was laid down by the Joint Committee. I have here the statement made in the Montagu-Chelmsford Report. They also say the same

*Speech not corrected by the Honourable Member.

[Diwan Chaman Lall.]

thing, namely, that their intention is to familiarise the elected Members of the Legislative Councils with the processes of administration. What we want is the right to nominate our own men. The Assembly should have the right and no invidious distinction should be drawn, as has been pointed out by my Honourable friend Mr. Kelkar, as to the Members who ought to be put upon these Committees at the sweet will of the Member in charge.

Now, we may have a very good Member in charge, like my Honourable friend Sir Bhupendra Nath Mitra, who might adjust all sorts of differences, but we cannot depend upon the vagaries of the Government where you are a Minister to-day and to-morrow you are gone. What we want is the right to say that these are the men whom we trust to carry out the wishes of the Assembly in regard to the various processes of administration which will be considered by the Standing Committees. It is with that object that we desire to censure the Government for not having brought in this proposal themselves. It was up to them—it is not up to us—to have brought forward such a Resolution. Our Resolutions are mere scraps of paper. It is up to the Government to amend the rules and introduce a different system for the selection of these Standing Committees, and I hope that the Honourable Member, as a result of this discussion, will move the Government of India and bring in a decent system for the selection of these Standing Committees.

Mr. H. G. Cocke (Bombay : European) : Sir, I only want to say two words. I am glad that the last speaker has spoken for this Resolution because it is certainly very essential that the Commerce Department should not go without a Committee. The Honourable Member distinctly said that he was all in favour of Committees, and therefore I do not see how he could do anything else than support this motion.

Sir, the Commerce Department, I think of all departments, is one which requires an Advisory Committee, and it would be most undesirable that that Department should be left without one. I am not quite clear whether the motion intends three members only to be nominated to the Standing Committee. I understand however from the discussion to-day that it is not necessary that the same three shall be on the Committee indefinitely. The Commerce Department deals with diverse matters, such as cotton yarn, lighthouses and insurance ; and it is obvious that we do not want the same three men dealing with these three subjects ; one man may be an expert on cotton yarn, but may not be an expert on lighthouses ; and therefore I should like to be enlightened on that point. But in any case I do trust this House will follow the good example set before lunch and vote for this Committee.

The Honourable Sir George Rainy : I hope, Sir, that the members who have spoken on the other side of the House will pardon me if I reply only briefly to what they have said. After all there was a considerable amount of discussion this forenoon on the motion for the appointment of a Committee for the Department of Industries and Labour ; and in substance most of the arguments used—though not perhaps all of them—were brought forward in the course of that debate and were, I think, convincingly replied to by my Honourable friend, Sir Bhupendra Nath Mitra.

Mr. Kelkar's first complaint was that these Advisory Committees had no executive authority. This point can, I think, be very briefly disposed of, for he admitted himself that he was not seriously asking that the Committee should be given executive authority at the present time. We are now at the advisory stage, when the scheme is that non-official Members of the Legislature should be associated with the Departments to put them in touch with the business going on in each Department. And indeed if it came to the stage, Mr. President, at which Committees with executive authority were elected by this House, I am inclined to think that we should have passed on to a new stage of constitutional development where the question of the exact powers of the Committees would not be of such importance as Honourable Members think at present.

Now, as regards the question whether this House should itself elect the members of the Advisory Committee or whether we should adhere to the panel system by which the Governor General selects from a larger number, a smaller number to sit on the Committee, Mr. Kelkar referred to the analogy of the Select Committees of this House which, as everybody knows, are entirely elected by this House. Another instance that might be quoted is the Standing Finance Committee. These Committees, the Select Committees and the Standing Finance Committee, are definitely committees to advise this House about the discharge of its own functions, whereas the Advisory Committees with which we are dealing are to be constituted through the action of this House to advise the Executive Government. Now, I think that at once makes a distinction between the two cases. They are not completely analogous ; and since there are two parties concerned, namely, the party who advises and the party who receives the advice, I think it can be argued very fairly that the party who receives the advice is also entitled to have a say in the selection of the advisers.

Mr. Satyendra Chandra Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Why not nominate them all ?

The Honourable Sir George Rainy : " Why not nominate them ?" For the very simple reason that there are two parties to bargain and I see no reason at all why the Assembly should not participate in the selection.

Now, Sir, the only other point to which I wish to allude is the complaint that the Advisory Committee was very seldom convened. I think possibly, if that be the case, that it may have been due to the nature of the business which was principally occupying the attention of the Commerce Department at that time. I cannot speak from knowledge, because I do not know the circumstances. But I would like to repeat what I said in my opening speech that, as far as I can see, there are a good many subjects likely to come before the Commerce Department in the next year or two, particularly on the mercantile side, on which I have no doubt at all that it will be extremely useful to the Commerce Department, and I hope not altogether unprofitable to Members of the Assembly, to have an Advisory Committee

Mr. President : The question is:

" That this Assembly do proceed to elect, in the manner described in the rules published in the Home Department Notification No. F.-49, dated the 22nd August,

[Mr. President.]

1922, as amended by the Home Department Notification No. D.-794-C., dated the 30th January, 1924, a panel consisting of 9 members from which 3 will be nominated to serve on the Standing Committee to advise on subjects in the Department of Commerce."

The motion was adopted.

ELECTION OF A PANEL FOR THE STANDING COMMITTEE FOR THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

Mr. A. R. Dalal (Secretary, Education, Health and Lands) : Sir, I move the following :

"That this Assembly do proceed to elect, in the manner prescribed in the rules published in the Home Department Notification No. F.-49, dated the 22nd August, 1922, as amended by the Home Department Notification No. D.-794-C., dated the 30th January, 1924, a panel consisting of 9 members from which the members of the Standing Advisory Committee to advise on subjects, other than Indians Overseas and Emigration, dealt with in the Department of Education, Health and Lands, will be nominated."

Sir, after what has fallen from the more senior Honourable Members on this side of the House, I do not wish to say anything further, except to mention that we have found the advice and help of our Standing Emigration Committee, which we frequently consult, of the greatest help to us. I trust, therefore, that the House will not deny us similar advice and assistance from this Committee. Sir, I move the motion that stands in my name.

The motion was adopted.

Mr. President : I may inform the Assembly that for the purpose of election of members to the Public Accounts Committee, the Standing Advisory Committee for the Department of Education, Health and Lands, and the Advisory Publicity Committee, the Assembly office will be open to receive nominations up to 3 p.m. on Friday, the 19th August, and the election, if necessary, will take place in this Chamber on Monday, the 22nd August. The nominations for the Standing Advisory Committees for the Department of Industries and Labour and the Department of Commerce will be received by the Assembly Office up to 12 noon on Monday, the 22nd August, and the election, if necessary, will take place in this Chamber on Wednesday, the 24th August. The elections will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE NEGOTIABLE INSTRUMENTS (AMENDMENT) BILL.

APPOINTMENT OF MR. K. C. NEOGY TO THE SELECT COMMITTEE *vice* THE REVD. DR. E. M. MACPHAIL, RESIGNED.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I move that in place of the Rev. Dr. E. M. Macphail, Mr. K. C. Neogy be appointed to the Select Committee on the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose.

We are unfortunate, and I am sure many in this House will agree with me, in that Dr. Macphail is no longer a Member of this House. It

should like to take this opportunity of expressing my own gratitude for the services which he has rendered to India, both in this House and outside. Being without Dr. Macphail on this Committee, we are without a Chairman, and it is in these circumstances that I move that in place of Dr. Macphail Mr. K. C. Neogy be appointed.

The motion was adopted.

THE GOLD STANDARD AND RESERVE BANK OF INDIA BILL.

PRESENTATION OF THE REPORT OF THE JOINT COMMITTEE.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I present the Report of the Joint Committee on the Bill to establish a gold standard currency for British India and constitute a Reserve Bank of India.

THE IMPERIAL BANK OF INDIA (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE JOINT COMMITTEE.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I present the Report of the Joint Committee on the Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes.

THE REPEALING BILL.

Mr. W. T. M. Wright (Secretary, Legislative Department): Sir, I beg to move for leave to introduce a Bill to repeal certain enactments. The object of this Bill, Sir, is to remove a good deal of obsolete matter from the Statute-book in order to facilitate the publication of a new edition of the General Acts. There is nothing in the Bill which calls for any particular remark at this stage, and I therefore move my motion.

The motion was adopted.

Mr. W. T. M. Wright : Sir, I introduce the Bill.

THE INDIAN TARIFF (AMENDMENT) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I rise to move for leave to introduce a Bill further to amend the Indian Tariff Act, 1894.

The object of this Bill can be explained in a very few words. The Tariff Board which was appointed to inquire into the depression in the cotton textile industry put forward certain proposals for the exemption from duty of articles of machinery and mill stores. These proposals were considered by the Government of India, and in a Resolution, dated the 7th of June last, they announced their intention of asking the Legislature to remove the 2½ per cent. duty on machinery and also the duties on some, but not all, of the mill stores recommended for exemption by the Board. This Bill is intended to give effect to the decision of Government. But, in addition to the articles enumerated in the Resolution of the 7th June last, it is proposed to remove altogether first, the 2½ per cent. duty on printing machinery and materials, on the ground that its retention would lead to administrative inconvenience, and second, the duties on certain additional articles of machinery and mill stores,

[Sir George Rainy.]

namely, bobbins and pirns, roller skins and roller cloth, clearer cloth and sizing flannel, the inclusion of which was strongly advocated by the Mill-owners Associations. Finally, the Bill also makes provision for another proposal which was announced during the course of the last two or three days, namely, the reduction of the duty on artificial silk yarn from 15 to 7½ per cent.

Sir, I move.

The motion was adopted.

The Honourable Sir George Rainy : Sir, I introduce the Bill.

THE INDIAN TARIFF (COTTON YARN AMENDMENT) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I move for leave to introduce a Bill further to amend the Indian Tariff Act, 1894, in order to safeguard the manufacture of cotton yarn in British India.

The Textile Tariff Board, Mr. President, found that owing to the night work of women, which in British India is prohibited by law, the Japanese cotton mills were able to produce cotton yarn at a lower cost than the Indian mills. The difference amounted to 10 pies per pound for a mill spinning an average of 20*s*. and 16½ pies per pound for a mill spinning an average of 32*s*. The bulk of the cotton yarn imported into India which competes with Indian yarn is of the intermediate counts from 31*s*. to 40*s*., and the quantity of yarn imported into India of counts lower than 30*s* is quite small. At present all imported cotton yarn is subject to an *ad valorem* duty of 5 per cent. What is proposed in the Bill is that up to the 31st March, 1930, the duty should be fixed at 5 per cent. *ad valorem*, or one and-a-half annas a pound, whichever is the higher, and that this duty should be applicable to yarn imported from all countries. The effect will be that yarn, the value of which does not exceed Rs. 1-14-0 a pound, will pay duty at one and-a-half annas a pound, but if the value exceeds that limit, *i.e.*, Rs. 1-14-0 a pound, it will be collected at 5 per cent. *ad valorem* as at present. Approximately, the one and-a-half annas duty will be about 10 per cent. *ad valorem* at the present price of yarn of the counts of 31*s* to 40*s*.

There is one other point which perhaps I had better explain. It is expected that the new law making the night work of women illegal in Japanese cotton mills will come into force from the 1st of July, 1929. By the end of that year all yarn produced during the period that women were allowed to work at night should be off the market. For this reason it is proposed that the one and-a-half annas duty should remain in force only up to the 31st of March, 1930.

I do not propose to-day, Sir, to say anything further. There will be other opportunities, and I believe it to be in accordance with the practice of this House, that at the stage of introduction, a brief statement, sufficient to indicate exactly what is proposed, is all that is expected from the Mover.

The motion was adopted.

The Honourable Sir George Rainy : Sir, I introduce the Bill.

THE BAMBOO PAPER INDUSTRY (PROTECTION) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I move for leave to introduce a Bill to amend the law relating to the fostering and development of the bamboo paper industry in British India.

This Bill, Mr. President, proposes to do three things. In the first place, it is necessary to remedy a serious defect in the present law. The Bamboo Paper Industry (Protection) Act, 1925, imposed a protective duty of one anna a pound on printing paper but exempted newsprint which was defined as paper containing not less than 65 per cent. of mechanical wood pulp. The intention was that all paper which contained less than 65 per cent. of mechanical wood pulp, or contained no mechanical pulp at all, should pay the protective duty. It has been held, however, that as the Act is worded, paper containing no mechanical pulp was not subject to the protective duty but only to the 15 per cent. revenue duty. It is proposed in this Bill to amend the Act so as to carry out the original intention, and also to make certain provision for the retrospective collection of the protective duty on printing paper which has been imported on payment only of the lower duty at any time since the Bamboo Paper Industry (Protection) Act came into force. This amendment of the law is absolutely necessary because, unless it is made, the protection for paper breaks down altogether and becomes of no effect.

In the second place, a doubt has arisen whether the proportion of 65 per cent. mentioned in the Act should be applied to the whole weight of the paper including the loading or only to the fibre content. This question was referred to the Tariff Board who have recommended that it should apply to the fibre content only. It is proposed in this Bill to give effect to that recommendation.

In the third place, it has been found in the case of certain classes of writing paper that the protective duty is frequently less than the 15 per cent. revenue duty would be. There is no reason why the revenue that might have been collected at the revenue rate should be loss to Government, and it is therefore proposed that for the future writing paper should pay a duty of one anna a pound or 15 per cent. *ad valorem*, whichever is higher.

The motion was adopted.

The Honourable Sir George Rainy : I introduce the Bill.

The Honourable Mr. J. Crerar (Home Member) : Sir, I have been given to understand that it would be more conducive to the convenience of Honourable Members opposite if the motion* which stands in my name as item No. 12 were put down for a later date, and I, therefore, do not propose at this stage to move it.

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*"That the Bill to make provision to enable volunteer police forces to be constituted temporarily and employed locally for the purpose of preserving the public peace and protecting persons and property, and to define the powers and duties of such police, be referred to a Select Committee consisting of Maulvi Muhammad Yakub, Mr. J. M. Dunnett, Mr. M. Keane, Mr. A. Rangaswami Iyengar, Mr. M. R. Jayakar, Dr. A. Suhrawardy, Pandit Hirday Nath Kunzru, Mr. Abdul Haye and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

THE INDIAN BAR COUNCILS (AMENDMENT) BILL.

The Honourable Mr. J. Crerar (Home Member) : I move that the Bill to amend the Indian Bar Councils Act, 1926, for certain purposes, be taken into consideration.

It will be within the recollection of the House that when the Bill, which is the Indian Bar Councils Act, was first introduced into this House it contained provisions to regulate the seniority and rights of pre-audience of members of the Bar. The discussion on those provisions revealed a considerable amount of difference of opinion. It was therefore decided that they should be excluded from the Bill, which was passed without them, that they should be circulated for opinion and that, in the light of the opinions received, a measure, amended if necessary, should be introduced to give effect to that part of the Bill. The provisions which were in the original Bill, on circulation did evoke a very considerable amount of dissent in various quarters and it appeared that on the whole there was a preponderance of opinion in favour of adopting in substance the proposals on this point of the Indian Bar Committee Report. The purpose of the Bill which I now ask the House to take into consideration is to give effect substantially to the recommendations of the Bar Committee. I do not think that I need go through these provisions in detail as they are adequately explained in the Statement of Objects and Reasons.

Briefly, the effect of clause 2 of the Bill will be to enact that the existing state of affairs with regard to seniority and rights of pre-audience will not be disturbed ; that is to say, the members of the Bar who now have a certain seniority will not, by reason of any provision of this Bill, be deprived of that seniority. In respect of gentlemen who may hereafter be admitted under the terms of the Bar Councils Act to practise at the Bar, their seniority will be determined by the date on which they were so admitted or, if they have been called to the Bar, by the date on which they have been called to the Bar, if that is earlier. There is one slight amendment to the Act which is contained in clause 3 of the Bill which has been inserted in order to give effect to a criticism on a point of drafting which was raised by an Honourable and learned gentleman from Madras. I do not think I would usefully detain the House by dealing at greater length with what is after all a very simple Bill and one which in its present form will, I hope, commend itself to the House. I move that the Bill be taken into consideration.

The motion was adopted.

Clauses 3 and 2 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Mr. J. Crerar : I move that the Bill be passed. In making this motion I want to make only one observation and that is that in the event of this Bill being passed by this House and by the Council of State in due course and receiving assent, it is the intention of Government to bring the Act into operation at as early a date as practicable.

The motion was adopted.

Mr. A. R. Dalal (Secretary, Education, Health and Lands) : Sir, I beg to move that the Bill further to amend the Indian Merchant Shipping Act, 1923, as reported by the Select Committee be taken into consideration.

The genesis of the measure was explained by Mr. Bhore at the last Session, when he moved that the Bill be referred to a Select Committee. The Report of the Select Committee is happily unanimous. They have not made any very important changes in principle and the few minor changes that they have made they have explained so clearly in the Report that I do not think I need take up much of the time of the House in explaining them. They have considered the question whether, when a steamer company has reported to the Pilgrim Officer the price of a ticket, it should or should not be allowed to reduce the price, and I think they have rightly decided that the companies, if they so wish, may be allowed to reduce the price of the tickets and I do not see any reason why the poor pilgrims should not get the benefit of the reduction in the price of the tickets whenever the companies deem fit to do so. The second change that the Select Committee has made is to add a proviso to section 209 (*c*) to provide that when certain pilgrims have got compensation for delay at a particular port they should not receive compensation more than once for a consequential delay of the same period at other ports at which the ships touch. They have added a new clause 209 (*d*) in order to enable the steamship company to substitute a vessel of the same class and of the same carrying capacity instead of any particular vessel which may have been delayed through any cause.

I now come to the question of the exclusion of the port of Calcutta from the proposed measure, which was touched upon by Sir Walter Willson at the last Session. At that time Mr. Bhore informed this House that there would be another opportunity to test the suitability of the port of Calcutta as a pilgrim port, namely, during the present Haj season. I have collected figures of the number of pilgrims and ships that sailed from the port of Calcutta both during the season of 1926 and during the present season. I find that during 1926 only 882 pilgrims embarked from the port of Calcutta as against 8,042 pilgrims belonging to Bengal and Bihar and Orissa who embarked in that year from the port of Bombay. This year 2,117 pilgrims embarked from the port of Calcutta as against 12,000 from Karachi and 21,000 from Bombay. On the return journey no ships touched the port of Calcutta at all because all the Hajis prefer to disembark at Karachi or at Bombay rather than undergo the hardship of the longer journey to Calcutta. The object of the measure is to relieve the hardship on the poor pilgrims who are performing their religious duties which is caused by these delays at the various ports, and I submit, therefore, that it will be merely perpetuating the hardship if we exclude the port of Calcutta from the restrictions imposed by this measure. I therefore trust that the House will agree with the Select Committee that it will be better to run the risk that the port of Calcutta may go out altogether and that the opening of it may become inoperative owing to the unwillingness of the companies to run ships, rather than the certainty that the poor pilgrims will be subjected to hardship owing to delay. With these remarks I commend the Bill for the favourable consideration of the House.

Maulvi Mohammad Shafee (Tirhut Division : Muhammadan) : Sir, my object is not to raise any difficulty in the passage of this Bill to-day, which has at last been pushed to this stage. But there is one point which I want to bring most prominently to the notice of the Honourable Member in charge of the Bill. It is in regard to the length of time before which ship owners shall have to advertise the proposed date of sailing from any port. The Bill as framed does not prescribe any time within which ships will have to sail after being advertised. It leaves this important item to be determined by the rules framed by the Government under the Act. The point therefore remains to be decided later on and to be decided by authorities who have so far shown very little concern for the extreme inconvenience to which pilgrims to the Hedjaz are put for reasons which can very easily be remedied by a little attention on their part. That has been my trouble. With a sympathetic man at the head of affairs this and many other points could be left to take their own course. But in my opinion it is in the interests of both the ship owners and the intending pilgrims that the fact should be widely known to the people in the interior of India that there is a statutory provision for the advertisement of the date of sailing, say a month before the actual date of sailing, and that there is a statutory obligation on the ship owners to keep to that date. I pressed this point before the Select Committee and the predecessor of the Honourable Member in charge of the Bill, whom I must thank for his interests in the subject matter of the Bill which has been pushed so far, gave me a verbal assurance that the decisions of the Government of India in framing the rules would not be swayed by any consideration of the interests of the ship owners only, who being organized will be strongly represented at the time of the decision of the point but will be guided by the just and equitable considerations of the inconvenience of both the ship owners undertaking the job and the intending pilgrims to the Hedjaz. Since then I have been trying to gauge public opinion on that point, and I have been consulting gentlemen concerned and bodies interested in this matter. I have not found anyone who does not agree with me. The general desire is that the minimum length of time should have been disclosed in the Bill itself. But I have been told that the Government have been able to bring forward this Bill after such a long time because of the great difficulties they had to overcome in persuading the shipping companies to assent to the principle involved in the Bill. It is really a step in advance and I do appreciate it. This aspect of the question cannot be ignored. There are no doubt two parties concerned in the affair, and the interests of both ought to be considered. The ship owners of course do not want to be tied down to a statutory provision in this respect : they want it to be left to the rules. I think, therefore, I should wait and see the working of the rules in this respect, and be content at this stage by reminding the Honourable Member in charge of the Bill to see that the rules are framed not in the interests of the ship owners but in the interests of both parties concerned.

Mr. President : The question is :

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. A. R. Dalal : Sir, I beg to move that the Bill, as amended, be passed.

The motion was adopted.

STATEMENT OF BUSINESS.

The Honourable Sir Basil Blackett (Leader of the House) : Sir, with your permission, I desire to make a statement regarding the Government business for next week. On Monday, the 22nd of August, after the elections fixed for that date, motions will be made to refer to a Select Committee of the House the Bill further to amend the Indian Tariff Act, 1894, in order to safeguard the manufacture of cotton yarn in British India, the Bill to amend the Indian Tariff Act, 1894, in order to remove or reduce the customs duties on certain machinery and materials of industries, and the Bill to amend the law relating to the fostering and development of the bamboo paper industry in British India. On Wednesday, the 24th, after the conclusion of any business outstanding from Monday, the 22nd, it is proposed to make a motion to take into consideration, and, if that motion is carried, to pass, the Indian Divorce (Amendment) Bill which was introduced in this House in Delhi. Motions will thereafter be made to refer to a Select Committee the Code of Civil Procedure (Second Appeals) Bill and to circulate for the purpose of eliciting public opinion thereon the Bill to amend section 96 of the Code of Civil Procedure. A further motion will, if time permits, be made to take into consideration, and, if that motion is carried, to pass, the Repealing Bill which has been introduced to-day. As Honourable Members are already aware, Tuesday, the 23rd, has been allotted for non-official Bills and Thursday, the 25th, for non-official Resolutions.

MOTION FOR ADJOURNMENT.

REPRESENTATION OF INDIANS ON THE ROYAL COMMISSION TO CONSIDER THE FEDERATION OF KENYA AND OTHER EAST AND CENTRAL AFRICAN COLONIES.

Mr. K. C. Roy (Bengal : Nominated Non-Official) : Sir, I beg to move an adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance, namely, " the necessity of the Government of India taking urgent action to secure the appointment of an adequate number of Indian representatives on the Special Commission announced by His Majesty's Government to be sent to Africa to deal with the question of federation and future policy with regard to the Colonies in Eastern and Central Africa, in view of the vital interests of the Indian community in these Colonies involved therein."

Sir, I beg to thank the Members of the House for giving me permission to move this very important motion. Although the motion is restricted to a very narrow issue, in order to enable the House to appreciate the full implications of the motion, you will forgive me if I make a brief retrospect of the position of Indians in East Africa.

Mr. President : The Honourable Member must remember that he has got only 15 minutes.

Mr. K. C. Roy : In 1923 a similar motion was discussed in this House and two prominent European Members had their say about the position of Indians in Kenya. I am not going to give my own views. But I shall quote an authoritative verdict from the findings of the Sanderson Commission. The Sanderson Commission in 1910 wrote :

"Emigration to the coast of the Protectorate from Arabia and India has existed for several hundreds of years. It took place even before the Portuguese occupation at the close of the 15th century."

The House will now know that we were there in the 15th century ; we were there as settlers and traders. Then, Sir, I shall read another extract from the same report, showing the part which India played in making Kenya and East Africa an integral part of the British Empire.

This is what the Report says :

"It may be safely affirmed that the presence of a considerable number of Indian inhabitants has been and continues to be of material advantage to the British administration of the Protectorate."

Sir John Kirk expressed his opinion that but for the Indians we should not be there now. He added that it was entirely through the Indian merchants that they were enabled to build up the influence that eventually resulted in their position. This, Sir, is the most authentic verdict and should dispose of, once for all, the cock and bull story which was related to this House by two European Members, Sir Reginald Spence and Sir Frank Carter. Now, Sir, what was the Indian position in 1910 ? This is what the Sanderson Commission wrote :

"The total Asiatic population is now estimated at 25,000 against 2,000 of Europeans and Eurasians."

This does not include Goanese.

What was the position in 1924 when I was a Member of the Committee which was sent to London to examine the position ? The European population had gone up from 2,000 to 12,000 and the Indian population had gone down by a couple of thousands. I have mentioned this point only with a view to obtain an explanation and I look to my friend Mr. Dalal to satisfy me. My own inference is that it is entirely due to the apathy and negligence of the Indian Government to put forward our case, and the hostility of the settlers to our ambition in East Africa. Now, Sir, this was the position before 1910.

Shortly after 1910, what was the position ? There came the Great War and, what was the part that India played in the Great War ? It is a matter of recent history and I need not weary the House with the details. We played a very important part in East Africa in keeping that part of the country free from enemy war operations. We also played a very important part in Tanganyika. And what was the result ? We got the White Paper of 1923 as our reward. You know the fight that took place. You know the humiliation to which my esteemed countryman Mr. Sastri was subjected even at the India Office. The Government of India was very careful ; we had a masterful Viceroy. But what did he do ? Lord Reading told His Majesty's Government that he accepted the underlying principle of the White Paper that the interests of the natives should be paramount and the abandonment of the policy of segregation but reserved further consideration of all other matters. I want to know

what the Government of India have done in respect of the White Paper of 1927. Have they accepted or rejected it ?

Pandit Hirday Nath Kunzru (Agra Division : Non-Muhammadan Rural) : We cannot hear the Honourable Member on this side.

Mr. K. C. Roy: I am sorry ; my voice is very small.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Address the non-official Benches.

Mr. K. C. Roy : I want to find out what the Government of India have done in respect of the White Paper of 1927 and I expect an answer from the official Benches.

Then, Sir, what happened in 1921 ? The Kenya Government produced a Bill—The Kenya Immigrants Regulation and Employment Ordinance. This was to restrict the immigration generally and of Asiatics in particular. What was the so-called object ? Because, it was in the interests of the native population, and the British Imperial Government was the trustee ! The Committee went over to London. Luckily for us, Mr. Thomas had become the Secretary of State for the Colonies. We placed our case before him and he gave us a very patient hearing, and we have not heard of the Bill ever since. About that time the question of the federation came up. It was brought by the head of the East African Association whose name is familiar to most of the Parliamentarians. He is a brilliant man. His name is Sir Sydney Henn. He moved his motion in the House of Commons in April 1924. But we were there and our first duty was to examine the possibility of that federation. We submitted our report both to the Secretary of State as well as to the Government of India. I hope some day the Government of India will place these reports on the table of this House. Sir Sydney Henn, whatever else he is, is a very clever Parliamentarian. He never thought of pushing the federation scheme so long as the Labour Party was in power, because Mr. Thomas made a definite declaration, while speaking on that motion, that he was in favour of largely introducing the West African system of administration into East Africa and that he was opposed to South Africanise East Africa. I am quoting from memory and I have not got the Hansard before me. All that we were able to achieve in 1924 was not due so much to our own efforts as it was to the personality and political insight of Mr. Thomas, and to whom I, from my place in this House, desire to publicly acknowledge the debt which India owes to him. Then what happened ? The short-lived Labour Ministry went out of office and then came the Baldwin Ministry. The Baldwin Ministry has one characteristic—it is absolutely Imperial ; it has no use for coloured races. Look at their policy in China, in Persia and also in East Africa. What have they done ? At least the first Ministry of Mr. Baldwin decided that the trusteeship for the natives should be entirely in the hands of the Agents of His Majesty's Government. Now, the position is that the trusteeship is to be held by the agents of His Majesty's Government as the immigrant communities include Indians. In the Legislative Council of Kenya there is a majority of Europeans and minority of Indians, quite disproportionate to the population. We have also the threat of an Emigration Restriction Bill. Possibly, as a matter of policy, we may be asked to accept a part of the trusteeship. And how have the prospective trustees behaved ? What have they done all these years ? I will read an extract from the evidence

[Mr. K. C. Roy.]

given by a very distinguished civilian of the Kenya Government, whose name is Mr. W. McGreror Ross :

"The largest single grant to an individual was about 100,000 acres (155 square miles) to Lord Delamere in 1903. This was a leasehold land paying a rent of ½d. an acre a year on a 99 years' lease. In 1915 the Crown Land Ordinance grants the right to convert this term to a 999 years' lease. The largest grant to a syndicate was 500 square miles."

Lord Delamere and others who profess to be the trustees of the native population there had no hesitation in alienating these lands from the poor natives for their own plantations. This is the way they are carrying out their trust and to talk of trusteeship to my mind on the part of the Baldwin Government is mere hypocrisy. Then again, so long as there are these two fundamental laws in East Africa, one under which 75 per cent. of the native population are registered as labourers, and another, the Ordinance governing the conduct of masters and servants with a big leaning towards the master himself for a Government who have countenanced all this sort of legislation for so many years, to go out and talk to the world of trusteeship is a thing which will never go down with the Members of this House. We are there as middlemen ; we have done our duty by the British Government ; we have done our duty by the natives. We were there long before the Englishmen came there and we will remain there as long as the Indian Government back us up. Now, this is the trusteeship. And if I were advising the Government of India I should certainly advise them to refuse this trusteeship with thanks.

4 P.M.

Now, Sir, I come to another matter. I come to this federation. What is this federation ? It is a federation of Governments as well as the federation of the white colonists, and a federation of white races means the dominance of Kenya by whites ; and nowhere in East Africa or over the greater part of Central Africa is racial hatred, jealousy and animosity so dominant as in Kenya. It is the Kenya whites who rule the roost. Is the Government of India prepared to accept that position ?

Then again, Sir, the federation includes the mandated territory of Tanganyika. We Indians are signatories to the original covenant of the League of Nations. We have equal rights in Tanganyika, but there is already racial discrimination both in legislation and in administration in Kenya ; the same will be introduced in no time in Tanganyika. Is my Honourable friend, Mr. Dalal, prepared to accept this position ?

These, Sir, are some of the reasons which have induced me to move this motion for adjournment.

I wish, Sir, now to say a few words about the position of Indians in East Africa. We are the largest immigrant community in the whole of East Africa. Of course it is very difficult to get accurate statistics, because the Colonial Office has a very nice way of compiling statistics—"Asiatics so many, Europeans so many." But we can rely to some extent upon the statistics for the territory of Tanganyika where the Indians are put down definitely as being 10,000. I know that we are more than 22,000 in East Africa. I need not go into the population figures of Zanzibar where the Indians predominate ; and in Uganda we have a very large Indian population, but no statistics are available. In Nyasaland we have about 600 Indians. In East Africa, to the best of my recollection,

we have a large volume of trade. We could not get any figures, however, though we tried to get some in 1924. In respect of East Africa what do we find ? In 1922, 19 per cent. of the total trade imports into Kenya and Uganda came from India. The Colony affords in particular an important market for Indian cotton piece-goods and for Indian bags and sacks. India also took no less than 70 per cent. of the total domestic exports of cotton. This is only a very small fraction of the trade which we carry on in East Africa and in Central Africa. Thus, on historical, on political as well as on commercial grounds, we hold a unique position both in East Africa and in Central Africa.

I think, therefore, Sir, that it is incumbent on the Government of India to make their position clear in respect of the new policy. We want to know exactly what they are going to do—accept it or reject it. As I have told the House, Lord Reading was particularly careful ; he accepted the underlying policy of the declaration of 1923 ; *the result is a federation.* And that underlying policy was that the interest of the East African natives should be paramount. I am, therefore, anxious to find out from the Government Benches as much information as possible on the subject. I am also equally anxious, considering our position and our enormous stake over there, that the Government of India should make a representation to His Majesty's Government that India should be adequately represented by representatives of the people on the forthcoming Commission, and that they must try and get the terms of reference considerably altered. No terms of reference would be acceptable to us unless they conform to the declaration of the citizenship of Indians made by the Imperial Conference.

I now formally move the motion that the House do now adjourn.

Mr. President : Motion moved :

" That the House do now adjourn."

Mr. A. R. Dalal (Secretary, Education, Health and Lands) : Sir, in spite of, I have no doubt, the very well meant efforts of my Honourable friend to drag me into the limelight within a few hours of my taking the oath in this Assembly, I refuse to be drawn. There is nothing in the motion as it is now worded to which the Government of India need take exception. The Government of India would agree to convey the substance of this debate to the Secretary of State.....

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Would they back it ?

Mr. A. R. Dalal : As for the various points on which the Honourable the Mover has challenged me, it will be supererogatory on my part to give him any reply or to make a general statement when the Honourable Member, who is in charge of this Department, is on the floor of the House, and I would leave it to him to make a general statement.

Pandit Hirday Nath Kunzru : Sir, we have been told on the authority of His Majesty's Government that there are many problems of a similar character in the East and the Central African territories which ought to be considered by a Commission. There are, we are told, questions relating to the development of transport and communications, customs

[Pandit Hirday Nath Kunzru.]

tariff and scientific research which ought to be treated on the same lines and thought out by the same authority. For this purpose they have appointed a Commission with rather wide terms of reference. Now, one might ask, what is there in this fact to disturb India ? What is there to indicate in this appointment of a Commission that the rights solemnly promised to Indians by the White Paper of 1923 would in any case be jeopardised ? Now, in dealing with this question I shall refrain, as far as possible, from giving my own views and rely on the opinions of British statesmen themselves. Indeed, I would rely on the language used in the White Paper itself and on the opinions expressed by the Colonial Secretary in the debate on the Colonial Estimates. Now, one of the terms of reference to this Commission is to find out how " to associate more closely in the responsibilities and trusteeship of Government the immigrant communities domiciled in the country ". It is thus seen that the question is not one simply of the federation of the East and the Central African Colonies, for these Colonies might be federated and yet there might be no question of increasing the share of the European community settled in any of those Colonies in their government. It is this question, namely, whether the immigrant communities should be given a larger share in the administration of the Colonies where they are settled, that is at the root of the feeling that has been aroused throughout India by the appointment of the Commission under discussion. Now it may be said that His Majesty's Government have deliberately included in their terms of reference the question of giving a share in future government not to any one community but to all the immigrant communities and it might be thought therefore that in any arrangement that might be proposed in future, Indians would have their due share. On this point I would appeal not to the opinion or statement of an Indian, for that might be thought to be prejudiced, but to the opinion of Mr. Thomas who was Colonial Secretary when the Labour Government was in power in 1924. After saying that he felt that the settlement arrived at in 1923 " has been deliberately upset by the changed policy which has been introduced," he added :

" I do not hesitate to say that, if ever the question arises as to what part in Government the native or the Indian can play, there will be no more enthusiastic supporters than my friends on these benches. But that is not what the people who are responsible for the agitation mean. No one knows that better than the right hon. Gentleman (that is the Colonial Secretary) because, when I turn for some definition of what all this means and is intended to mean by those responsible for the agitation, I find in the *East African Standard* of the 1st January that the situation is dealt with in this way.

' Only by grappling the mandated territories to the other British territories by political and economic co-ordination and by the provision of adequate transport links between north and south will there be any proper safeguard against the dangers that Tanganyika, despite the declarations of the present Privy Council, may once more be cut out from the group of territories, which by all natural considerations, will eventually form a great East African Dominion or Federation of States. In the formation of that political and economic entity of the future, white settlement in Kenya must play a major part. We have in this country the only developed centre of Western civilisation in the territories, and, if the benefits of European civilisation are to be extended to East Africa as a whole, the centre of the group, the main control of policy, and all the external influences upon European and native policy must radiate from Kenya, where the principles of development of the subject races through contact with Western ideals have long been established and tested '."

And after giving this quotation, he went on to say :

" We can only conclude that it is this kind of speech and this agitation which are responsible for the changes that are made."

Another Member, Sir Robert Hamilton, taking part in the debate showed that the fears entertained by Mr. Thomas were perfectly true. Speaking of the White Paper under discussion and contrasting it with the White Paper of 1923, he said :

" It envisages the association with us of people of our race who are living in East Africa."

And these and the fears given expression to by this belief is further strengthened by the opinions expressed by Mr. Amery himself. Speaking of the question of federation he said that it was desirable that when it was considered, it should be thought out not as an isolated question but in relation to the future development of constitutional government in the African territories. He then dwelt on the characteristics of East Africa and said that while it was not possible that the whole of it should become a white man's land, it was certain in view of the climatic conditions prevailing in certain parts of that territory that Europeans would settle down permanently in those parts. To quote his own language, he said :

" But over considerable tracts of land the white man will stay for a number of years where he can settle and bring up his family, and thus acquire a real patriotism for his country, and in course of time become responsible for the conduct of affairs."

Speaking further in the same strain he said that it was undesirable that Europeans should be prevented from taking a share in the government of the African territories, for there was a fear that if they were not associated with the responsibilities of government and trusteeship, then when the time came for handing over the Government to them, they might be quite unprepared to consider administrative questions from the point of view not of the white community but of the entire population of the African territories. But, he went on to say :

" If, on the other hand, you bring that community, a community of a very fine type of men inspired by British ambitions, earlier into a share of responsibility ; if you make them see something of the work of government and the responsibility of government from the inside you will breed a race of men to whom in the fulness of time this House may be able to hand over its trusteeship without any fear that it will be dishonoured."

I could give further quotations to show that the people referred to as those on whom fuller responsibility might hereafter be conferred are no other than men of the British race. We are aware, Sir, that it has been repeatedly said that His Majesty's Government adhere to the policy outlined in the White Paper of 1923 and that the rights then promised to Indians would not be taken away from them. Now, in view of the quotations that I have given, and even more, of the trend of affairs both in this country and outside, it is not possible to take such declarations at their face value. But even if it were possible to believe in the sincerity of these declarations, we must ask not that we should be allowed to remain where we were in 1923 but that if the constitutional position of the East and Central African territories is going to be improved, Indians must be given the same economic and political opportunities as men of a different race who have settled down in those territories. If this is not done, it would be idle to pretend that the position of Indians would

[Pandit Hirday Nath Kunzru.]

remain the same as in 1923. As the night follows the day, if we were left where we are and more power were placed in the hands of Europeans, our position would deteriorate and deteriorate considerably, and in the very near future, we should have to face all those questions which we thought had been settled for an appreciable time in 1923, for instance, questions with regard to the possession of land, of residential and commercial segregation, and even the emigration of Indians to East Africa. It is for these reasons that we ask that Indians should be represented and adequately represented on the Commission that has been appointed by His Majesty's Government. In Kenya itself which is regarded as the dynamic centre, if I may say so, of East Africa, the Indian population is more than twice as much as the European population, and if His Majesty's Government sincerely believe in the policy which they preach to the self-governing Dominions and the policy embodied in the resolution passed by the Imperial Conference of 1921 with their concurrence and support, then they ought to see that the Indian representation is no less than the European representation, for that is the only guarantee that questions affecting Indians would be considered from an Indian point of view. Now, we know that the Secretary of State for India would be represented on the Commission by one member. We do not know what the strength and composition of the Commission will be, but in any case I venture to think that one representative of the Secretary of State or the Government of India is utterly inadequate. In the second place, I am sure that Honourable Members at least on this side of the House will agree with me in thinking that the representatives chosen by Government ought to be Indians, preferably those who take part in public affairs. My meaning is that the Indians who are chosen to represent Indian interests on the Commission should be Indian public men. I have no desire to speak against the service men, for I know very well the services rendered to the Indian community by the Honourable Member who headed the Indian Delegation to South Africa. (Cheers.) But the South African question was a question in which we had the entire sympathies of the Government of India on our side, while here we have a question in which, no matter what words the British Government might use, their innermost sympathies would be against us and on the side of the white settlers. It is necessary therefore that we should be represented on the Commission by men who will not be restrained by any official rules or etiquette from giving full expression to their views and who would be able fearlessly to state the Indian point of view however unpalatable it might be either to the British authorities or to the Indian Government.

Mr. A. Rangaswami Iyengar : If I rise to say a few words on this motion, it is only to draw attention to the fact that by reason of your ruling its scope has been narrowed.....

Mr. President : It does not look like it.

Mr. A. Rangaswami Iyengar : We are not in a position to say all that we feel on this most vital question affecting our fellow-countrymen in Eastern and Central Africa. Sir, the real crux of the whole situation seems to me to be this. In 1923, His Majesty's Government, mainly because of the difficulty of arranging what may be called responsible government, in which the whites only can have a major share, decided not to grant responsible

government and laid down a policy in regard to the native races which they say holds the field even to-day. In 1923, His Majesty's Government said that they were not going to give responsible government to East Africa for the reason that the bulk of the country is in the hands of native races for whom they are holding the position of an exceptional trustee. In all Colonial constitutions, before federations were established, there have always been clauses which reserved expressly to the Imperial Government the right to deal with native affairs. That was a fundamental part of every Colonial constitution, which is self-governing and therefore in respect of a constitution which had been becoming self-governing, the Government took special care to say that, so far as native affairs especially in East Africa are concerned, they cannot delegate the trusteeship which is in their hands into the hands of the white population. That implies a definite proposition and a proposition which has been accepted and acted upon in all Colonies, namely, that the Colonial whites have throughout been considered by the Imperial Government as people who cannot be safely entrusted with the duty of looking after the native whom they have gone out to exploit. So, the Imperial Government have always recognised that moral duty. Now, Sir, the position that has been reached is this. These East African whites as well as the whites in the other Colonies having had to accept the position that, in so far as native races are concerned, the trusteeship solely vests in the Imperial Government until the natives themselves according to the Imperial Government's declared policy become able to take part in the self-Government of those territories, it was not safe for them to leave it to the Colonial whites there to look after native affairs. The trusteeship cannot be shared. That was the proposition which, I take it, was laid down in 1923. Now, Sir, barely four years have elapsed and the Government White Paper has been at extraordinary pains to make out a case for reopening a question which was definitely closed in 1923. They say that among other things that have happened there have been conferences of Colonial Governors, there is research to be done, there are different customs duties, there are various other matters, and therefore, this federation question has to be reopened, because there has again been recently a conference of Colonial Governors, there has been a European Commission and all of them now want to say to the Imperial Government " You shall not have the sole trusteeship. We are equally whites with you, so let us share it." Therefore this dual system, as they call it, must be expanded so as to give power to the whites to share in the trusteeship. What does this mean ? It means that the whites in all these Colonies, if they share this trusteeship with the Imperial Government, could squeeze out the very much larger number of equally responsible Indians who, as my friend Mr. Roy pointed out, have been there for centuries. Every declaration made by every Colonial white, by every Colonial Governor and by every Colonial writer has been to the effect that Indians will not be allowed to share in this trusteeship. Now, I want to ask the Government of India whether they have taken care to obtain a definite statement from the Imperial Government that if it is question of sharing in the trusteeship whether Indians will have, according to their status, population and strength and stake in the country, equal rights to share this trusteeship The trusteeship will then be real. As we all know, it is the Indians who are the friends of the whites and who have enabled the Europeans to trade with the natives. It is the Indian middleman who has enabled the Europeans to exploit and develop that land and to make profits for them. And

[Mr. A. Rangaswami Iyengar.]

what is the policy now pursued ? The Indians are nowhere. They have been segregated. And so far as representation is concerned, although they are five times more numerous than the Europeans, they have been given only one-fifth of the representation in the local East Africa Council. Therefore, Sir, I want to put it clearly to the Government of India and to ask them whether they propose to acquiesce in just any kind of representation for India, such as a representative of the India Office on the Commission ; or if there is going to be a federation, whether they are going to allow a constitution to be built up in such a way that the Indian position will become absolutely untenable. Because, Sir, as Mr. Roy's figures show, once there is a federation and that federation is given what is euphemistically called a trusteeship, namely, the right to exploit the land in Central Africa and the natives, together with assignments of land such as those which he has referred to—Lord Delamere has been given 100,000 acres at half a penny an acre first for 99 years and then for 999 years, and the East African Development Syndicate has been given 320 acres on the same terms—then I want to ask if that is the way in which the whites are going to be given the trusteeship and if the Indians are going to be given only a few hundred acres, then what is the trusteeship in which we are going to share ? That is the point on which I want the Government of India to give the clearest indication of what they propose to do in regard to the representation of Indian interests. Our rights are superior from every point of view. We have colonised long before the Europeans. We have enabled them to develop this Colony and to enrich themselves. As to culture and civilization we can certainly boast of a superior and more ancient civilization. Therefore I say that on this question of the trusteeship, the Government of India must be in no doubt. They must make it clear that this trusteeship does not mean that while the Europeans are going to exploit the land the Indians are going to be segregated, as they have tried to do and have succeeded in doing in South Africa. Here they will be establishing a federation which will be the means of definitely extinguishing the Indian element in Central Africa. We cannot accept that position. If East Africa is going to be developed, I say we have a far greater right to go and settle there. We are far better able to live and to get on with the natives there. But for us the Europeans would not have been able to get on with the natives. Our right to take part in the development of the country is superior to that of any whites that may be there. Therefore the Indian Government has the largest stake in any proposition which seeks to settle the future position of Central Africa. I therefore demand that the Indian Government should press on the Home Government the demand that India should have a predominant representation on this Commission, because the rights of the Indians there are superior to those of any other community in East and Central Africa. I therefore support the motion.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : I should like to read three passages from this White Paper in the hope that the Honourable Members on the Treasury Benches will be able to enlighten the House as to what is the policy of the Government of India and of the Secretary of State in regard to that matter. If

I understand this paper aright, Sir, the position taken up by the British Government in 1923 was to the following effect :

" We do not want that there should be any measure of self-government in Kenya. It is a Colony which must be managed by the British Government in trust for the native races of Kenya and Kenya alone."

And so far as the Europeans, Indians or Arabs were concerned, their rights were simply to safeguard it. In case I should have misread this paper, I wish to read only two lines therefrom. It is said :—

" Obviously the interests of the other communities, European, Indian or Arab, must severally be safeguarded. But in the administration of Kenya His Majesty's Government regard themselves as exercising a trust on behalf of the African population, and they are unable to delegate or share this trust."

The position, therefore, was that the Europeans and the Indians in 1923 had co-equal rights. Now this paper tells us that four years have elapsed and we must now give a measure of self-government to Kenya and other mandated territories of Tanganyika by way of a federation. This is made abundantly clear in the terms of reference itself. It is stated therein, that ' one of the objects of the Commission would be (point No. 3) to make recommendations in regard to the possible changes in the powers and composition of the various Legislative Councils of the several territories.' Now, Sir, in making recommendations for the enlarged powers and composition of the various local Councils of the territories mentioned in the White Paper, what is to be the share of the Indians ? Now the point that concerns me here is this. The Honourable Member, if he turns to page 5, will find, reading it as I do, that the rights of the Europeans are to be advanced, increased, but so far as the Indians are concerned, they are merely to be relegated to the position in which they were along with their European confreres in 1923. In other words, while the Indians and the Arabs were to get no share whatever in the trusteeship or the government of the country, that was to be given to the Europeans and Europeans only. If I am mistaken, I should be most happy, Sir, but is this language susceptible of any other interpretation ? Let me read to you, Sir, what this White Paper says :

" The growth of Europeans and other settlements in the East African dependencies raises the problem of the part which these communities must play in the political as well as the economic life of the several territories. Their claim "

—the claim of the Europeans I presume—

" to share progressively in the responsibility of government can not be ignored."

We have no objection whatever, Sir, to the claims of the Europeans to participate in the government of the country, but what we do ask the Government of India, as the trustees of India itself and the trustees of the various communities that inhabit this country, is as to how far in this federation which is proposed and the enlarged powers which the Commission will recommend for the newly constituted Councils the Indians will have a voice and a share. If they are to be merely safeguarded their rights of 1923, they stand to lose and lose heavily, because, while the European communities are forging ahead and are to participate in a measure of self-government of the country, the Indians are to be merely safeguarded in the possession of the rights which were given to them in 1923. That is a point, Sir, upon which the Government of India must make a strong representation to the Secretary of State, and so far as this House is concerned, it will not tolerate a position in which the people of this country, who have been the pioneers of Kenya and the

[Sir Hari Singh Gour.]

other adjacent territories, are to be relegated to a status of subordination to the European communities who are to participate in the trusteeship of these territories. That is a point, Sir, upon which this side of the House feels strongly and it is this point, I submit, which cannot be too strongly emphasised by the Government of India when they make representations to the British Government through the Secretary of State that Indians and Indian interests must be so sufficiently safeguarded ; that they must not merely safeguard the rights as they stood in 1923 but must also share in the progressive political development of the country to the extent that the Europeans are going to participate and share ; and, due regard being had to their population, their economic value and importance, the same rights must be conferred upon Indians as are to be conferred upon the white settlers. That is a point upon which I would ask the Honourable Member in charge of the Department to enlighten the House.

***Pandit Nilakantha Das** (Orissa Division : Non-Muhammadan) : Sir, I should only make one point. I am afraid there was a time when white people were pressing for having certain rights of trusteeship over the black people and they did not like Indians. Now, I think everything hinges on what is known by the name of the Tanganyika muddle. Tanganyika is to be kept and therefore this measure is going to be precipitated ; so it is suspected. There is no demand on the part of the white settlers, there is no compulsion, there is nothing which compels the British Government to give more powers to the white settlers. Now, if we command confidence and we are treated equally with the white people, if the British Government want to take Indians into confidence and give them equal power, equal privileges, with the white people of East Africa, this is the opportunity ; and the Indian Government should press this point that Indians ought to be treated equally when a federation is going to be formed, because all those territories are going to be formed into a federated territory of self-governing lands, so that the Tanganyika muddle may be avoided. Here there is no compulsion from the white people of East Africa, and here the British Government may show their love and equal treatment of the Indian people. With these words, I support the motion.

Diwan Chaman Lall (West Punjab : Non-Muhammadan) : Sir, we have often heard of British Imperialism and I do not want it to be said that in the speeches that we have heard this afternoon we have seen the rise of what I may call Indian Imperialism. I do not think Honourable Members who have spoken on this side of the House desire to emphasise the point that they are equally anxious with the British population of East and Central Africa to claim rights which are unequal rights as compared with the rights of the natives of those territories. We would be quite content—and I am certain I have the sense of this side of the House with me when I say this—we would be quite content if the rights that are given to us in East and Central Africa are of a similar nature to the rights that should be given to the native population of those territories. I take it that there are something like 12 million Negroes who inhabit those territories. There is not one Indian in political life in India to-day who would be willing to rob those natives of their rights for the benefit of the Indian

* Speech not corrected by the Honourable Member.

population of those territories. Now, the question that arises in this My friend Pandit Hirday Nath Kunzru extolled the White paper of 1923, but I think he forgot that what the White Paper of 1923 did was to restrict the rights of Indians in Kenya. It robbed the Indians of rights which were their birthright. Indians are in a very large majority as compared with the Europeans in that territory. Let me quote a sentence from an article which appeared recently :

" We regret to note that His Majesty's Government do not seem to appreciate the gravity of the proposal in all its bearings. Their assurance, regarding Kenya, that they adhere to the underlying principles of the White Paper of 1923 both in regard to the political status and other rights of British Indian residents is more insulting than assuaging. For what the notorious document did was to reduce the Indian community from a position of equality with the whites in every respect to one gallingly inferior in material particulars. The whites, a mere handful compared with the number of Indians, were given eleven seats on the Council as against the five allotted to Indians ; a communal franchise was imposed on them ; vexatious restrictions were sought to be placed on the immigration of Indians ; the best lands in the country were earmarked for the whites ; and in numerous other ways, the White Paper marked out the Indians for a despicable destiny. The Government of India at first made a show of emphatic protest, but on His Majesty's Government assuming a stern countenance, their enthusiasm for the Indian cause cooled ; and, with the timid reservation that they would re open the question when a suitable opportunity offered, they accepted the White Paper settlement."

That was the White Paper settlement of 1923. At that time it was definitely declared that, as in the Uganda Protectorate, so in the Kenya Colony " the principle of trusteeship for the native no less than in the mandated territories is unassailable. This paramount duty of trusteeship will continue as in the past to be carried out not by the white settlers of those territories but carried out *under the Secretary of State for the Colonies by the agents of the Imperial Government and by them alone.*" This was said in 1923. In 1927 what has been said is this :

" That the claim of the Whites, their claim to share progressively in the responsibilities of government, cannot be ignored. These responsibilities, however, cannot be limited to the representation of their own community interests ; and if "

—this is the most important sentence—

" clashes between these interests and those of the vast native populations are to be avoided their share."

—the share of the white settlers in the trusteeship—

" in the trusteeship for the progress and welfare of the natives must be developed."

So within the period of 4 years from 1923 to 1927 we have seen this development, namely, that whereas in 1923 the British Government never contemplated the delegation of their authority to the white settlers in regard to native affairs, in 1927 they are being dragooned into the delegation of that authority to the white settlers of Tanganyika and of Uganda. Why is this being done ? My learned friend Mr. Roy pointed out that there was a period when the Labour Government was in office when such things were not contemplated. I hold in my hand, Sir, a very important document which was prepared at the express instigation of the Secretary of State for the Colonies, Mr. Thomas, and was placed before the Cabinet in regard to this very matter. It was prepared by a gentleman whose name is very well known, the late Mr. E. D. Morel, and he laid down certain principles which he said would guide the British Government and the Labour Cabinet in settling the policy in regard to these territories.

[Diwan Chaman Lall.]

One of the principles was, firstly, a numerous and contented native population, secondly, security, absolute security, of land tenure, thirdly, freedom for native labour, meaning thereby that if there be an external demand for native labour, the natives shall be perfectly free to accede to that demand and, fourthly, the progressive, economic and political development of the native population. All these principles, I take it, were more or less strictly adhered to by the Labour Government ; but when the Conservative Government came into power they have gone in for not only the reversal of that policy which was adumbrated during the period of the Labour Government's existence but also a reversal of the 1923 policy. The result is that no protection is now available either to the native population or to the Indian population as it should under the natural system be available to them. We have the example cited already here before us where the British capitalists have gone out to those territories and have been granted tremendous concessions for a song. A half-penny an acre was, I believe, the figure quoted. They have been granted these concessions. Why ? In pursuance of this policy of trusteeship. Whose trustees are they ? Of those people whose lands they have taken away forcibly ? Of those people who have been dispossessed of the territories which belonged to them ? Not a bit of it. They are trustees merely of the British exploiters who go out to these countries. They are the trustees of the British capitalists who go out to these lands to exploit the country because there is cheap labour, as there is in this country, and cheap raw material to be found there. Now, Sir, I am told that the principle of trusteeship is going to be affirmed once again. In 1925 at Geneva—my friend Mr. Joshi will bear me out—we raised this matter and we definitely charged the Government of Kenya with forcing native labour to go into the British plantations when that native labour was not willing to go there. This was done by means of the poll-tax which compelled the native worker there, the peasant, to leave his own little bit of land because he was not able to pay to the Government the poll-tax which was demanded by the Government from him ; and therefore it was necessary for him to go into the British plantations and work there to earn his living and become a slave of the British exploiter. This is the manner in which the trusteeship of these lands is being carried out by the British exploiters of that territory. But we are not concerned with that aspect of the question to-day. What we are concerned with is this : that this policy that is now being pursued by the British Government, namely, the creation of a Central Government binding all the three Governments into one federal whole, is in pursuance of a desire to rob not only the native population but also to rob the Indian population of their rights. What has happened in Kenya under this system yesterday will be repeated in the territories of Uganda and Tanganyika to-morrow and that is the fear that we have ; that is the fear that has prompted my learned friend Mr. Roy to bring forward this motion for adjournment, and I hope that the Government of India will take due note of the feeling in this country. They are generally in matters of this kind mere lotus eaters dreaming away sweet dreams ; but I hope that they will take action themselves and that they will need no prompting from us in regard to this matter. Their own reputation and their prestige are as much at stake in regard to this matter as the reputation and prestige of the people of India, and I hope they will fight as one of their Viceroys in days gone by did fight for Indians settled abroad. They must realise that there is nothing that

nauseates the average Indian so much as this attitude of hypocrisy—to say that one is a trustee of a man's land and then to go and rob that man of his land. Mandates in my opinion, wherever the British Government is concerned, should read "bandits" and not mandates.

My last remark will be not merely an appeal for more representation on this Commission of inquiry that is going out to these countries but an appeal that the Indian Government should place before the British Government a detailed scheme as to what it desires in regard to the welfare of the Indian population in these territories. They must press this matter to the last limit and they must use every influence and every power that they have. Because they may rest assured that the people of India as well as the leaders in political life will back them up every time provided they take up an honest attitude and stand by the rights of Indians in the territories of East and Central Africa.

Mr. Rafi Ahmad Kidwai (Lucknow and Fyzabad Divisions : Muhammadan Rural) : I move, Sir, that the question be now put.

The Honourable Khan Bahadur Sir Muhammad Habibullah Sahib Bahadur (Education, Health and Lands Member) : Sir, I have no intention whatsoever of traversing the long array of arguments which have been put forth by the various Honourable Members who have preceded me. My task at the present moment is merely to satisfy the House as to whether there exist any circumstances which need create any undue pessimism or alarm in their minds and whether in the light of the documentary evidence that we possess it is justifiable for them to hold such views. I wish, before I begin to deal with the White Paper which has been issued by His Majesty's Government recently, to reiterate what the Honourable Mr. Dalal has already said on behalf of the Government of India.

Sir Hari Singh Gour : He said nothing.

The Honourable Khan Bahadur Sir Muhammad Habibullah Sahib Bahadur : Further, I may say that I have listened with the greatest interest to the discussion which has taken place in this House, and, agreeing with Mr. Dalal, I can promise that this discussion will be communicated to the proper quarter as expeditiously as possible.

Sir Hari Singh Gour : Backed up with your own recommendation or without ?

Mr. Gaya Prasad Singh : What are the Government of India going to do ? That is what we want to know.

The Honourable Khan Bahadur Sir Muhammad Habibullah Sahib Bahadur : I may also assure the Honourable Member who appealed for sympathy of the Government of India that there shall be no lack of that virtue at all. If the past record of the Government of India in regard to their work in South Africa and elsewhere could be taken as a criterion of the interest which they have evinced, are evincing and will continue to evince for the future on behalf of the Indians overseas, I hope Honourable Members will give me credit for claiming that sympathy.

Then, Sir, some Honourable Members who have made reference to the White Paper have not—they will pardon me if I say so—put correct

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interpretations on the passages which they have picked up from that White Paper here and there. My complaint largely is against the Honourable Dr. Gour. He has drawn our attention to a particular paragraph and insists on reading into that paragraph his own meaning. On the other hand, Sir, with the knowledge of English that I possess,—and I admit that I do not possess it to the same degree which the Honourable Doctor does—I am unable to agree with him that the particular paragraph which he has quoted, with probably a great deal of confidence in his own mind as disclosing the weakness of the document, does not represent the position of affairs as depicted by him. I shall read that paragraph to the House. What does it say ?

"The growth of European and other settlements in the East African dependencies raises the problem of the part which these communities must play in the political as well as the economic life of the several territories."

Does it, Sir, convey the interpretation that this particular sentence has any special significance to the European community only ? If I understand this paragraph aright, here the words are "the European and other communities", and therefore, I have no hesitation in interpreting those words as conveying the meaning that not merely the European but all other communities who have settled in that country are included. And then, Sir, to make the meaning still further clear, the document proceeds to say "their claim to share progressively in the responsibilities of Government cannot be ignored". Now, whose claim is it, Sir ? The claim of "the European and other settlements in the Colony". Here again it is a direct recognition of the rights of the Indian community as well. There are numberless references in this document which clearly connote the interpretation which I have ventured to attach, for my Honourable friend would have noticed that in this document there are three other places where the words "immigrant communities" have been employed. In another place it is queried :

"whether it is possible to provide for increasing association of the immigrant communities in the responsibilities of Government and at the same time for the creation of more effective machinery for native representation."

This particular paragraph I have quoted not merely to confirm the view which I expressed that throughout this document the Indians have not been excluded from consideration in that they have obviously been included under the term of "immigrant communities", but also that there need be no misgiving whatsoever as regards the interests of the natives as well.

Sir Hari Singh Gour : Will the Honourable Member explain what is the meaning of the last paragraph at page 7 ? Are those not words of imitation, namely, that the rights of Indian natives will be safeguarded as they were safeguarded in 1923. I should like to reconcile that interpretation with the last paragraph which occurs on page 7.

5 P.M.

Pandit Hirday Nath Kunzru : Sir, since the Honourable Member is indulgent enough to allow an interruption, may I ask if he has read the debate on East Africa which took place in the House of Commons ?

The Honourable Khan Bahadur Sir Muhammad Habibullah Sahib Bahadur : I have read the debate in newspapers, but I am not going to utilise it inasmuch as I have not got the Hansard in my hands and I don't think I can quote from newspapers.

Pandit Hirday Nath Kunzru : I can lend the Honourable Member a copy of Hansard.

The Honourable Khan Bahadur Sir Muhammad Habibullah Sahib Bahadur : Then Sir Hari Singh Gour has confronted me with a question as to how I am going to reconcile the last paragraph in the White Paper with the quotations which I have previously made. Well, my only contention is that the former has been definitely and specifically put in as an additional guarantee that no rights of the Indians which have already been secured to them by the White Paper of 1923 will be interfered with, but that does not in my opinion mean that any recommendations which the Commission which is about to be set up may make for the further advancement of that community will not be either accepted or even considered. Of course, His Majesty's Government were quite right in adding that rider, for, if this White Paper had appeared without that rider, I am afraid the apprehensions entertained in India in regard to the existing rights of Indians may have been more serious than they are to-day. Then again, what do we find in this document as regards the trusteeship ? His Majesty's Government make it sufficiently clear :

"In any such changes it will be essential to maintain the principle that the administration of the East and Central African territories is based on the exercise by His Majesty's Government of a trust on behalf of the African population and that, while they may now be prepared to associate with themselves in that trust the members of the resident immigrant communities"

—I emphasise those words again—

"they are still under an obligation to ensure that the principles of this trusteeship will be observed."

And then one more quotation from this document and I shall not quote more. In the White Paper again, His Majesty's Government says :

"At the same time it will be a fatal error if any decisive step is taken before we have satisfied ourselves that such a step will be received with goodwill by those whose co-operation will be necessary for its success."

Now, therefore, Sir, with such distinct, clear unequivocal language which has been used in the White Paper to indicate that the interests of the Indians will be duly safeguarded, that the interests of Indians did not escape the attention of His Majesty's Government, I do not think there is any need for any alarm.

And then, after all, it is only the first stage that has now been reached—I mean the decision to appoint a Commission. There are two other stages yet before us, the investigation and the recommendations of that Commission and the final orders on those recommendations by His Majesty's Government. I recognise that a certain degree of watchfulness is necessary on the part of the Government of India when these proceedings are taking place. I also recognise that there is a serious responsibility cast on the shoulders of the Government of India to see to it that the interests of the Indians are not prejudicially affected by any recommendations which the Commission might make, and on that matter, I can assure the House that we will not shrink from our responsibility at all. So far as things have gone at present I cannot allow myself to be swayed by any considerations of pessimism. If my reading of the situation is correct—and I hope it is—then I do not expect that the recommendations of the Commission will in any way be to the detriment

[Sir Muhammad Habibullah.]

of the Indian interests in the Colony. Should any occasion arise and it becomes necessary for the Government of India to make proper, timely and adequate representations, I can assure the House that we shall leave no stone unturned. We have already, as the Honourable the Leader of the House told you this morning, registered necessary representations, and if it became imperative for us to make further representations, we would certainly do so. For the present, I shall merely forward these proceedings to the proper quarter so that an idea may be formed as regards the strength of feeling in this House, which I know is indicative of the strength of feeling in the country, and I hope this will satisfy my Honourable friend Mr. K. C Roy.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Will the Honourable Member enlighten the House as to who will be the representatives of India on this Commission ? The Honourable Member has said nothing in his speech on this point.

The Honourable Khan Bahadur Sir Muhammad Habibullah Sahib Bahadur : I am sorry I can make no such announcement on a matter which His Majesty's Government have not announced as yet.

Maulvi Muhammad Yakub : Will the Honourable Member convey the sense of this House to His Majesty's Government that India should be represented by Indians ? Will he give an assurance on the floor of the House that he will convey this ?

The Honourable Khan Bahadur Sir Muhammad Habibullah Sahib Bahadur : The motion itself is to that effect.

Maulvi Muhammad Yakub : What about the action of the Government of India ? Will the Government of India convey the sense of this House to His Majesty's Government ?

The Honourable Khan Bahadur Sir Muhammad Habibullah Sahib Bahadur : I thought I said that already.

Mr. K. C. Roy : Sir, I am grateful to my friends who have supported me and I am grateful to Mr. Dalal for accepting my motion. But, Sir, that by itself does not carry me very far. My disappointment has been very great with the speech of the Honourable Member in charge of the Department of Emigration. For him I have the greatest respect. For his services I have nothing but admiration. But he has not enlightened us much on this subject to-day. He has not told us whether the Government of India, as a subordinate branch of His Majesty's Government, has accepted the White Paper of 1927.

But his able advocacy of that paper convinces me that the Government of India has accepted it. If they have done so I extend to him my cold sympathy. The doctrine of trusteeship is an invention of that Florentine whose name is well-known all over the world. He is no other than Machiavelli and if we have accepted the Machiavellian doctrine for the administration of East Africa and Central Africa I extend to him my cold sympathy. As regards the assurance of the Government of India that they are going to be very watchful, I will only give him a quotation. They have been watchful ever since 1908, and what has been the result of that watchfulness ? The situation has gone down and down

till we have touched the bottom: I will read the despatch of the Government of India to the Secretary of State, Lord Salisbury.

"Indian settlers lived and traded in British East Africa long before the days of British rule, and their status in the country and their claims to political recognition are such that they cannot be overlooked. We believe, however, that these claims are not regarded with favour by the white colonists, that the Indians as a whole are disliked by them, and that certain areas are being reserved entirely for white colonization; and it is within our knowledge that fears have already been expressed lest, when the country is eventually given self-government, the antagonism of the white colonists and the Indian traders and settlers may result in similar problems to those which have had such deplorable results in South Africa."

We know the condition since 1908, and yet my Honourable friend, Sir Muhammad Habibullah counsels us to be patient. Of course, what else can we do but practise patience, and rely on the "subordinate branch of His Majesty's Government"! (Applause.)

Mr. President: The question is:

"That the House do now adjourn".

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 22nd August, 1927.

LEGISLATIVE ASSEMBLY.

Monday, 22nd August, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

MEMBERS SWORN.

Munshi Iswar Saran, M.L.A. (Lucknow Division : Non-Muhammadan Rural);

Mr. Rajivaranjan Prasad Sinha, M.L.A. (Patna *cum* Shahabad : Non-Muhammadan).

QUESTIONS AND ANSWERS.

COMPLAINT REGARDING THE THIRD CLASS BOOKING OFFICE AT SEALDAH.

48. ***Mr. Gaya Prasad Singh** : Has the attention of the Government been drawn to a signed letter, published in the *Amrita Bazar Patrika,* dated the 22nd May 1927, in which a complaint is made that the third class booking office at Sealdah Station (Eastern Bengal Railway) was not open even one hour before the arrival of a particular train on the 15th May last ?

(*b*) Is not the Sealdah booking office required to be kept open for 24 hours under the rules ; and has any notice indicating the opening hours of the booking office been put up before it ? If not, why not ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) Under rule the Sealdah booking office is kept open day and night for the issue of tickets to passengers of all classes. The Agent of the Eastern Bengal Railway intimated to the Railway Board last September that he had no objection to the opening hours of booking offices being notified on posters in vernacular in front of third class booking offices, and he has been asked to see that, if not already done, this is done at Sealdah.

INCREASE IN THE NUMBER OF THIRD CLASS BOOKING CLERKS AT MUTTRA JUNCTION.

49. ***Mr. Gaya Prasad Singh** : (*a*) Are Government aware that Muttra is an important place of pilgrimage, and that the number of visitors and pilgrims there is very large all the year round ?

(*b*) Is it a fact that Muttra Junction is the station at which tickets for the Great Indian Peninsula Railway, East Indian Railway, Bombay, Baroda and Central India Railway (N. M. Railway, and R. M. Railway) are issued, but that there is no enquiry office ?

(*c*) Is it a fact that only one booking clerk has to issue third class tickets for the Great Indian Peninsula Railway, and the East Indian Railway ; and another booking clerk has to issue third class tickets for the

N. M. Railway, and the R. M. Railway, and that third class passengers are put to great inconvenience and delay in purchasing their tickets ?

(*d*) Do Government propose to consider the question of increasing the number of third class booking clerks at Muttra Junction, so that the third class booking office may in practice be open for 24 hours for the issue of tickets ?

Mr. A. A. L. Parsons : (*a*) Government are aware that Muttra is an important place of pilgrimage.

(*b*) Yes.

(*c*) It is a fact that only one booking clerk ordinarily issues third class tickets for the Great Indian Peninsula Railway and the East Indian Railway and another for the N. M. Railway and R. M. Railway, but this staff is increased during melas and arrangements have been made for extra staff to be detailed to assist in the issue of tickets at the time of the East Indian Railway Howrah Express No. 8 Down and the Great Indian Peninsula Railway Passenger No. 13 Down. I understand that it is at these times that complaints of delay have been made.

(*d*) The booking offices at Muttra Junction are open for 24 hours.

FEES CHARGED BY THE LADY IRWIN SCHOOL FOR GIRLS IN SIMLA.

50. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that an Indian Girls' School has been opened in Simla, which is in receipt of a Government grant ? If so, what is the average proceeds of the fees, and the amount of the Government grant ?

(*b*) Is it a fact that a rule has been made, or is about to be made, whereby each child of a non-official servant will have to pay one rupee more than the child of a Government servant ? If so, why this invidious differentiation ?

Mr. A. R. Dalal : (*a*) Yes. The fee income of the school amounted to over Rs. 1,500 up to the end of June, 1927. The Government of India have sanctioned a grant-in-aid to the school to the extent of Rs. 7,700 in 1927-28 and of Rs. 5,700 in subsequent years. It is subject to reconsideration after three years.

(*b*) One of the conditions of the Government grant is that pupils who are children of, or under the guardianship of, employees of the Government of India should be charged fees which are less by 33⅓ per cent. than those charged to other pupils. The reason for this concession is that the school is intended primarily for the benefit of the female children of the Government of India's employees. It is not the intention of the Government of India to assist in the maintenance of a school which is mainly attended by girls whose education is the concern of the Local Government.

Mr. Gaya Prasad Singh : Is not the school in receipt of a grant-in-aid from the Government of India, from the general tax-payers' purse, I mean ?

Mr. A. R. Dalal : The grant-in-aid is mentioned above as Rs. 5,700 recurring for three years.

PREVENTION OF SERIOUS CRIMES IN NEW DELHI.

51. *Mr. Gaya Prasad Singh : (*a*) Is it a fact that a serious armed dacoity was committed in April last in Raisina, New Delhi, in the house of Mr. G. Kaula, Accountant-General, Central Revenues, in the course of which his nephew was seriously injured by the dacoits, and property of the value of over Rs. 4,000 was taken ?

(*b*) Is it not a fact that cases of theft and dacoity have been on the increase in New Delhi for some months past, and will the Government be pleased to place on the table a full statement of such cases during the last 12 months, giving their dates and other details, together with the result ?

(*c*) Will the Government give the total strength of the police force in New Delhi, and the reasons of their apparent inability in checking such crimes ?

(*d*) What steps have been taken, or are about to be taken, to prevent the commission of such crimes in future ?

(*e*) Are Government prepared to allow respectable house owners in Delhi to retain fire-arms for defensive purposes ?

The Honourable Mr. J. Crerar : (*a*) Yes.

(*b*) The number of thefts, burglaries and dacoities during the 12 months ending the 31st May 1927 was 136 as compared with 98 in the corresponding period ending the 31st May 1926. The statement asked for by the Honourable Member has been compiled. It is a very long one, and, if the Honourable Member desires, I shall be glad to let him have a copy.

(*c*) The sanctioned strength of the New Delhi Police Station is 1 Inspector, 2 Sub-Inspectors, 14 Head-Constables, 5 Lance-Head-Constables and 174 Constables. It has not been possible hitherto to maintain this force at its full strength, but an increase in the Delhi Police was sanctioned last cold weather, and the station will be kept at its full strength from the autumn of this year.

(*d*) The patrolling system has been carefully overhauled and the situation should be improved by the increase of staff above referred to.

(*e*) Licences are, and will continue to be, granted to persons of approved character in accordance with established principles.

FOREWORD TO THE INDIAN SANDHURST COMMITTEE REPORT.

52. *Mr. K. C. Roy : (*a*) Will the Government be pleased to state whether the ' foreword ' appended to the Indian Sandhurst Committee Report by the Government of India represents their views arrived at after due consideration of the recommendations of the Committee, or whether it is merely a preface without adequate consideration of the fundamental issues raised in the Report ?

(*b*) What are the ' certain factors ' stated in the ' foreword ' which were not within the province of the Committee to undertake a complete survey of its field ?

(*c*) What are the " alternative methods which did not fall within the Committee's terms of reference " and what are the reasons for their exclusion from the Committee's purview ?

(*d*) Was the "foreword" submitted to, and approved of, by the Secretary of State before its publication with the Report ?

(*e*) Why was this unusual practice of writing a "foreword" to a Committee's Report adopted in this case ?

(*f*) Do the Government of India intend to publish the full evidence recorded by the Committee, and, if not, will Government state the reasons for that decision ?

Mr. G. M. Young : (*a*) Yes, Sir, the " Foreword " was issued after due consideration by the Government of India and represents their views.

(*b*) Several of the factors are specified in the " Foreword ".

(*c*) Government had no particular alternatives in mind either at the time of appointing the Committee or at the time of publishing the " Foreword ". They merely on the latter occasion stated that they must leave themselves free to consider whether alternative methods might not profitably be explored.

(*d*) Yes, Sir.

(*e*) In view of the wide issues raised by the Committee's Report the Government of India, as stated in the " Foreword ", considered it necessary to emphasise that neither they nor His Majesty's Government had at that time formed their conclusions on it, but that it would be used as a starting point for discussions upon these issues.

(*f*) Government do not intend to publish the evidence recorded by the Committee, as a considerable portion of the evidence recorded in India was confidential and the evidence given by official representatives to the Sub-Committee which visited England was also confidential.

Pandit Hirday Nath Kunzru : Is it a fact that the Sub-Committee which visited England submitted its report to the main Committee and that the main Committee passed it for publication along with the main report ?

Mr. G. M. Young : I did not quite catch the last sentence.

Mr. President : Will the Honourable Member repeat his question ?

Pandit Hirday Nath Kunzru : Is it a fact that the main Committee asked the Government of India to publish the report of the Sub-Committee which visited England ?

Mr. G. M. Young : The main Committee said nothing whatever about the publication of the Sub-Committee's report in its report. I did receive as a matter of fact a communication from one Member of the Committee to the effect that the Committee desired the Sub-Committee's report to be published, if possible.

Pandit Hirday Nath Kunzru : Did the Government of India themselves inquire from the Committee whether it wanted that the whole report should be published.

Mr. G. M. Young : No, Sir, the Committee had by that time dispersed.

Pandit Hirday Nath Kunzru : Did the main Committee indicate that the report of the Sub-Committee was confidential and should not be published ?

Mr. G. M. Young : I think my Honourable friend is under some misapprehension about the Sub-Committee's report. It is not within the discretion of the Government of India to decide how much of the proceedings of the Sub-Committee in England could be published or not. The Sub-Committee had no official status in England. The Government of India, when the Sub-Committee went home, sent a recommendation that the Sub-Committee should be given every facility and that all the information they wanted should be laid before them. I think every member of the Sub-Committee would agree that that was done and that they were treated with the utmost courtesy in that respect. But a great part of the material laid before the Committee was laid before them by official representatives of His Majesty's Government, and it is entirely for the Home Government to make or not to make the stipulation that that material should not be published. They have as a matter of fact made a stipulation that it should not be published.

Pandit Hirday Nath Kunzru : Am I to understand that it was the British Government that stood in the way of the publication of the report of the Sub-Committee.

Mr. G. M. Young : There is no question of anybody standing in the way of the report being published. The Home Government laid the material before the Sub-Committee and stipulated that it should not be published.

Mr. K. Ahmed : Is it not a fact that last Session, with regard to the same subject, Government gave us to understand that they would publish it as early as possible ?

Mr. G. M. Young : No, Sir. Not the Sub-Committee's report.

Mr. K. Ahmed : Did not Sir Alexander Muddiman say something about it ? My Honourable friend Mr. Muhammad Ali Jinnah, who was a member of that Committee, put a question, whether it would be published as early as possible.

Mr. R. K. Shanmukham Chetty : The Honourable Member told us that the evidence placed before the Sub-Committee was of a confidential nature and therefore it was not published, but may we know why the report of the Sub-Committee itself was not published ?

Mr. G. M. Young : That does not really arise out of this question. There are questions on the paper about the publication of the report ; but I have already explained that the report of the Sub-Committee was not published for the reason that much of the material placed before it was placed before it on the stipulation that it should not be published. It would be impossible to publish the report piece-meal.

Mr. K. Ahmed : Sir, a supplementary question is a question which arises out of the question ; and this is certainly a supplementary question which arises out of the question. Under the Standing Orders and Rules of this Assembly the Honourable Member is bound to answer that question.

Pandit Hirday Nath Kunzru : May we know definitely whether the Home Government prohibited the publication of the report of the Sub-Committee ?

Mr. G. M. Young : There was no question of prohibition.

ADOPTION OF THE 8-UNIT SCHEME FOR INDIANISATION OF THE ARMY IN INDIA.

53. *Mr. K. C. Roy : Will the Government be pleased to lay on the table of the House the correspondence leading to their decision regarding the adoption of the 8-unit scheme for Indianisation of the Army in India ?

Mr. G. M. Young : Government are not prepared to lay the correspondence on the table.

COLOUR BAR AGAINST INDIANS IN EDINBURGH.

54. *Mr. Gaya Prasad Singh : (*a*) Is it a fact that several public restaurants and places of amusements in Edinburgh have recently issued orders prohibiting the admission of Indians or Asiatics into these institutions, merely on grounds of race or colour ?

(*b*) Is it a fact that this colour prejudice has affected the Edinburgh University as well, and that the Edinburgh Physiological Society has excluded Indian student members from the Society's annual social function, although, as members, they had every right to participate in it ?

(*c*) Is it a fact that Indian students are not admitted into the Edinburgh Royal Medical Society, although it is nominally open to all medical students ?

(*d*) Is it a fact that Indian students are not admitted into the University swimming baths at Drumsheugh Gardens, the University physical training activity, and the University boarding houses ?

(*e*) Is it a fact that Dr. Drummond, at a Conference of General Assemblies of the Church of Scotland, and the United Free Church of Edinburgh, said : " Those responsible for it were guilty of the grossest treachery to the British nation, and were doing something to undermine the stability of the Empire " ?

(*f*) Has any communication on this subject been received from the High Commissioner, and, if so, are Government prepared to lay it on the table ? What steps, if any, have been taken, or proposed to be taken, in the matter ?

The Honourable Mr. J. Crerar : (*a*) Yes.

(*b*), (*c*) & (*d*). There has never been discrimination of any kind against Indian students in any institution officially connected with the Edinburgh University.

(*e*) Government have seen a report to this effect in the Press.

(*f*) Government have received a report from the High Commissioner, who had special enquiries made. They do not propose to lay it on the table. The orders prohibiting the admission of Asiatics to certain places of public entertainment were withdrawn by all the establishments concerned on the 20th June as the result of action taken by the city authorities.

Mr. Gaya Prasad Singh : May I know if the orders were unconditionally withdrawn ?

The Honourable Mr. J. Crerar : To the best of my knowledge the orders were unconditionally withdrawn.

Mr. K. C. Neogy : Is it a fact that this infection at one time spread to Dundee, Aberdeen and Glasgow ?

The Honourable Mr. J. Crerar : I have no information that the infection spread to those other towns.

Mr. K. C. Neogy : Has the attention of the Honourable Member been drawn to the discussion on this subject which took place on the 31st May in the House of Commons in which this statement finds a place ?

The Honourable Mr. J. Crerar : I do not think that that actually arises out of the question. The question relates solely to particular orders which were in force in the city of Edinburgh. My inquiries have naturally been restricted to the city of Edinburgh.

Mr. K. C. Neogy : Will the Honourable Member kindly make inquiries in the matter ?

The Honourable Mr. J. Crerar : I shall certainly make further inquiries in the direction suggested by the Honourable Member.

POLICY OF SEGREGATION BETWEEN THE EUROPEANS AND ASIATICS IN KENYA.

55. ***Mr. Gaya Prasad Singh** : (*a*) Are Government aware that the policy of segregation between the Europeans and Asiatics in Kenya was definitely abandoned by the White Paper of July 1923, issued by the British Cabinet, a clause of which says :

" It is now the view of competent medical authorities that as a sanitary measure, the segregation of Europeans and Asiatics is not absolutely essential to the preservation of the health of the community ; a rigid enforcement of sanitary police and building regulations without any racial discrimination by Colonial and Municipal authorities will suffice.....They (His Majesty's Government) have therefore decided that the policy of segregation between Europeans and Asiatics in townships must be abandoned " ?

(*b*) Are Government aware that on the 17th February 1927, the Earl of Clarendon, speaking in the House of Lords said :

" The only statement which I can make at this moment on behalf of His Majesty's Government is that they adhere to the principles as laid down in the Kenya White Paper of 1923 " ?

(*c*) Is it a fact that all the Asiatics residing in houses situated in Cliffe avenue area in Mombassa were notified by the Land Officer to vacate their premises before the end of March 1927, and similarly the Indian Landholders who had their houses rented to other Asiatics, were also notified to ask their tenants to vacate the premises forthwith, failing which the Government threatened to forfeit their leases, and that as a consequence they had no option but to comply with the requirement of the Government ?

(*d*) What steps have been taken, or are proposed to be taken, to enforce compliance with the non-segregation clause of the Kenya White Paper referred to in (*a*) above ; and to compensate those Indians who had to suffer loss ?

Mr. G. S. Bajpai : (*a*) and (*b*). Yes.

(*c*) Government have no information, but have made inquiries.

(*d*) I have nothing to add to the answers given to part (*b*) of the Honourable Member's Question No. 65 and Question No. 474 by Mr. Bhore last Session. The Government of India are still in communication with His Majesty's Secretary of State for India on the subject.

Mr. Gaya Prasad Singh : Will the result of the inquiry suggested in part (*c*) of the question be available to this House ?

Mr. G. S. Bajpai : That will be decided, Sir, when the correspondence is complete.

Mr. K. C. Neogy : May I draw the attention of the Honourable Member to the proceedings in the House of Commons, dated 17th July 1926, 29th July 1926 and 28th September 1926, in which he will find a reference to a matter allied to the subject-matter of question (*c*) ?

Mr. G. S. Bajpai : I have already, Sir, studied the proceedings to which the Honourable Member has referred, but that does not dispose of the fact that the Government of India are still in correspondence with His Majesty's Secretary of State with a view to seeing if possible that the principle involved in the residential restrictions to which Asiatics in Mombassa are to be subjected will not be given effect to.

Mr. Gaya Prasad Singh : May I know if the inquiry to which the Honourable Member refers was instituted after I sent in notice of the question ?

Mr. G. S. Bajpai : No, Sir, the inquiry was instituted before the Honourable Member sent in notice of his question.

GRIEVANCES OF DECK PASSENGERS ON STEAMERS OF THE BRITISH INDIA STEAM NAVIGATION COMPANY.

56. ***Mr. Gaya Prasad Singh** : (*a*) Has the attention of the Government been drawn to an article published in the *African Comrade* (Dar-es-Salaam), dated the 4th May 1927, regarding the horrible condition of deck passengers in the British India Steam Navigation Company steamers ?

(*b*) Will Government kindly state if they have enquired into the complaints, and how far they are true ; and what steps have been taken to remedy them ?

(*c*) What have Government done on the Report of the Deck Passengers' Committee ?

The Honourable Sir George Rainy : (*a*) Government have seen the article.

(*b*) and (*c*). The question of improving the existing conditions of deck passenger traffic was investigated by the Deck Passengers' Committee. Draft amendments to the rules dealing with the more important recommendations of the Committee were published in June and July 1925, and the opinions received thereon are now under consideration. The question of accommodation, however, which is closely connected with the provision of adequate life-saving appliances, is complex and technical, and the Government of India have found it difficult to come to a conclusion without expert advice. As the Honourable Member is no doubt aware, the Government of India have decided to transfer the administration of the Merchant Shipping Acts from Local Governments to the direct control of the Commerce Department of the Government of India, which will be advised by an adequate technical staff. As some time must still elapse before the necessary legislation can be passed, the Government of India are considering the desirability of obtaining the services of a qualified Ship Surveyor, as a temporary measure during

the forthcoming cold weather, specially to examine the technical questions connected with deck passenger accommodation and life-saving appliances, in order that the Government of India may arrive at a conclusion without further delay.

PAUCITY OF RECRUITS FOR THE ARMY FROM BIHAR AND ORISSA.

57. *Mr. Gaya Prasad Singh : (*a*) With reference to the statement furnished by Government, in reply to starred question No. 25 of 27th January 1927, will the Government kindly give reasons for the paucity of recruits for the Army from Bihar and Orissa ?

(*b*) Will Government kindly lay on the table a copy of the latest instructions for recruitment from Bihar and Orissa ?

Mr. G. M. Young : (*a*) Recruitment has been discontinued in the Province of Bihar and Orissa owing to the reductions in the strength of the Indian Army since the War.

(*b*) There are no special recruiting regulations for the Province of Bihar and Orissa. A copy of the Recruiting Regulations for the Indian Army will be found in the Library.

Mr. Gaya Prasad Singh : Has recruiting been discontinued in any other province ?

Mr. G. M. Young : I must ask for notice of that question.

Mr. Ram Narayan Singh : Are the Government prepared to say that they are not going to resume recruitment from Bihar again and have postponed it once for all ?

Mr. G. M. Young : They have postponed it for the present, Sir. They have no further intentions in the matter at present.

Mr. Ram Narayan Singh : Are Government considering the question whether they will resume recruitment from Bihar again ?

Mr. G. M. Young : They are not considering resuming it now.

Mr. Ram Narayan Singh : Have they postponed it once for all ?

SAFETY OF THE ROOF OF THE LEGISLATIVE ASSEMBLY CHAMBER IN NEW DELHI.

58. *Mr. Gaya Prasad Singh : (*a*) Will the Government kindly state what steps have been taken, or are going to be taken, in connection with the roof of the Legislative Assembly building in New Delhi, from which a brick fell down while the Assembly was sitting ?

(*b*) Has the building been examined by experts, and found to be quite safe ? Who are the experts who examined the building ?

(*c*) What alterations, if any, have been made therein ; and at what cost ? Is there any proposal of putting another storey on the building ; and if so, why ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The ceiling of the Assembly Chamber has been carefully examined and tested by the engineers in charge of the building. Although this examination has revealed the presence of no more loose tiles, it is considered desirable to keep the ceiling under observation for some time. It is proposed

accordingly to fix, and retain during this observation period, fine wire netting below the ceiling.

(*b*) Yes, by Mr. Rouse, Chief Engineer, Delhi, and by Mr. Brebner, Superintending Engineer, Simla. Both are of opinion that the building will be quite safe once the wire netting referred to above has been placed in position.

(*c*) No alterations have been made. It is proposed to add, when required, an additional storey which forms part of the original complete design of the building.

Mr. R. K. Shanmukham Chetty : May I know, Sir, what offices will be located in that storey when it is completed ?

The Honourable Sir Bhupendra Nath Mitra : No final conclusions on that subject have yet been arrived at.

Mr. R. K. Shanmukham Chetty : Is there any proposal, Sir, to locate any offices which are not connected either with the Legislative Department or with the Indian Legislature in that storey ?

The Honourable Sir Bhupendra Nath Mitra : As I have already said, no conclusions have yet been arrived at.

Sir Hari Singh Gour : May I know what is the object of adding another storey when the Government have no idea of the use they are going to make of it ?

The Honourable Sir Bhupendra Nath Mitra : I have already given the information in my answer. I will read from my answer again as the Honourable Member was apparently not listening. " It is proposed to add, when required, an additional storey which forms part of the original complete design of the building." That third storey was part of the original design, but Government does not propose to put it up until they are satisfied that it is required.

Sir Hari Singh Gour : Does that imply that there is no immediate prospect of the additional storey being added to the building ?

The Honourable Sir Bhupendra Nath Mitra : I am not in a position to supplement in any way the full answer which I claim I have already given to the House.

Sir Hari Singh Gour : May I beg to inquire if the addition of the third storey would depend upon the development of cracks ?

The Honourable Sir Bhupendra Nath Mitra : I can assure my Honourable friend that the addition of a third storey has nothing to do with the cracks.

Sir Hari Singh Gour : Is the Honourable Member quite sure that it will not operate upon the cracks already existing ?

Mr. Gaya Prasad Singh : May I know why the idea of a third storey was included in the original plan when Government had no idea of the use to which they could put the third storey ?

The Honourable Sir Bhupendra Nath Mitra : I have already made the position as clear as it was possible for me to do. It is the architects who provided the third storey in their design. Government cannot arrive at any final decision about putting up the third storey until they have come to a definite conclusion that that storey is required.

Sir Hari Singh Gour : May I ask if the intention of adding a third storey is to obscure the dome which is already only partially visible ?

LOCATION OF TROOPS IN MUZAFFARPUR.

59. ***Mr. Gaya Prasad Singh** : (*a*) With reference to my starred question No. 60 of the 23rd January 1925, regarding the location of troops in Muzaffarpur, will Government be pleased to enumerate the " local disturbances ", and " threats of local disturbances ", referred to in the reply of the Government, together with the dates on which, as well as the places where, such disturbances actually took place, or were threatened ?

(*b*) What is the evidence in possession of Government to show that the " local police by themselves could not adequately cope with " such disturbances or threats ?

(*c*) Is there anything on record to show that the local police made any application for troops ? If not, how did the Government come to know that the local police " could not adequately cope with " such disturbances or threats ?

Mr. G. M. Young : (*a*) My Honourable friend will find a full answer to his question in Chapter VII of the publication entitled " Bihar and Orissa in 1921 ", a copy of which I shall be happy to lend him.

(*b*) and (*c*) The Government of India have no detailed information on these points. As my predecessor repeatedly explained on previous occasions, troops were posted to Muzaffarpur solely at the request of the Local Government This request would not have been made if the local police by themselves had been able to cope with the situation.

LOCATION OF TROOPS IN MUZAFFARPUR.

60. ***Mr. Gaya Prasad Singh** : Is it the case of the Government that the burning of the Chantarwa Factory in the District of Champaran, and the incident at Chauri Chaura in the United Provinces are responsible for the decision to locate troops permanently in Muzaffarpur ?

Mr. G. M. Young : The attention of the Honourable Member is invited to the answer given on the 23rd January 1925 to his question No. 60.

Mr. Gaya Prasad Singh : Will Government kindly repeat that answer ? Is it before the Honourable Member ?

LOCATION OF TROOPS IN MUZAFFARPUR.

61. ***Mr. Gaya Prasad Singh** : (*a*) Is it not a fact that the decision to retain troops permanently in Muzaffarpur was arrived at before the 24th January 1922, as is evident from the following reply given by the Government of Bihar and Orissa in the local Legislative Council, on the above date :

" One Company of British troops has been sent to Muzaffarpur. They have been sent with the knowledge and approval of Government. Government are not aware that any panic has been caused by the presence of the troops ; and *they do not propose to withdraw them* " ?

(*b*) If so, will the Government kindly explain how they have now come to state in reply to my question No. 62 of the 23rd January 1925 that " the formal decision of the Government of India to retain troops permanently at Muzaffarpur, was dated the 4th April 1922, on which date His Excellency Sir Henry Wheeler was Governor of Bihar and Orissa "?

(*c*) Has the attention of the Government been drawn to an official publication, entitled " Bihar and Orissa " (First Decennial Review, 1912—22), at page 111, where it is stated that His Excellency Sir Henry Wheeler assumed charge of the Governorship of Bihar and Orissa on the 12th April 1922 ?

Mr. G. M. Young : (*a*) The reply given in the Bihar and Orissa Legislative Council correctly stated the attitude of the Local Government at the time that the reply was given.

(*b*) and (*c*) The reply given to question No 62, dated the 23rd January 1925, stated the date of the subsequent formal decision of the Government of India to retain the troops permanently at Muzaffarpur. This reply also was correct. The statement that Sir Henry Wheeler was Governor of Bihar and Orissa was not quite correct. Sir Henry Wheeler did not actually take over charge from Sir Havilland Le Mesurier until the 12th April, as my Honourable friend observes.

LOCATION OF TROOPS IN MUZAFFARPUR.

62. ***Mr. Gaya Prasad Singh** : Is it not a fact that in March 1922 the Government of Bihar and Orissa addressed a communication to the Government of India, in connection with the troops in Muzaffarpur ; and will the Government be pleased to lay a copy of this on the table ?

Mr. G. M. Young : The answer to the first part of the question is in the affirmative. As regards laying the correspondence on the table, the Honourable Member is referred to the statement which I made on the 15th March last when speaking on his motion on the same subject.

TRAINING OF APPRENTICES IN STEEL SMELTING IN THE JAMALPUR WORKSHOPS.

63. ***Mr. Ganganand Sinha** : Will the Government be pleased to state the number of Indians, Europeans and Anglo-Indians separately who have been taught steel smelting in the Jamalpur Workshops year by year during the last 5 years ? How many apprentices of each of these communities are learning the subject just now ? Why are not a larger number of Indians taught the subject ?

Mr. A. A. L. Parsons : Government understand that no apprentices have been taught steel smelting in the Jamalpur Workshops during the last 5 years nor are any learning the subject at present.

The steel foundry at Jamalpur is too small to provide a really thorough training for apprentice steel smelters.

CASE OF MR. TARAGATI BANERJEE, LATE AN APPRENTICE IN THE JAMALPUR WORKSHOPS.

64. ***Mr. Ganganand Sinha**: (*a*) Is it not a fact that one Mr. Taragati Banerjee was an apprentice in the Jamalpur Workshops, and got a State scholarship for further studies in Europe ?

(*b*) Is it not a fact that he was refused an appointment on his return to this country after having duly qualified as an engineer ?

(*c*) If the answer to (*b*) is in the affirmative, will the Government be pleased to state reasons for the same ?

Mr. A. A. L. Parsons : (*a*), (*b*) and (*c*). Mr. Taragati Banerjee was employed as an apprentice in the Jamalpur Workshops but severed his connection with the Railway in 1923 and proceeded for further training to the United Kingdom on a Government of India scholarship. On his return to India in 1926 he applied for a post in the Railway Department, but there was no vacancy. The Railway Department had given no undertaking to him to employ him on his return from England.

TRAINING OF INDIANS IN DRAWING IN THE JAMALPUR WORKSHOPS.

65. *Mr. **Ganganand Sinha** : (*a*) Is it not a fact that Indian apprentices in the Jamalpur Workshops do not get the same facilities for learning drawing in the drawing office as European or Anglo-Indian apprentices ?

(*b*) Is it not a fact that students of the Mechanical and Technical Engineering course have much to depend on their drawing ?

(*c*) If the answers to (*a*) be in the affirmative, will the Government be pleased to state the reasons for the same ?

Mr. A. A. L. Parsons : (*a*) No.

(*b*) Yes.

(*c*) Does not arise.

PROVISION OF QUARTERS FOR INDIAN APPRENTICES OF THE JAMALPUR WORKSHOPS.

66. ***Mr. Ganganand Sinha** : (*a*) Is it a fact that a European and Anglo-Indian employee in the Jamalpur Workshops is invariably provided with quarters and Indians are generally denied the facility ?

(*b*) Is it not a fact that at present almost all European employees at the Jamalpur Workshops standing in need of quarters are provided with them, whereas only one Indian is allotted a quarter ?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Government be pleased to state reasons for the same ?

Mr. A. A. L. Parsons : Quarters are provided in Jamalpur for European and Anglo-Indian employees with the exception of local men, since otherwise there will be no suitable accommodation for them. It is not a fact that Indians who are similarly situated in the workshops are generally denied the same facility or that only one Indian is at present allotted a quarter. In fact 17 Indians are at present residing in quarters originally built for the occupation of European and Anglo-Indian staff.

DIFFERENTIAL TREATMENT OF INDIAN APPRENTICES IN THE JAMALPUR WORKSHOPS.

67. ***Mr. Ganganand Sinha** : Have Government made any inquiry to ascertain whether Indian apprentices in the Jamalpur Workshops are

treated differently to European and Anglo-Indian apprentices in several ways ? If so, when and with what results ? If not, why ?

Mr. A. A. L. Parsons : The Government of India enquired into this matter both in 1926 and 1927 in response to a series of questions which were put in the Council of State on the 26th February 1926, the 1st March 1926, and the 22nd February 1927. If the Honourable Member wishes, I will send him the latest detailed information ; but the result of the investigation has been that there is now no difference in the treatment of Indian, European, and Anglo-Indian apprentices in the Jamalpur Workshops.

Kumar Ganganand Sinha : I should like to have the Report.

RELATION OF THE GOVERNMENT TO THE ASSAM BENGAL RAILWAY.

68. ***Mr. Anwar-ul-Azim** : Will the Government in the Department of Railways be pleased to state what is the relation of the Government to the Assam Bengal Railway ?

Mr. A. A. L. Parsons : The relations of the Secretary of State to the Assam Bengal Railway are governed by the terms of the various contracts with the Assam Bengal Railway Company, copies of which are in the Library.

WORKING CAPITAL OF THE ASSAM BENGAL RAILWAY, ETC.

69. ***Mr. Anwar-ul-Azim** : Will the Government be pleased to state what is the working capital of the Assam Bengal Railway Company, what is the total number of staff, under the head " Administration " for whom 31,50,000 rupees have been voted in the years 1927 and 1928 ?

Mr. A. A. L. Parsons : The capital provided by the Assam Bengal Railway Company, which is, I think, what the Honourable Member wishes to know, is £1,500,000. The number of superior appointments, whose cost is charged to the head Administration, is shown in Statement D in the Pink Book of the Assam Bengal Railway. Government are not aware of the exact number of subordinate appointments charged to this head, but it is about 1,600.

MUSSALMAN EMPLOYEES OF THE ASSAM BENGAL RAILWAY.

70. ***Mr. Anwar-ul-Azim** : Will the Government be pleased to state what is the total number of Mussalman employees under the Assam Bengal Railway who get their wages and salaries from the Statement A, in page 6 of the A. B. Railway Budget ? (Pink Book.)

Mr. A. A. L. Parsons : I would refer the Honourable Member to Appendix F in Volume I and Appendix C in Volume II of the Railway Board's Report on Indian Railways for 1925-26, which gives the only statistics of communal representation that are collected. I may add that the form in which these statistics are collected was settled with the advice and concurrence of the Central Advisory Council for Railways.

Mr. K. Ahmed : Are Government aware that since the statement made by His Excellency the Viceroy, Lord Reading, in the month of December in the year 1924 or 1925, the Government are sitting tight on the matter ?

Mr. A. A. L. Parsons : No, Sir.

Mr. K. Ahmed : Do I understand the Honourable Member by the word ' No ' to mean that he did not look at the statement made by Lord Reading in 1924 or 1925, or do I understand that Government have not given effect to that statement ?

Mr. A. A. L. Parsons : I meant that Government are not sitting tight.

Mr. K. Ahmed : Is it not a fact that the Government are not only sitting tight but that they are charged, on account of the exceptionally slow manner in which they carry out the affairs of the Government, with insufficient intelligence to carry out the policy, and they disqualify themselves thereby ?

APPOINTMENT OF MUSSALMANS ON THE ASSAM BENGAL RAILWAY.

71. ***Mr. Anwar-ul-Azim** : Will the Government be pleased to state whether they have any circular, or rule with regard to the appointment of Mussalmans in the Assam Bengal Railway ?

Mr. A. A. L. Parsons : The Government of India have issued no special instructions on this subject to the Assam Bengal Railway Administration, but their policy of preventing the preponderance of any one class or community in the services under their control has been communicated to all Company-managed Railways as well as to State-managed Railways.

REDUCTIONS ON THE ASSAM BENGAL RAILWAY.

72. ***Mr. Anwar-ul-Azim** : (*a*) Will the Member in charge of the Department of Railways be pleased to state whether the reduction of the Assam Bengal Railway Budget is solely to be distributed amongst the Indian employees of the said Railway Company ?

(*b*) Will the Government be pleased to state whether the Assam Bengal Railway would inform this Assembly of the procedure they adopted in meeting that reduction of Rs. 50,000 ?

(*c*) Who are these people that have come under this reduction—their length of service, age, and religion ?

Mr. A. A. L. Parsons : (*a*) No.

(*b*) and (*c*). I am sending the Honourable Member a copy of the letter which we have sent to Railway Administrations about the desirability of securing economy in administrative charges. He will see from it that no specific appointments have been suggested for reduction. It has been left to Agents to investigate what improvements in administrative machinery and consequent alterations in administrative staff can be carried out.

POWERS OF CONTROL OF THE AGENT, ASSAM BENGAL RAILWAY.

73. ***Mr. Anwar-ul-Azim** : Will the Government be pleased to state what power, if any, the Agent exercises over the other Departments of the Assam Bengal Railway Administration ?

Mr. A. A. L. Parsons : The Agent exercises full control either directly or through his principal officers over all Departments of the Railway.

Mr. K. Ahmed : Is it not a fact, Sir, that in this Assembly the same Honourable Mr. Parsons has given an answer that the Member should go and ask for a reply from the Agent, who has not to face the Members of this Assembly here, and thus the Members get nothing from them, and that the Government have been debarring the Members of this Assembly, without any rhyme or reason, and without any justification whatever, from the protection of the Rules and Standing Orders of this Assembly ? Do Government now propose to answer these questions or, in the alternative, bring the Agents to this Assembly to meet the Members here ? Is not the Honourable Member responsible in the name of the Government for any question that is put to him, and is it not the case that he must give an answer and not the Agent who, he says, has got the controlling power ?

Mr. A. A. L. Parsons : I think my Honourable friend has not read the question which I have just been asked. I was asked whether the Agent had control or what control he had over the Departments of his Railway, and I gave the reply that he exercised full control.

Mr. K. Ahmed : My supplementary question arises out of that. Is it not a fact that Mr. Parsons gave a reply that we should look for the reply to the Agent and not to the Honourable Member or the Government here ? Is this not contrary to the Standing Rules and Orders of this Assembly that the Government are not giving answers to the Members of this Assembly ?

QUALIFICATIONS OF OFFICERS OF THE ASSAM BENGAL RAILWAY.

74. ***Mr. Anwar-ul-Azim** : What are the qualifications of the officers of the Assam Bengal Railway whose salaries are described in page 9 of the Assam Bengal Railway Budget for 1927-28. (Pink Book) ?

Mr. A. A. L. Parsons : It is quite impossible to enumerate the qualifications of forty-nine officers within the limits of a reply to a question, but the Honourable Member may rest assured that the Board of Directors of the Assam Bengal Railway Company, with whom appointments to these posts lie, satisfy themselves, before appointing any person to their service, that he will be competent to perform the duties likely to be entrusted to him.

ALLEGED NEPOTISM ON THE ASSAM BENGAL RAILWAY.

75. ***Mr. Anwar-ul-Azim** : How old is Babu J. R. Guha the Assistant Auditor, now acting as Deputy Auditor ? How many relations of his have been provided for by him during the time he has been acting in the Audit Department ? For how long has he been President of the Dacca Hindu Sabha ?

Mr. A. A. L. Parsons : Government understand that Rai Sahib J. R. Guha is 54 years of age. They have no information with regard to the latter parts of the question.

CHIEF OR HEAD CLERKS EMPLOYED ON THE ASSAM BENGAL RAILWAY.

76. ***Mr. Anwar-ul-Azim** : How many Chief or Head Clerks are there in various Departments of the Assam Bengal Railway, and how many of them are Hindus, Anglo-Indians and Mussalmans ?

Mr. A. A. L. Parsons : Government have no information as to the representation of the various communities in individual posts, but, as showing how communal representation stands on the Assam Bengal Railway as a whole, I would refer the Honourable Member to Appendix F in Volume I and Appendix C in Volume II of the Railway Boards Report on Indian Railways for 1925-26.

ALLEGATIONS AGAINST CHIEF OR HEAD CLERKS EMPLOYED ON THE ASSAM BENGAL RAILWAY.

77. *Mr. **Anwar-ul-Azim** : Will the Government be pleased to state whether it is not a fact that a subordinate employee of the Assam Bengal Railway cannot approach the Head of the Department concerned, without first courting the favour of the Chief or Head Clerks, who are mostly Hindus ? How many Chief or Head Clerks are there at the General Offices at Pahartali and Chittagong, and what revenue district do they belong to ?

Mr. A. A. L. Parsons : The reply to the first part of the question is in the negative.

As regards the second part, Government have no information.

EMPLOYMENT OF MUSSALMANS ON THE ASSAM BENGAL RAILWAY.

78. *Mr. **Anwar-ul-Azim** : Will the Government be pleased to state whether it is the intention of the Assam Bengal Railway authorities to debar Mussalmans from employment in future ? How many vacancies have been filled up during the last three years, under the head " Administration " and how many of them have been offered to Mussalmans ?

Mr. A. A. L. Parsons : The reply to the first part of the question is in the negative.

The number of vacancies filled during the last three years and the number filled by Mussalmans are as follows :

	Appointments made.	Filled by Mussalmans.
1924-25	2	*Nil.*
1925-26	7	*Nil.*
1926-27	12	2

Mr. K. Ahmed : Are Government aware that their intention of not giving employment to Muslims is in contravention of the terms of the statement made by His Excellency the Viceroy in the month of December 1924 or 1925 ? Government have just stated that their intention is not to appoint a sufficient number of Muhammadans in future, and is the Honourable Mr. Parsons representing the Railway Department aware that it is in contravention of the terms stated by His Excellency the Viceroy in reply to the address given to him in the month of December 1924 or 1925 at Belvedere ?

Mr. A. A. L. Parsons : I made no statement whatsoever to the effect that it is not the intention of Government to appoint Muhammadans.

Mr. K. Ahmed : Is not the answer given in the negative, that Government's intention is not to appoint a sufficient number of Muhammadans ? Does the Honourable Member understand the text of his reply ? (Laughter.)

APPOINTMENT OF TRAVELLING TICKET EXAMINERS AND TRAVELLING INSPECTORS OF ACCOUNTS ON THE ASSAM BENGAL RAILWAY.

79. *Mr. Anwar-ul-Azim : Will the Government be pleased to state how many Travelling Ticket Examiners and Travelling Inspectors of Accounts have been appointed by the Assam Bengal Railway during the year ending 31st May 1927 ? What are their qualifications, and how many of them are Moslems and how many are Dacca people, and how many are relations of Babu J. R. Guha and the Chief Clerk ?

Mr. A. A. L. Parsons : 17 Travelling Ticket Examiners were appointed, of whom 3 were Moslems.

4 Travelling Inspectors of Accounts were appointed, of whom none were Moslems.

Government have no information as regards the other parts of the question.

Mr. K. Ahmed : Who has got the information ? Is it the Agent who is not here ? The Honourable Member is supposed to get information to justify his seat in this House, that he occupies on behalf of the Government, and to serve the country as well.

Mr. A. A. L. Parsons : Government are not prepared ordinarily to obtain information in answer to questions which contain insinuations unsupported by evidence on the character of one of their officers

Mr. K. Ahmed : If Government do not know whether there are insinuations against the character of their officers, it may be for the preservation and protection of the character of the Government officials to get information. If they do not take steps to know about the affair, how can they justify themselves in answering that this is the position, and how are we to know about it ?

PROVISION OF QUARTERS FOR THEIR EMPLOYEES BY THE ASSAM BENGAL RAILWAY.

80. *Mr. Anwar-ul-Azim : Will the Government be pleased to state whether the Assam Bengal Railway Company is bound to find pucca bungalows on the hill tops for all kinds of their employees ?

Mr. A. A. L. Parsons : No.

RAISING OF THE PORT OF CHITTAGONG TO A MAJOR PORT, ETC.

81. *Mr. Anwar-ul-Azim : (*a*) Will the Government be pleased to state whether they have any proposal pending decision, with regard to raising Chittagong Port to a major port ?

(*b*) What relation, if any, exists between the Assam Bengal Railway and the Port authorities at Chittagong ?

The Honourable Sir George Rainy : (*a*) The Honourable Member has doubtless seen the statement recently made by His Excellency the Governor of Bengal at Chittagong which has been reported in the Press. The Government of India are prepared to declare Chittagong a major port as soon as the necessary legislation can be undertaken so as to transfer the statutory authority from the Local Government to the Governor General in Council.

(*b*) The Agent of the Assam Bengal Railway is *ex-officio* one of the Commissioners for the port of Chittagong under the Chittagong Port Act, 1914.

UNNECESSARY EXPENDITURE ON MASONRY BUILDINGS BY THE ASSAM BENGAL RAILWAY.

82. ***Mr. Anwar-ul-Azim** : (*a*) Will the Government be pleased to state what sum of money has been spent by the Assam Bengal Railway in making masonry buildings, and with what outturn during the last five years ?

(*b*) Will the Government be pleased to state whether they have any hand in controlling the unnecessary expenditure of this Railway ?

Mr. A. A. L. Parsons : (*a*) Rs. 10½ lakhs. Quarters are also under construction to the value of Rs. 5¾ lakhs. A large proportion is for staff who are allowed rent-free quarters. The return on the rent-paying completed quarters is Rs. 20,300 per annum.

(*b*) There has been no unnecessary expenditure.

ASSAM BENGAL RAILWAY BUILDINGS IN CHITTAGONG.

83. ***Mr. Anwar-ul-Azim** : Will the Government be pleased to state whether or not the Assam Bengal Railway buildings in Chittagong are within the municipal limits, and are contained in one holding ? If so, will the railway authorities let this Assembly know what amount they spend every year in repairs to their lanes, and in lighting them ? Do they receive a proportionate reduction in their bill for making these arrangements ?

Mr. A. A. L. Parsons : The buildings in question are situated within the municipal limits and are contained in one holding. The expenditure incurred annually by the railway administration on repairs to, and lighting the lanes in, the area amounts to Rs. 8,000 approximately. The Railway administration is not allowed any reduction in municipal taxation for making these arrangements.

THE ASSAM BENGAL RAILWAY COTTAGE HOSPITAL AT CHITTAGONG.

84. ***Mr. Anwar-ul-Azim** : Will the Government be pleased to state what is the institution called " The Cottage Hospital " within the Railway holdings in the town of Chittagong ? At what annual expenditure is that institution run by the Railway Company and for whose benefit ? What are the number of patients treated annually and the staff therefor ? How many beds are there for in-door patients ? Is this institution open to all the employees of the Assam Bengal Railway Company living in and near about the town of Chittagong ?

Mr. A. A. L. Parsons : The Cottage Hospital at Chittagong is a small hospital, costing about Rs. 11,000 annually, run by the Assam Bengal Railway Company for the benefit of railway employees and their families. It has a staff of eleven, and treats about 135 patients annually. Out-door treatment is given to all employees of the Assam Bengal Railway Company. The eight beds for in-door patients are reserved for officers of all communities and their families, and for European or Anglo-Indian subordinates and their families.

Mr. K. Ahmed : Are Government aware that the number of in-door patients treated there at the expense of the State is greater for the community than for Indians, considering their ratio and proportion in the service ?

Mr. A. A. L. Parsons : I am not aware of that fact, Sir.

Mr. N. M. Joshi : May I ask why a distinction is made between European and Anglo-Indian subordinates and Indian subordinates ? The answer showed that Indian subordinates are not allowed to be in-door patients in the hospital.

Mr. A. A. L. Parsons : I expect the reason is, Sir, that there is other hospital accommodation in Chittagong for them, and, since there are only eight beds in the Railway Hospital, these are not probably enough for all communities. But I am prepared to bring to the notice of the Assam Bengal Railway what I understand to be my Honourable friend's suggestion, namely, that there should be no distinction between communities in the matter.

Mr. K. Ahmed : Do Government propose to change the reply ? The Honourable Member now admits that he made an incorrect statement in the beginning.

ADVERTISING OF VACANCIES ON THE ASSAM BENGAL RAILWAY.

85. ***Mr. Anwar-ul-Azim** : (*a*) Will the Government be pleased to state whether vacancies are advertised by the Assam Bengal Railway Company and what is the percentage of their employees in the Chittagong offices who belong to the revenue district of Chittagong ?

(*b*) Will the Government be pleased to state whether they are prepared to pass some such orders by which qualified outsiders too (not relations of the Bara Babu) will have a chance of serving the Company on the policy of justice and fair play ?

(*c*) Will the Government be pleased to state whether any educational test is required by the Assam Bengal Railway Company in taking recruits into their employ ?

Mr. A. A. L. Parsons : (*a*) As regards the first part of the question, the Departments maintain lists of applicants and as in most cases candidates are on the waiting lists when vacancies arise, it is not considered necessary to advertise as a general rule. As regards the second part, Government have no information.

(*b*) There is no reason to believe that the allegation made in the Honourable Member's question has any substance and Government are not prepared to address the Assam Bengal Railway on the subject.

(*c*) No. But applicants are interviewed by the officers and they are not appointed unless they are found fit for the posts.

QUALIFICATIONS OF AUDITORS, DEPUTY AUDITORS AND ASSISTANT AUDITORS ON THE ASSAM BENGAL RAILWAY.

86. ***Mr. Anwar-ul-Azim** : (*a*) Will the Government be pleased to state how many of the Auditors, Deputy Auditors, and Assistant Auditors in the Assam Bengal Railway Head Office at Chittagong, are chartered accountants, or have passed any other recognised examinations ?

(*b*) What tests do the Government of India apply in making similar appointments under their disposal ?

Mr. A. A. L. Parsons : (*a*) One Assistant Auditor is a chartered accountant and another before his appointment to the Assam Bengal Railway was an Assistant Audit Officer in the Finance Department and has passed all the necessary qualifying examinations prescribed by Government for that appointment.

(*b*) Competitive examinations are held by the Finance Department for the Indian Audit and Accounts Service.

TRAVELLING AND HALTING ALLOWANCES OF OFFICERS ON THE ASSAM BENGAL RAILWAY PROVIDED WITH SALOONS.

87. ***Mr. Anwar-ul-Azim** : Will the Government be pleased to state whether the officers in the employ of the Assam Bengal Railway, who are provided with saloons, are entitled to travelling allowances and halting allowances as well ?

Mr. A. A. L. Parsons : They are entitled to a night allowance when absent from headquarters at mid-night, but not to travelling allowance.

LEAVE RULES OF THE ASSAM BENGAL RAILWAY.

88. ***Mr. Anwar-ul-Azim** : Will the Government be pleased to state what facilities the Assam Bengal Railway allow their employees in the matter of leave ? Do they follow the C. S. R., or have they got any other code of their own ?

Mr. A. A. L. Parsons : The Assam Bengal Railway have their own leave rules.

NUMBER OF STATIONS WITH RAISED PLATFORMS ON THE ASSAM BENGAL RAILWAY.

89. ***Mr. Anwar-ul-Azim** : (*a*) How many stations of the Assam Bengal Railway have got raised platforms ?

(*b*) What facilities, if any do they afford to female and invalid passengers in getting into the trains, where they have no platform coming up to the steps of the train ?

Mr. A. A. L. Parsons : (*a*) The Assam Bengal Railway have raised platforms at seven stations.

(*b*) The steps which are fixed to the sides of all coaching vehicles are considered sufficient.

BUNGALOW AT DHOOM STATION ON THE ASSAM BENGAL RAILWAY.

90. ***Mr. Anwar-ul-Azim** : Will the Government be pleased to state with what object in view a bungalow has been built at Dhoom station on the Assam Bengal Railway and at what cost ? Who does the catering in that bungalow ? For how long do the trains stop there ?

Mr. A. A. L. Parsons : The bungalow was built as a refreshment room at a cost of Rs. 4,741, including outhouses and furniture.

The catering is done by Messrs. Framjee and Co.

Trains are booked to stop from 4 to 12 minutes, but if meals are required they are detained. The refreshment room was opened in September 1926, but the time-table has not been altered to allow full time for meals pending further experience of the trains for which meals are in demand.

Mr. Anwar-ul-Azim : Will the Honourable Member in charge of Railways please tell us if any of the trains reach Dhoom station at any meal time ?

Mr. A. A. L. Parsons : I am afraid I must ask for notice of that question. I have not got the time table here.

APPEALS AGAINST DISMISSALS OF EMPLOYEES OF THE ASSAM BENGAL RAILWAY.

91. *Mr. **Anwar-ul-Azim** : What procedure, if any, do they follow on the Assam Bengal Railway in dismissing a man from their employ ? Who is the final court of appeal against orders of such dismissals ?

Mr. A. A. L. Parsons : If the Honourable Member will let me know the class of employees to whom he refers, I will see if I can obtain the information for him.

Mr. K. Ahmed : Have not the Government of India already answered in the last Session that they will not interfere with the dismissal of an officer who sends a petition or memorial to the Government of India or to the Secretary of State unless it comes through the Agent, who has already disposed of the matter ? The Members of the Assembly who are here to criticise the action of the Agent and compel the Government of India to give suitable answers are debarred from doing so. Is there no practice or procedure followed in other countries indicating how they uplifted the condition of the employees and does it not show that the Government of India are not working the Reforms and are interfering with them ?

Mr. President : Order, order. I have considerable sympathy with the Honourable Member's point of view, but this is not the occasion to raise a debate on that question. The Honourable Member can legitimately do so by a Resolution.

LOCAL ADVISORY COMMITTEE OF THE ASSAM BENGAL RAILWAY AT CHITTAGONG.

92. *Mr. **Anwar-ul-Azim** : Will the Government be pleased to state in what matters the Assam Bengal Railway consults the Local Advisory Committee at Chittagong ? Are the recommendations of these advisors considered by the Agent and his subordinates ?

Mr. A. A. L. Parsons : For the type of questions on which the Agent may consult his Local Advisory Committee, I would refer the Honourable Member to the reply given to Mr. Kamat's question No. 376 on the 19th February 1923. From a perusal of the summaries of Proceedings of the Committee (copies of which are in the Library) I find that he has in the past year actually consulted the Committee on such diverse subjects as :

Train timings.

Additional trains.

Through carriages.

Dining cars.

Waiting accommodation.

Sidings.

Branch lines.

Goods sheds.

Delays in transit.

Return tickets.

Platform tickets.

Rates.

Conditions of booking and delivery of consignments.

That is not an exhaustive list.

I am sure he pays much attention to the advice he receives from his Committee.

EMPLOYMENT OF A MUSSALMAN OR CHRISTIAN STATION MASTER AT SITAKUND ON THE ASSAM BENGAL RAILWAY.

93. *Mr. **Anwar-ul-Azim** : Will the Government be pleased to state what objection there is, legal or otherwise, to placing a Mussalman or Christian station master at Sitakund on the Assam Bengal Railway in the Chittagong District ?

Mr. A. A. L. Parsons : There can be no legal objection to placing a Mussalman or Christian station master in charge of Sitakund station on the Assam Bengal Railway ; but as Sitakund is a most important shrine to the Hindus, as evidenced by the *mela* held there and the number of people coming to these *melas* by rail, it is generally considered good policy to place a Hindu station master in charge of this station.

MOSLEM CLERKS AND MENIALS EMPLOYED ON THE ASSAM BENGAL RAILWAY.

94. *Mr. **Anwar-ul-Azim** : Will the Government be pleased to state how many clerks and menials there are in the whole of the Assam Bengal Railway system ? And what is the percentage of the Moslems therein ?

Mr. A. A. L. Parsons : I would refer the Honourable Member to Appendix C in Volume II of the Railway Board's Report on Indian Railways for 1925-26 which gives all the information in the possession of Government.

REMEDIES FOR THE DEFECTS AND WASTE IN THE ADMINISTRATION OF THE ASSAM BENGAL RAILWAY AND OTHER RAILWAYS.

95. *Mr. **Anwar-ul-Azim** : Will the Government be pleased to state whether the members of the Central Advisory Board for Railways have any power, by virtue of their office, to inquire into and suggest remedies for the defects and waste in the administration of the Assam Bengal Railway and other railway systems in India ?

Mr. A. A. L. Parsons : The reply is in the negative.

TRIAL FOR SEDITION OF CERTAIN INDIAN RESIDENTS OF SHANGHAI.

96. *Mr. Gaya Prasad Singh : (*a*) Are Government aware that action for sedition has recently been brought against a few Indian residents of Shanghai, who are members of the Indian Nationalist Committee, and that several of them have been arrested ?

(*b*) Will Government be pleased to make a statement on the subject, giving the number of Indians arrested, the summary of the charges brought against them, the facilities given to them for defence, and the result of the trial ?

The Honourable Mr. J. Crerar : Government are aware that certain Indians were arrested recently in Shanghai on charges of seditious activity. So far as is known, twelve men were arrested, of whom five were committed for trial before the Supreme Court. Three of these men pleaded guilty to charges of possessing seditious literature with intent to distribute it and of conspiring to excite disaffection among the subjects of the King. They have been sentenced to one year's imprisonment to be followed by deportation. There is no definite information regarding the remaining two, but it seems probable that they were acquitted. Government are not acquainted with the details of the procedure of the Shanghai Supreme Court, but facilities for the defence of accused persons are no doubt similar to those given in British Courts elsewhere.

Mr. A. Rangaswami Iyengar : Will the Government call for detailed information on this matter ?

The Honourable Mr. J. Crerar : I have asked for further information on the subject. I have not yet received it.

Diwan Chaman Lall : May I ask the Honourable Member where these three Indians are going to be deported to ?

The Honourable Mr. J. Crerar : I have no information on that point.

HEALTH OF SRIJUT JYOTISH CHANDRA GHOSH, A BENGAL DETENU.

97. *Mr. Gaya Prasad Singh : (*a*) Is it a fact that Srijut Jyotish Chandra Ghosh, a Bengal detenu, is in a serious state of health, and that he has been suffering from nervous prostration, insomnia, heart trouble, and dyspepsia ?

(*b*) What was his weight when he was first arrested, and what is his present weight ?

(*c*) Will the Government be pleased to place on the table a copy of the latest medical report about his health ; and also indicate what action, if any, they want to take in this matter ?

The Honourable Mr. J. Crerar : (*a*), (*b*) & (*c*). The latest medical report, dated the 27th July is to the effect that the state of Jyotish Chandra Ghosh's health is not serious. He complains of insomnia and dyspepsia, but is not suffering from nervous prostration or heart disease. His weight when first arrested was 173 lbs. : it is now 171 lbs. In view of this report, it is not proposed to take any action.

Mr. Satyendra Chandra Mitra : Is the Honourable Member aware that Major Finlay, Superintendent of Insien Jail, reported that Professor

Jyotish Chandra Ghosh is suffering from nervous prostration and he removed him to the jail hospital, and further that there is a standing rule that detenus are to be ordinarily treated in their cells and unless they are very seriously ill should not be removed to the jail hospital ?

The Honourable Mr. J. Crerar : I am afraid I am not in a position to add anything to the reply I have just given which, as the Honourable Member will have observed, is based upon a medical report so recent as the 27th July.

Mr. Satyendra Chandra Mitra : Is the Honourable Member further aware that when he was removed to Mandalay Jail, the Superintendent of Mandalay jail, Major Smith, thought fit to consult the Civil Surgeon of Mandalay about the seriousness of Professor Jyotish Chandra Ghosh's illness ?

The Honourable Mr. J. Crerar : I have no information to that effect. I have no doubt that the Honourable Member's information is quite correct.

EXCLUSION OF " FORWARD " FROM BURMA.

98. ***Mr. Gaya Prasad Singh** : (*a*) Will the Government be pleased to state if there passed any communication between them and the Government of Burma, or the Government of Bengal, regarding the exclusion of the " Forward " newspaper from Burma ?

(*b*) What are the grounds for the order of exclusion ; and will the Government be pleased to place all correspondence on this subject on the table ?

The Honourable Mr. J. Crerar : (*a*) The facts of the matter have been reported to the Government of India.

(*b*) The order was passed in view of the publication in *Forward* of certain false and mischievous statements attributing to the Government an aggressive policy on the China-Burman Frontier and the expressed intention of the editor of the paper to repeat these false statements should occasion arise in spite of the Burma Government's intimation that they were totally unfounded. I do not propose to place any correspondence on the table. The order is no longer in force.

Mr. K. C. Neogy : Had those observations made by the " Forward " any special reference to the Government of Burma ?

The Honourable Mr. J. Crerar : They referred generally to the action taken by Government as established by law.

Mr. A. Rangaswami Iyengar : May I know, Sir, whether the Government of India were consulted before action against the paper was taken ?

The Honourable Mr. J. Crerar : No, Sir ; the Government of India were not consulted before the Government of Burma took this action.

Mr. A. Rangaswami Iyengar : May I know, Sir, under what provision of law this action was taken by the Burma Government ?

The Honourable Mr. J. Crerar : Under section 26 of the Post Office Act.

Mr. A. Rangaswami Iyengar : Are the Government satisfied that it is a fair use made of the Post Office Act ?

The Honourable Mr. J. Crerar : I think that the substance of the reply which I have already given answers adequately the Honourable Member's question.

Diwan Chaman Lall : May I ask, Sir, whether the Government of Burma is more sensitive than the other Governments ?

The Honourable Mr. J. Crerar : I am not aware that this is a fact.

Mr. Gaya Prasad Singh : May I know, Sir, why criminal proceedings were not instituted against the paper ?

The Honourable Mr. J. Crerar : Because the Government of Burma considered that the action they actually did take was likely to be the most effective and expedient in the circumstances.

Mr. Gaya Prasad Singh : Then, why have they withdrawn that order ?

The Honourable Mr. J. Crerar : They withdrew their order because they considered it no longer necessary to keep in force.

Mr. A. Rangaswami Iyengar : May I know, Sir, if the Government of India ever thought of putting into motion the Indian Post Office Act against the *Forward* in respect of these articles ?

The Honourable Mr. J. Crerar : No, Sir ; the Government of India had not as a matter of fact contemplated taking action *suo motu.*

Mr. Gaya Prasad Singh : May I know, Sir, what new elements arose between the issuing of the order and its cancellation ?

The Honourable Mr. J. Crerar : Lapse of time.

PROPOSED DEMOLITION OF THE HISTORIC HOUSE OF THE LATE POET BANKIM CHANDRA CHATTERJEE, AT KANTHALPARA, NAIHATI, EASTERN BENGAL RAILWAY.

99. ***Mr. Gaya Prasad Singh** : (*a*) Are Government aware that the historic house of the late poet Bankim Chandra Chatterjee, author of the poem " Bande Mataram ", at Kanthalpara, Naihati, Eastern Bengal Railway, is going to be demolished for the extension of the Naihati station, and that preliminary notices have already been issued by the Collector upon the heirs of the late poet ?

(*b*) Are Government aware that the proposed demolition of this historic residence has been strongly objected to ; and do Government propose to take steps to save this house from vandalism ?

Mr. A. A. L. Parsons : Government understand that in order to improve the entrance into the Naihati Goods Yard at the north end, the Agent of the Eastern Bengal Railway caused enquiries to be made whether the present owner of the late Bankim Chandra Chatterjee's house were willing to part with a strip 20 ft. wide and 185 ft. long along the western side of the property. This strip includes an outhouse, a portion of the court-yard about 8 ft. wide and a portion of two living rooms one of which is not a part of the late author's portion of the joint house. The greater portion of the property is stated to be a mass of ruins, the only parts in a fair state of repairs being the outer buildings on two sides. It was ascertained that the owner would agree to the acquisition of the complete property but not a portion of it, and the Land Acquisition Officer was

thereupon instructed to prepare an estimate of the cost of acquiring the whole property. It is understood that no notice of acquisition has yet been issued by the Collector upon the heirs of the late poet.

(*b*) Government are aware that rumours of a possible acquisition of the building which, as I say, is in ruins, have evoked public opposition in Bengal and propose to instruct the Agent of the Railway to reconsider the design of the yard with a view to avoiding the necessity of encroaching upon a part of the late author's house.

RETIREMENT OF EUROPEAN GOVERNMENT OFFICIALS ON PROPORTIONATE PENSIONS.

100. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that Government have asked European Government officials in India to indicate before the sitting of the Statutory Commission, whether they have any intention of resigning their services on proportionate pensions ? If so, has any reply been received ?

(*b*) Will Government kindly state how many European officials have already retired on proportionate pension, since the introduction of the Reforms ?

The Honourable Mr. J. Crerar : (*a*) No.

(*b*) 364.

Mr. Gaya Prasad Singh : Are Government aware if any such enquiry has been instituted either at the instance of an individual or at the instance of a body of officials ?

The Honourable Mr. J. Crerar : I have no information on that point, Sir.

Mr. Arthur Moore : Is it not a fact that a certain class of officers for whom no special provision has been made were informed that, until the appointment of the Statutory Commission, individual applications to retire would receive the consideration of the Secretary of State ?

The Honourable Mr. J. Crerar : I am not quite clear as to the precise purport of the Honourable Member's question. No enquiry of the nature suggested in the original question was issued by Government nor, so far as they are aware, by any official authority.

Mr. Arthur Moore : Arising out of that question, Sir, is it not a fact that a certain class of officers for whom no special provision has been made were informed by circular that individual applications for permission to retire would receive the consideration of the Secretary of State until the appointment of the Statutory Commission ?

The Honourable Mr. J. Crerar : It is the case that in dealing with a matter which hardly I think arises on this question,—in dealing with the general conditions relating to retirement on proportionate pension, there was a certain number of cases which did not come precisely within the ambit of the rules, but the Secretary of State intimated that he was prepared to consider individual cases which, though not coming within the precise terms of these rules, might merit special consideration. It is not within my recollection that any reference was made in that connection to the appointment of the Statutory Commission.

Mr. Gaya Prasad Singh : Are Government prepared to lay a copy of the Secretary of State's communication on the table ?

The Honourable Mr. J. Crerar : I will enquire into that point, Sir. It is not precisely within my recollection in what context the statement was made but I have a pretty clear recollection that it was made.

Mr. K. C. Neogy : Is it a fact, Sir, with reference to clause (*b*), that some officials secured very lucrative appointments outside Government employ before putting in their applications for retirement on proportionate pensions ?

The Honourable Mr. J. Crerar : The rules, Sir, prohibit any officer obtaining lucrative appointments while still in Government service.

Mr. A. Rangaswami Iyengar : May I know, Sir, whether these cases of retirement on proportionate pension are cases of retirement on political grounds ?

The Honourable Mr. J. Crerar : They are cases of retirement in accordance with the provisions set out in the rules relating to retirement on proportionate pension, which I suggest the Honourable and learned gentleman might consult.

Mr. A. Rangaswami Iyengar : May I know whether there are any special causes for retirement ? There is one cause of retirement stated and which was in the Lee Commission's Report, that is, in consequence of the constitutional changes in this country. Were these cases such cases ?

The Honourable Mr. J. Crerar : The 364 cases to which I referred ?

Mr. A. Rangaswami Iyengar : Yes.

The Honourable Mr. J. Crerar : They were cases of retirement on proportionate pension in accordance with the conditions prescribed in the rules.

Mr. A. Rangaswami Iyengar : I want to know again specifically whether these 364 cases are cases in which people wanted to retire on account of the fact that the constitution of the Government of this country and the constitution of the Services have been altered or are undergoing alteration ?

The Honourable Mr. J. Crerar : The general condition laid down in the rules is that an applicant retiring on proportionate pension makes a statement to the effect that he wishes to retire because of the changes which have been made in the conditions of his service.

Mr. A. Rangaswami Iyengar : And there are 364 cases, Sir ?

The Honourable Mr. J. Crerar : There are 364 cases.

SPEECH DELIVERED BY EARL WINTERTON IN THE HOUSE OF COMMONS REGARDING THE BENGAL DETENUS.

101. *Mr. Gaya Prasad Singh** : With reference to the recent speech delivered by Earl Winterton, in the House of Commons, regarding the Bengal detenus, has the attention of the Government been drawn to the statement made by Mr. Subhas Chandra Bose (*vide Amrita Bazar Patrika*, dated the 7th June 1927), in which he says :

" The noble Earl is reported to have said that ' the prisoners were tried before a Judge, and Mr. Subhas Chandra Bose, before two Judges '. None of the detenus

has, so far as I am aware, ever been tried before a Judge or Judges. There has not even been a mock trial. I was never produced before any Magistrate, or Judge ; nor was I ever told by whom the papers in connection with my case which had been prepared or fabricated, had been examined, either prior to my arrest, or would be examined subsequent to it '' ?

(*b*) Is the above a substantially correct statement of fact ? And if so, do Government propose to ask Earl Winterton to withdraw the unfounded statement made by him in the House of Commons ?

(*c*) Are Government aware that in course of the said statement referred to in (*a*) above, Mr. Subhas Chandra Bose says :

'' My predicament was the result of personal malice against me on the part of a high police official '' ?

In view of the nature of this charge, do Government propose to call upon Mr. Subhas Chandra Bose either to prove the charge, or to withdraw it ?

The Honourable Mr. J. Crerar : (*a*) & (*b*). I have seen the statement made by Mr. Subash Chandra Bose to which the Honourable Member invites attention. The report of Lord Winterton's remark which he quotes is not entirely accurate, and since then a further statement on the subject has been made in the House of Commons, which prevents any possibility of misunderstanding.

(*c*) No.

Diwan Chaman Lall : Will the Honourable Member give us the remarks made by Lord Winterton ?

The Honourable Mr. J. Crerar : They will be found in the report of the speech in Hansard, a copy of which can be seen in the Library.

Diwan Chaman Lall : Wherein does the Honourable Member consider those remarks to be inaccurate ?

The Honourable Mr. J. Crerar : I think, Sir, if the Honourable Member will be good enough to read the version of the statement contained in the question and compare it closely with that which appears in the official report he will see that the reproduction is not entirely accurate.

Mr. T. C. Goswami : Is it not a fact that the subsequent statement of the Earl of Winterton was in the nature of white-washing his previous statement ?

The Honourable Mr. J. Crerar : I do not think that can be fairly suggested. It appears to me that there was some inaccuracy in the Noble Lord's first statement and that he then quite honestly and candidly corrected it in his second statement.

Mr. T. C. Goswami : Has the Honourable Member any doubt that the Noble Earl made an inaccurate statement on the subject of the so-called trial of these detenus ? Has the Honourable Member any doubt that whatever statement the Noble Earl made was inaccurate ?

The Honourable Mr. J. Crerar : I am very far from being prepared to say that whatever statement the Noble Lord made was inaccurate !

Mr. K. Ahmed : In view of the fact that Lord Winterton, the Under Secretary of State for India, has committed a gross blunder.....

Mr. President : Order, order !

Mr. K. C. Neogy : Sir, I have a question to ask. Is it not a fact that in making such statements on important subjects in the House of Commons, the Under Secretary of State or the Secretary of State generally depends upon what information is supplied by the Government of India.

The Honourable Mr. J. Crerar : If the Honourable gentleman suggests that any inaccuracy that might have been in the Noble Lord's statement was based on some statement communicated by the Government of India, I am in a position to assure him that that is not the case.

Mr. T. C. Goswami : May I point out to the Honourable the Home Member that the inaccuracy in the speech of the Under Secretary of State is a very serious one, and that it almost appears as if the Noble Earl was deliberately misleading the House of Commons.

The Honourable Mr. J. Crerar : No, Sir. I think, the House will generally agree that if the Noble Lord took the earliest possible opportunity of correcting an admitted inaccuracy on one point, the matter should be allowed to go at that.

Mr. T. C. Goswami : After the debate was over ; and then when he had to.

Mr. Gaya Prasad Singh : May I know, Sir, what was the communication which was supplied by the Government of India on which the statement of Earl Winterton is based ?

12 NOON.

The Honourable Mr. J. Crerar : I never committed myself to the statement that any such communication was supplied.

Mr. Gaya Prasad Singh . Do I take it that no communication was supplied at all ?

RESOLUTIONS ADOPTED BY THE LEGISLATIVE ASSEMBLY AND THE COUNCIL OF STATE.

102. ***Mr. Gaya Prasad Singh** : Will the Government kindly furnish a statement, indicating the Resolutions together with the dates, passed by the Legislative Assembly, and the Council of State, during the last Delhi Session, and the action taken on them ?

Mr. W. T. M. Wright : Two statements regarding Resolutions adopted by the Council of State and by the Legislative Assembly, respectively, are laid on the table.

Statement showing Resolutions adopted by the Council of State during the Delhi Session 1927, and action taken by Government thereon.

Serial No.	Date on which moved.	By whom.	Subject of resolution.	Department concerned.	Action taken by Government.
1	9th Feb. 1927 .	The Honourable Mr. Mahmood Suhrawardy.	Appointment of a Committee to examine the desirability of developing the road system of India.	Commerce .	The Government of India consider it would be desirable that a conference of representatives of Local Governments should meet to discuss the question of road development generally, and in particular the matters which should be placed before the Committee which is to be appointed including Members of both Houses. It is proposed to hold the conference at the end of September 1927 on a date which will be convenient to the majority of Local Governments.
2	Do. .	The Honourable Mr. V. Ramadas Pantulu.	Moderation in the use of alcoholic liquors in Local Administrations under the direct control of the Government of India.	Finance (C. B. R.).	The resolution merely re-affirms the existing policy of the Government of India. They are, however, making enquiries as to the rate of consumption in the local Administrations of Coorg, Ajmer-Merwara and Baluchistan with a view to see whether any action is called for in order to promote or ensure moderation.
	14th Feb. 1927	The Honourable Mr. P. C. D. Chari.	Amendment of the Indian Income Tax Act.	Do. .	It has been decided that no useful purpose would be served by an enquiry into the matter by a Committee.

Statement showing Resolutions adopted by the Council of State during the Delhi Session 1927, and action taken by Government thereon—contd.

Serial No.	Date on which moved.	By whom.	Subject of resolution.	Department concerned.	Action taken by Government.
4	16th Feb. 1927	The Honourable Sir Ebrahim Jaffer.	Utilisation of the interest on deposits in postal savings banks and Government securities belonging to Musalmans for the improvement and expansion of Muslim education.	Finance	The Government of India have decided to confine themselves to an announcement that they are willing to make arrangements for facilitating the payment into a special fund (or funds) which they are satisfied has (or have) the support of a representative body or bodies of Muslims of sums representing the interest which is earned upon moneys standing to the credit of depositors in the Post Office Savings Banks which the individual depositors do not wish to claim for themselves. The first step is, therefore, for the Muslims to make arrangements for establishing such fund or funds and then for the individual depositors to give the requisite directions.
5	24th Feb. 1927	The Honourable Mr. V. Ramadas Pantulu.	Reduction of agricultural indebtedness and establishment of Land Mortgage Banks.	Education, Health and Lands.	A copy of the debates in the Council of State, on the subject, was forwarded to all local Governments for information and such action as they may deem necessary. The minor administrations of N.-W. F. P., Baluchistan, Ajmer-Merwara, Coorg and Delhi were supplied with a copy of the debates for their remarks in so far as the areas under

					them were concerned. Replies from Ajmer-Merwara and Coorg are awaited. A copy of the proceedings was also forwarded to the Joint Secretary to the Royal Commission on Agriculture for information.
6	3rd March 1927	The Honourable Mr. V. Ramadas Pantulu.	Management and upkeep of fisheuring yards in the Madras Presidency.	Finance (C. B. R.)	The Government did not promise to adopt the proposal. A copy of the resolution has, however, been sent to the Government of Madras for their views. Their reply is still awaited.
7	7th March 1927	The Honourable Mr. V. Ramadas Pantulu.	Provision of compulsory military training for college students in Indian Universities.	Army	The matter is still under consideration.
8	7th March 1927	The Honourable Sir Ebrahim Jaffer.	Provision of tuberculosis hospitals, sanitoria and institutions for training practitioners in the treatment of tuberculosis.	Education, Health and Lands.	The local Governments and Administrations have been asked whether they are in favour of holding a conference to discuss the question. Some of the replies are still awaited.
9	9th March 1927	The Honourable Sir Ebrahim Jaffer.	Control of the crude for medicinal drugs.	Education, Health and Lands.	The local Governments, etc., have been asked to inform the Government of India whether they consider it necessary to undertake legislation of the kind proposed in the Resolution. Some of the replies are still awaited.
10	9th March 1927	The Honourable Mr. Anugraha Narayan Sinha.	Amendment of the Indian Forest Act, 1878.	Education, Health and Lands.	The local Governments and minor Administrations have been addressed in the matter and their replies are awaited.

Statement showing Resolutions adopted by the Council of State, during the Delhi Session 1927, and action taken by Government thereon—contd.

Serial No.	Date on which moved.	By whom.	Subject of resolution.	Department concerned.	Action taken by Government.
11	9th March 1927	The Honourable Sir Phiroze C. Sethna.	Appointment of an Indian to be the leader of the Indian Delegations to the League of Nations.	Legislative .	The terms of the Resolution and a copy of the Debates relating thereto were forwarded to the Secretary of State.
12	10th March 1927	The Honourable Mr. V. Ramadas Pantulu.	Daily allowance of members of the Council of State and the Legislative Assembly.	Legislative .	The Government have given effect to the resolution in the form adopted.
13	21st March 1927	The Honourable Mr. V. Ramadas Pantulu.	Censorship and control over cinemas and other public resorts of amusement.	Home .	The matter is under consideration.
14	21st March 1927	The Honourable Rai Bahadur Lala Ram Saran Das.	Assignment of a suitable place in the Warrant of Precedence to Members of the Indian and Provincial Legislatures.	Home .	The matter is under consideration.

Statement showing Resolutions adopted by the Legislative Assembly during the Delhi Session 1927, and action taken by Government thereon.

Serial No.	Date on which moved.	By whom.	Subject of resolution.	Department concerned.	Action taken by Government.
1	3rd Feb. 1927 .	Mr. V. V. Jogiah .	Release of political detenus . (Repeal of Bengal Regulation III of 1818.)	Home .	A copy of the resolution with the debates thereon has been forwarded to the Secretary of State.
2	8th and 10th Feb. 1927.	Kumar Ganganand Sinha	Treatment of the Santhal Parganas as a backward tract.	Home .	A copy of the resolution together with the debates thereon was forwarded to the Secretary of State.
3	24th and 25th March 1927.	The Honourable Sir Alexander Muddiman.	Enhancement of salary of two members of the Judicial Committee of the Privy Council.	Home .	A copy of the resolution together with the debates has been forwarded to the Secretary of State.

RETENTION BY THE PROVINCIAL MUSEUM AT PATNA OF THE VALUABLE RELICS FOUND AT PATALIPUTRA AND NALANDA IN BIHAR.

103. ***Mr. Gaya Prasad Singh** : (*a*) Are Government aware that valuable relics have been found out of the excavations at Pataliputra and Nalanda in Bihar ; and that there is a proposal at the instance of the Director General of Archæology to remove a portion to the Imperial Museum at Calcutta ?

(*b*) Have Government considered the claims of the Provincial Museum at Patna to retain a substantial portion of the valuable finds ?

Mr. A. R. Dalal : (*a*) Yes.

(*b*) Yes ; the Director General of Archæology is now in correspondence with the Bihar and Orissa Government on the subject.

LONDON " DAILY NEWS " COAL MISSION REPORT.

104. ***Diwan Chaman Lall** : (*a*) Has the attention of Government been drawn to the London *Daily News* Coal Mission Report ? (23rd May 1927) ?

(*b*) Have Government examined the possibility of applying the recommendations of that report to conditions prevailing in Indian coal mines ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) No.

(*b*) Does not arise.

Diwan Chaman Lall : Will the Honourable Member take the earliest opportunity of consulting that Report, Sir ?

The Honourable Sir Bhupendra Nath Mitra : I shall be obliged if the Honourable Member would send me the Report in case he has already got it, because I have not been able to get a copy of it.

Diwan Chaman Lall : Is the Honourable Member aware that I enclosed a cutting along with my question giving a summary of this Report ?

The Honourable Sir Bhupendra Nath Mitra : I do not remember to have seen the cutting. It may have got mislaid in the passage of the question to me.

DIVIDENDS PAID BY INDIAN COTTON MILLS IN BOMBAY FROM 1905 TO 1926.

105. ***Diwan Chaman Lall** : (*a*) Will Government be pleased to state the dividends paid per annum from 1905 to 1926 inclusive by Indian cotton mills operating in Bombay and the proportion per annum of such dividends to the capital invested in such mills ?

(*b*) Have Government any information as to the reasons for a drop in dividends paid by such mills in Bombay since 1923 ?

The Honourable Sir George Rainy : (*a*) The Honourable Member is referred to page 20 of the Report of the Tariff Board (Cotton Textile Industry Enquiry) which gives the figures from 1917 to 1925. With regard to the other years, I am afraid the only source of information I can suggest to the Honourable Member is the commercial and financial newspapers which publish information regarding dividends from time to time.

(*b*) The question is fully discussed in the Report of the Tariff Board.

Mr. B. Das : Is it not a fact, Sir, that the low dividends for the last three years are mainly due to the over-capitalisation of the cotton mills in Bombay ?

The Honourable Sir George Rainy : I think the House will agree that this is perhaps too large a question to be dealt with by way of a question and answer.

ARREST OF ONE FAZL ELAHI IN BOMBAY AND HIS TRIAL IN THE NORTH-WEST FRONTIER PROVINCE.

106. ***Diwan Chaman Lall** : Will Government state whether recently a young Indian was arrested in Bombay and taken to the North-West Frontier Province, and charged there ? Will Government state his name, age, reason for arrest, charges on which he was tried and sentence awarded, and whether proper facilities were given for his defence ?

The Honourable Mr. J. Crerar : The Honourable Member apparently has in mind the case of Fazl Elahi. He was arrested in Bombay, as he was believed to have committed an offence under the Passport Rules. Subsequently a complaint was made against him of conspiracy to wage war against the King, and as the evidence related mostly to the North-West Frontier Province, the case was transferred for the convenience of witnesses to the Court of the District Magistrate, Peshawar. Fazl Elahi, whose age is 25, has been sentenced under section 121-A of the Indian Penal Code to five years' rigorous imprisonment. He was defended by a pleader.

Diwan Chaman Lall : May I ask the Honourable Member whether he is aware that of the witnesses who appeared in this case one came from Bombay, one came from Kashmir, one came from Calcutta, one came from Lahore and one came from Ludhiana, while only two police witnesses came from Peshawar, and therefore it could not have been for the convenience of the witnesses that the case was transferred from Bombay to Peshawar ?

The Honourable Mr. J. Crerar : I am not, as a matter of fact, aware that the Honourable Member's facts are correct, but I am not prepared to question them. But in view of all the circumstances of the case, and not solely with regard to the convenience of witnesses, I think there was every reason for the better trial of the case that it should be tried in the North-West Frontier Province.

Diwan Chaman Lall : Was not the real reason the convenience of obtaining a conviction ?

Mr. K. Ahmed : In view of the fact that proper facilities were not given to the accused for his defence, do Government propose to remit the sentence under section 121 of the Indian Penal Code or in the alternative order a re-trial of the case and engage a counsel to defend the accused and give him all the facilities which he is entitled to get ?

TELEGRAMS RELATING TO THE FLOODS IN GUJARAT AND SIND AND ORISSA.

Secretary of the Assembly : Sir, in reply to the meassage of sympathy conveyed in the Resolution regarding the distress caused by the floods, which was passed by the Assembly on the 18th instant, the following communications have been received :

" Telegram from the Private Secretary to His Excellency the Governor of Bombay.

The Governor in Council is deeply sensible of the sympathy of the Legislative Assembly for the distress caused by the floods in Gujarat and Sind and desires to express his sincere thanks to the Assembly for the Motion unanimously passed on the 18th August. The sympathy of the Assembly will be conveyed to the sufferers, and the Assembly may rest assured that the Government of Bombay has done and is doing all within its power to alleviate distress."

" Telegram from Babu Gopabandhu Das, of the Congress Committee, Cuttack.

Assembly's sympathetic Resolution thankfully received gives hope and consolation to people in distress. Please convey their gratitude to Assembly. Orissa urges measures for permanent flood prevention."

" Telegram from Mr. Vallabhai Patel, President, Gujarat Provincial Congress Committee, Ahmedabad.

On behalf of afflicted people of Gujarat I express sincere gratitude for the kind message of sympathy from Legislative Assembly which will be highly appreciated and will greatly console people in their distress. Please convey my sincere thanks to President and Members of Assembly."

Mr. Amar Nath Dutt : Is there no message from the Government of Bihar and Orissa ?

Mr. President : All the telegrams that have been received so far have been already read out by the Secretary.

ELECTION OF MR. S. C. MITRA TO THE COMMITTEE ON PUBLIC ACCOUNTS.

Mr. President : With regard to the election of Members to the Committee on Public Accounts, there were only two candidates for election to that Committee, namely, Raja Ghazanfar Ali Khan and Mr. S. C. Mitra. As Raja Ghazanfar Ali Khan has now withdrawn his candidature, I declare Mr. S. C. Mitra to be duly elected. (Applause.)

ELECTION OF MEMBERS TO THE PANEL FOR THE STANDING COMMITTEE FOR THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

Mr. President : I have to inform the Assembly that the number of candidates nominated for election to the panel for the Standing Committee to advise on subjects in the Department of Education, Health and Lands is equal to the number required and, therefore, I announce that the following members are declared to be duly elected :

Mian Muhammad Shah Nawaz.
Colonel J. D. Crawford.
Mr. M. Ruthnaswamy.
Mr. Muhammad Yamin Khan.

Rai Sahib Harbilas Sarda.

Sir Hari Singh Gour.

Mr. Ismail Khan.

Raja Ghazanfar Ali Khan.

Mr. Abdul Latif Sahib Farookhi.

EXTENSION OF THE TIME FOR RECEIVING NOMINATIONS FOR ELECTION TO THE PANEL FOR THE ADVISORY PUBLICITY COMMITTEE

Mr. President : I may inform the Assembly that up to 3 o'clock on Friday, the 19th August, the time fixed for receiving nominations, only 8 nominations were received for election to the panel for the Advisory Publicity Committee. As the number of candidates required is 14, I extend the period for receiving further nominations up to 12 Noon on Thursday, the 25th August. The election cannot therefore take place to-day but will, if necessary, take place in this Chamber on Monday, the 29th August.

Mr. Varahagiri Venkata Jogiah (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : How could the consent of Colonel Crawford to be on the panel be obtained when he is in England ? It is said that Colonel Crawford is now in England.

Mr. President : All that is necessary is that the proposer must satisfy himself that his nominee is willing to act, if elected, and I have no reason to believe that he has not so satisfied himself. Has the Honourable Member any information to the contrary ?

THE INDIAN TARIFF (COTTON YARN AMENDMENT) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I rise to move that the Bill further to amend the Indian Tariff Act, 1894, in order to safeguard the manufacture of cotton yarn in British India be referred to a Select Committee consisting of Mr. Muhammad Yakub, Mr. Shanmukham Chetty, Sir Victor Sassoon, Sir Purshotamdas Thakurdas, Mr. Lamb, Dr. Suhrawardy, Diwan Chaman Lall, Mr. Joshi, Raja Ghazanfar Ali Khan, Mr. Duraiswamy Aiyangar, Mr. Jamnadas M. Mehta, Mr. S. C Mitra, Pandit Hirday Nath Kunzru, Munshi Iswar Saran and Mr. Jayakar, and that the number of members whose presence shall be necessary to constitute a meeting shall be five and that the Committee be instructed to report on or as soon as possible after the 29th August, 1927.

Mr. President : Is not the Honourable Member himself on the list ?

The Honourable Sir George Rainy : I was under the impression that under the rules the Member in charge of the Department concerned was automatically on the list, but if I am in error, then I would move that my own name be added.

Mr. President : The Honourable Member has handed in the list to the Chair with his name in it.

The Honourable Sir George Rainy : This Bill, Mr. President, is limited in its scope. It is not a Bill proposing the grant of protection for the manufacture of cotton yarn in a general way. Its sole object is to safeguard its manufacture in India against unfair competition. Its origin is to be sought in the Report of the Tariff Board which was appointed to inquire into the depression in the cotton industry, but though it is based on the findings of the Board, it does not give effect to the recommendations either of the majority or the minority of that body. The responsibility for the proposal actually put forward rests on the Government of India and on the Government of India alone.

I should like at the outset to clear up one point about which there is a good deal of misconception I have said that the object of the Bill is to safeguard the manufacture of yarn in India against unfair competition, and it is important to understand exactly what that means. The finding of the Tariff Board is that the industrial conditions in Japan are such that the Japanese mills are able to produce yarn at a lower cost than the Indian mills. Now the first question obviously that comes up is what are these conditions. I think the only one which it is necessary for us to take into account is the fact that in Japan night work by women is allowed in the cotton mills, whereas in India it is prohibited by law. In the Japanese spinning mills more than three-quarters of the operatives are women, and the fact that they are allowed to work at night makes it possible to work the mill in two shifts instead of in one shift, which is the usual practice in India. I say, Mr. President, that night work by women in the Japanese spinning mills is the only fact which we need take into account at present. It is true that the legal hours of work for various classes of operatives in Japan are longer than they are in India, and the Tariff Board has stated in detail what the differences are. But since July 1926 " the maximum hours for which it is permissible to work in double shift mills is 10 hours per shift ", and amongst the spinning mills double shift working is almost universal. For this reason the Tariff Board say :

> " All those concerns whose output of yarn competes with that of the Indian mills are working two shifts of 10 hours each."

It is clear, therefore, that the hours of work per shift are not longer in Japan than they are in India, and the only factor that influences costs is the double shift working.

How, it may be asked, does the working of double shifts reduce the cost of production ? It does so, because the standing and overhead charges can be spread over double the production. It would not be correct, of course, to say that this had the effect of halving the spinning and overhead charges, because when a mill works double shifts, some of the items, such as the depreciation of plant and machinery, will be higher than they would be in a mill that was working one shift only. Nevertheless, double shift working means a substantial reduction in cost. The Board have worked out in detail what that reduction in cost probably amounts to, and they took as typical first a mill spinning an average of 20s. and then a mill spinning an average of 32s. For reasons which will be apparent later, I will confine myself to the latter mill, that is a mill which is assumed to be spinning an average of 32s. The Tariff Board found that the saving in the actual cost of manufacture was 6.3 pies per pound, but that if a reasonable reduction on the capital invested in the business was taken

into account, the figure would be raised to 16½ pies per pound. That, they thought, was the extent of the advantage that the Japanese spinning mills derived from working double shifts and this advantage they held constituted unfair competition. Now, this brings me to the point I wanted to clear up. Why is this competition called unfair ? I think I am right in saying that the kind of competition originally stigmatised by this name was competition in which bounties are involved or, again, what we commonly describe as dumping. Now it can be argued that in this case the term " unfair competition " has a certain appropriateness. It might be said for example that if the Government of one country pays bounties in order to stimulate the sale of its merchandise in foreign markets, that is unfair. That, as a matter of fact, is the complaint that was made in the United States of America by certain manufacturers not so long ago with reference to the bounties on steel in India which they alleged made it possible to sell pig-iron more cheaply in America Then again, it might be said that it is unfair that a manufacturer should sell at a very low price in a foreign market at a price which is lower than the price he expects in his own country, and which may be actually unremunerative. In cases like that, I can understand why the term " unfair " is used, although my personal view is that it is much better avoided, because it is a term which always carries with it a suggestion that there is something unfair in the action either of the foreign manufacturer or of the foreign Government and that suggestion may be quite unreasonable. But in the case we are considering to-day, the case of the competition in cotton yarn, the unfairness, if unfairness there be, does not arise from any action taken by the Japanese Government or the Japanese Legislature, but from the action of the Government of India and the Indian Legislature. The Indian cotton manufacturer is quite entitled to come to the Indian Legislature and say : " If I am to be subjected to a restriction, such as the prohibition of night work by women, from which my rivals in other countries are free, then I ought to be compensated in some way because these restrictions raise my cost of production. It is unfair that I should be put in that position. " That is a perfectly tenable line of argument. But the point I wish to emphasise is that his complaint lies not against the foreign Government, Legislature or manufacturer, but against the Government and Legislature of his own country. I have thought it necessary to emphasise this point, Mr. President, because it has frequently been said that the Government of Japan ought to have ratified the Washington Convention which prohibits night work by women. In answer to that, I think perhaps it is sufficient to say that, when at an International Labour Conference, the representatives of any country sign an international convention, no obligation to ratify is thereby imposed on the Government of that country. It may be very desirable—I think it is—that as many countries as possible should simultaneously ratify these Conventions, because otherwise the improvement in labour conditions which is most necessary must almost inevitably be retarded. But the fact remains that the question whether a Convention should be ratified or not is a matter for decision by the Government of each country concerned, and failure to ratify by one country is not a legitimate ground of complaint by the Government of any other country.

I hope I have made it plain, Mr. President, that when I use the term " unfair competition "—and I shall use it as little as I can—I am giving

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to it what is really a technical sense. "Unfair competition" is competition against which industries can ordinarily claim to be safeguarded whether that arises from the action of the foreign Governments or manufacturers or, as in this case, from the restrictions imposed by the law of the country itself. Well, Mr. President, to pass from that point. Perhaps I had better try and pick up the threads of the argument from the point from which I diverged. The finding of the Tariff Board was that owing to night work of women in Japan it was possible to work in double shifts instead of in single shifts, that the double shift working meant a reduction in the selling price which would give a fair return on the capital invested of 16½ pies a pound, and that figure at the date the Board reported amounted to 10 per cent. of the value of the imported yarn. They found also that the competition was unfair in the sense in which I have tried to explain to the House. The Government of India accept all these findings. They accept the finding that it is the night work of women that makes double shift working possible. They accept the finding that the reduction in the fair selling price resulting from double shift working is 16½ pies a pound in the case of yarn of 32s. counts, and they accept the finding that the competition is unfair in the sense I have tried to explain. It still remained for the Tariff Board to establish one more point before their case was complete and I think that perhaps on this question I cannot do better than read from what the Board themselves actually said. The passage will be found on page 39 of the Report. What they say is this :

"Japanese yarn of 32s. counts superior in quality to the comparable Indian product is thus being sold at a price which is practically equal to the cost of manufacture alone of yarn of this count in India without any allowance for profit or depreciation. In view of the fact that there is a definite relative value between the prices of the various counts of yarn sold, and that a fall in the price of yarn of counts of 30s. or 40s. therefore affects the price of all other counts in a varying degree, it must, we think, be held that the competition of Japanese yarn exercises a depressing effect on the price of Indian yarn and that this in a large measure must be held to account for the fact that the spinning mills, with one or two striking exceptions due to special circumstances, are in a worse position than mills which have both spinning and weaving departments."

What the Board say comes therefore to this, that nearly all the mills in India with spinning departments only are doing badly, that Japanese yarn of the counts of 30s. to 40s. is selling at a price which is little higher than the Indian cost of manufacture and that the low price of the Japanese yarn is keeping down the price not only of Indian yarn of the same counts but of all counts and especially counts below 30s. That is the finding that completes the case which the Board endeavoured to establish as regards cotton yarn.

There is one point here to which I should like to direct attention. It is to be noted that the price of Indian yarn of the lower counts, that is, counts below 30s. is affected by Japanese competition not directly but indirectly. The Board make this quite clear. This is what they say. In quoting this passage I shall omit a few words not relevant for my present purpose. It begins at the foot of page 38 :

"The figures of imports we have given above show that it can no longer be the price of Japanese yarn of counts below 30s. which determines the price of Indian yarn of similar counts though we received evidence that it has done so in the past.... Such

influence as is now exercised on the price of Indian yarn (of counts below 30s.) must therefore be exercised by Japanese yarn of counts above 30s.''

It is their clear recognition of this fact I think which dictated the very careful and guarded wording of the Board's finding. They abstain from saying that the price of Japanese yarn between 30s. and 40s. is the sole cause which keeps down the price of Indian yarn, and they content themselves with saying that it exercises a depressing effect on the price of yarn generally. So far as the medium counts between 30s. and 40s. are concerned, there can be no doubt at all I think, that the price of Japanese yarn is the sole factor we need consider, for here the competition is direct. But when we come to the counts below 30s. the position is very different. I find from an examination of the figures for the year 1926-27 that the quantity of yarn available for sale to the handloom weavers, after the needs of the mills had been met, amounted to about 318 million pounds. During the same year the production and imports of yarn of counts higher than 30s. was about 85 million pounds. Even if we assume that the whole of this quantity had been taken by the handloom weavers and none of it consumed in the mills or exported the total quantity of yarn of counts below 30s. on sale in India available for the handloom weavers would still have amounted to over 230 million pounds. Now, in these circumstances, it appears probable that internal competition must have a good deal to do with the price of counts below 30s. and here there are two things which have to be remembered. In the first place, the fact that the imports of Japanese yarn of counts below 30s. have fallen to a very low level indicates that it can no longer be sold profitably in India, and if so, the price of these counts is not according to the ideas of the Japanese manufacturer, in its correct relation to the price of medium counts (*i.e.*, 31s. to 40s.). If in his opinion the prices were in their correct relation, then he would sell yarn of one count as readily as he sells yarn of another. In the second place, and I attach some importance to this, it is quite possible when trade is depressed and prices are low that there is more than one depressing factor at work and that prices may not rise unless all these factors are removed. I have thought it necessary to dwell on this question of the price of the lower counts of yarn at some length, because it is very doubtful whether the imposition of even a prohibitive duty on imported yarn would raise the price of the lower counts of yarn materially. But subject to this one qualification, the Government of India accept the findings of the Tariff Board. They agree that the price of the medium counts from 31s. to 40s. is governed by the price of Japanese yarn of similar counts, and if so, the imposition of an additional duty would be at once reflected in an increase of the price probably to the full extent of the duty. They agree also that the low price of the medium counts keeps down, or prevents from rising, the price of the counts below 30s. but consider that internal competition also plays a considerable part in keeping the price down. If, however, the price of the medium counts were raised by an increase in the import duty, the probable result would be to transfer an appreciable proportion of the Indian spindleage to the production of the medium counts with a consequent diminution of the internal competition in the production of the lower counts. In that way some increase in the price of lower counts might follow, but the total imports of the medium counts do not much exceed 25 million pounds a year, and this quantity is less than 10 per cent. of the Indian yarn available for sale after the requirements of the mills have been met.

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There is one point to which perhaps I ought to have drawn attention earlier. The Tariff Board were unanimous in their finding except on one point, namely, as to the extent of the disadvantage under which the Indian mills suffered. The majority of the Board considered that a reasonable return on capital should be taken into account in calculating this disadvantage, whereas the President of the Board, Mr. Noyce, took the view that only the actual cost of manufacture should be considered. His finding, therefore, was that the extent of the disadvantage was 4 per cent. of the selling price of the Indian mills, whereas the majority of the Board found that it was 10 per cent. I need not, I think, dwell on this difference of opinion and it will suffice to say that on this point the Government of India have accepted the opinion of the majority of the Board that a fair return on capital should be taken into account.

I will pass on, therefore, to the question of the recommendations made by the Tariff Board to safeguard the Indian industry against unfair competition. The Tariff Board differed not only as to the extent of the disadvantage under which the Indian mills suffered but also as to the measures to be taken to correct that disadvantage. The majority of the Board proposed to leave the duty on yarn unchanged, but put forward a scheme for the payment of bounties to encourage the spinning of the finer counts. Mr. Noyce, on the other hand, was unable to support the bounty scheme, but proposed that an additional differential duty of 4 per cent. *ad valorem* should be imposed on yarn imported from Japan. It will be convenient perhaps if I deal first with Mr. Noyce's recommendation, and I will do so very briefly. The adoption of his proposal would involve the denunciation of the trade agreement between India and Japan under which the merchandise of either country is entitled to most-favoured nation treatment from the other. Now, a step of that kind is always a very grave and serious step and one not lightly to be taken. It might easily prove to be the first step in a trade war, and when a Government commences a trade war the economic and political consequences are very difficult to foresee and cannot always be controlled. The view which the Government of India take is this. Discrimination against imports from a particular country is a measure which can be justified only by very exceptional circumstances, and when a proposal of this kind is made, it is necessary to weigh fully the possible advantages on the one side and the possible disadvantages on the other. In their view, action of this kind ought not to be taken unless it is clear that the advantages likely to be obtained are permanent and substantial and that they outweigh any disadvantages which might result, as, for example, from retaliatory measures to the part of the other country. In this case the Government of India were not satisfied that the necessary conditions were fulfilled, for the differential duty would remain in force only up to the 31st March 1930 and the extent of the benefit which the Indian cotton spinning industry would derive from the duty before that date was quite uncertain. In those circumstances they came clearly to the conclusion that it was not advisable to impose a differential duty on Japanese yarn.

The proposal of the majority of the Board for payment of a bounty to encourage the spinning of finer counts demands somewhat fuller

discussion. It was considered with great care, but in the end the Government of India found it impossible to assent to it. On some of the minor criticisms made by Mr. Noyce in his minute of dissent I will not dwell and it will suffice merely to note them in passing. He pointed out that the proposed bounty would deprive the mill-owner who had already embarked on the spinning of the finer counts of much of the advantage which he had derived or might derive from so doing, that the effect of the subsidy would be very unequal as between different centres, that it would accentuate the tendency on the part of some Indian mills to spin higher counts of yarn than the quality of cotton they used warranted, and that it would lead to inefficient working. I need not dwell on these points, because some of them, though I think not all, might possibly have been removed by suitable modifications in the scheme. The fundamental objections are of a different kind and go deeper. In substance, the bounty scheme is this, that a bounty of one anna a pound should be paid on the production of yarn of 32s. and higher counts based on the production of 15 per cent. of the total working spindleage in a mill. Now, in order to ascertain the benefit which a mill might expect to derive from this bounty scheme, I took the case of a mill which was spinning an average of 34s. and did not spin any yarn below 32s., that is to say, the whole of the yarn it produced would be yarn of the kind which would qualify for the payment of the bounty. I do not know whether in fact there is any mill in India which actually is in this position, but I have taken this case purely for illustrative purposes. The utmost that it can receive under the bounty scheme would be one anna per pound on 15 per cent. of its output. Spread over the whole output, the amount received would be only $1\frac{4}{5}$ pies per pound, and it will be seen at once that, since the advantage of the Japanese mill has been found to be $16\frac{1}{2}$ pies per pound, the assistance which the mill will obtain from the bounty scheme is inadequate to put matters right. The additional amount received would be a little more than the advantage to be derived from an increase in the import duty from 5 to 6 per cent. Yet, this mill which at the moment I have taken as typical is assumed to be producing counts of yarn in respect of which the Japanese competition is most direct and most severe. For a second illustration I will take the case of a mill in which half the spindles are producing an average of 34s. and the other half an average of 20s. Taking the production figures adopted by the Board on page 64 of their Report when they calculated the disadvantage of the Indian mills, the output of the spindles producing 20s. would be double the output of the spindles spinning 34s. In this case the bounty would be payable only on 10 per cent. of the output, and the amount of the bounties spread over the whole output would be $1\frac{1}{5}$ pies per pound. To put it briefly, if the average count spun in a mill is as high as 34s., the amount received by way of bounty would never exceed $1\frac{4}{5}$ pies per pound spread over the whole output, and the lower the average count spun, the smaller is the bounty per pound spread over the whole output. This is the first serious objection to the scheme, namely, that in so far as it is to be considered as a safeguarding measure it is ineffective. In order that the mills in India with spinning departments only might be safeguarded from Japanese competition by means of a bounty. It would be necessary either to raise the amount of the bounty to a much higher figure than one anna a pound, or else to expand the spindleage limit materially. That would at once create a whole series of fresh difficulties, and would raise the cost of the scheme to a prohibitive figure.

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The second objection to the scheme, Mr. President, is one of principle. It is evident from the Report that the majority of the Board view their scheme not only as a safeguarding measure but also, and perhaps primarily, as a means of bringing about a desirable development in the cotton spinning industry. They proposed that the bounty should be payable in the first instance for a period of four years, and they estimated that the cost during that period will be Rs. 240 lakhs. Now, when it is proposed to subsidise an industry to this extent, there is one test which I suggest should always be applied, namely, whether the development, if it comes about, would serve a national purpose as distinct from the interests and the advantage of the industry itself. When I say this I am not considering bounties which are granted solely as a measure of protection, as for example, the steel bounties. I am speaking just now of bounties and subsidies which are regarded not as measures of protection but as a stimulus to development, and in such cases the view of the Government of India is that the expenditure, especially when the sum involved is high, cannot be justified unless it is incurred on national grounds, and they were not satisfied that the scheme put forward by the majority of the Board satisfied this test. They hold in fact, as Mr. Noyce put it, that a long-established industry, as the cotton textile industry, should need no stimulus at the expense of the tax-payer to a development which is in its own interest. That is the second serious objection. The third objection is to be found in the administrative difficulties connected with the working of the scheme. Mr. Noyce, whose knowledge and experience entitle him to speak with some authority on this question was of opinion that these difficulties were insuperable. I do not propose to discuss this point at any length for it would lead me into details which could not but be tedious to the House. Suffice it to say that the Government of India were satisfied after examining the question that the scheme could not be administered satisfactorily by the peripatetic staff of inspectors proposed by the majority and that a very much larger and more expensive staff would be required. I know that this view is not accepted by most of the mill-owners with whom I have discussed the question and I quite frankly recognise that in a matter of this kind they must obviously know more about it than I do. Nevertheless, after giving the question the best consideration I can, I remain of opinion that the administrative difficulties would be very great and the administrative expenses very high. It is to be remembered, Sir, that in this matter the point of view of the Government of India which is the trustee of the tax-payer who is going to pay the bounty, and the point of view of the mill-owner who hopes to receive the bounty are perhaps not identical and therefore the difference of opinion as to the extent of the precautions which would be necessary in the event of a bounty scheme being sanctioned is not a matter which need arouse any particular surprise. For the reasons which I have given the Government of India found it impossible to accept either the recommendation of the majority of the Tariff Board or the recommendation of the minority. It was accordingly announced in the Resolution which was published on the 7th June last that the duty on cotton yarn would be left unaltered. It was recognized that the existing revenue duty, being only 5 per cent., did not fully cover the advantage that would be derived by the Japanese mills from working double shifts, which amounted to 10 per cent. It was held, however, that

an additional duty on yarn only would affect prejudicially the handloom industry, and that for that reason it should not be imposed. Since this was the decision of the Government of India in June last the House will naturally expect to hear how the question came to be re-opened. It will be within the recollection, I think, of most Members that, after the publication of the decisions of the Government of India, the claims of the cotton mills were brought before the Government of India on two separate occasions : first in Bombay when I met the Committee of the Bombay Mill-owners' Association at a meeting at which representatives from other centres were also present, and subsequently when a deputation of mill-owners was received by His Excellency the Viceroy at Simla. On both occasions it was promised that all that had been urged would be fully considered by the Government of India, and this Bill is the concrete result of the reconsideration which has been given to the question. It was strongly urged by the mill-owners in Bombay that if the Government of India found it impossible to accept either the majority or the minority recommendation, then it was incumbent on them to examine the case from every point of view before finally coming to the conclusion that there was nothing to be done. Now, when after these meetings the Government of India again took up the consideration of the question the following were, I think, the four points which emerged distinctly. In the first place the objections to the bounty scheme remained as strong as ever. The Government of India were unable to see how these difficulties were to be overcome or how they could assent to a scheme of that kind. That is the first point. In the second place, the position was not satisfactory as regards the competition with Japan. Admittedly the existing duty is only a 5 per cent. duty and the disadvantage of the Indian mills at present prices amounted to something like 10 per cent. ; that is to say, the industry was not fully safeguarded against competition which had been found to be unfair. In the third place, it was necessary to consider whether, if a differential duty could not be agreed to, there were the same objections to a duty which would not differentiate or discriminate but would be applicable to imports from all countries. And in the fourth place—and this was obviously the point the Government of India had to consider closely—was the objection that an increase in the duty would affect prejudicially the handloom industry really conclusive. These were the four points which I think determined the decision of the Government of India which is now embodied in the Bill. And first, let me deal with the question whether, if a differential duty was impossible, a duty applicable to imports from all countries was open to the same objection. Now, one obvious objection—and it was one I think which had material weight in preventing the Government of India from taking up this particular question at an earlier date—was the fact that both the majority and minority of the Board were against the imposition of a duty on imports of yarn from all countries, that is, a general increase in the duty on yarn. On the other hand there was a precedent on the other side to be found in the British safeguarding procedure. In the United Kingdom, when it was considered that unfair competition is established, no attention is paid to the particular country or countries which may be responsible, but the safeguarding duty imposed is made applicable to imports from all countries outside the Empire. Therefore, it seemed that the objection to a general increase of the duty might not be insuperable. As for the other point, namely, whether the effect on the handloom industry might not supply an insuperable

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objection, it was felt that a good deal might depend upon the precise method adopted of imposing the duty, and that the objections might be less serious with one method than they would be with another. After fully reviewing the whole matter the Government of India came to the conclusion that the plan embodied in the Bill was the one which best met the requirements of the case and was likely to work most easily and most equitably.

As the House are aware, I have had a good deal to do in one way or another in considering protective duties and the precise method by which they ought to be applied, and the conclusion which I reached quite early during the time I was on the Tariff Board was that for protective purposes an *ad valorem* duty is nearly always objectionable, and the reason is simply this. When prices are high, the duties are very high and the protection is very high,—and that is just the period when the industry probably needs protection least. When prices are low, the duty is low, and the protection is low, and that is the very time when the industry needs protection most. For this reason, when it is possible, and it is not always possible, but if possible, a protective duty ought to be a specific duty. Well, now, in this case it was necessary to consider, if there was to be a specific duty, what the amount of the duty ought to be. One thing at any rate was perfectly clear in the Tariff Board's Report ; it was in respect of the counts of yarn between 30s. and 40s. that the safeguarding was necessary, and the duty must be adequate to safeguard the industry at that point. The Tariff Board had found that 16¼ pies per pound was the disadvantage under which the Indian mills suffered. That was based on their prices at 32s. If the safeguarding was to be adequate for the average value of the counts between 31s. and 40s., the duty would have to be a little higher, and it was for this reason that in the Bill it is proposed to fix the duty at 1½ annas a pound. Now it is quite true that on the counts of yarn below 30s. or on part of the imports of this kind, this means a fairly high duty, although as far as I have been able to discover from any figures I could obtain, it is seldom likely to amount to much more than 10 per cent., the reason being that most of the yarn which is imported of these very counts is imported for some special purposes, and it probably has a value distinctly above the average value of yarn of these counts. Still, the 1½ annas duty is fairly high. On the other hand there were administrative reasons why it was undesirable to differentiate if that could be avoided, and on the whole it was thought that if the specific duty were made uniform for all counts, no particular harm would be done. The House will remember that in an earlier part of what I said I dwelt at some length on the question whether the imposition of an additional duty would increase the price of the lower counts and, if so, to what extent. It was in view of this particular point which I am discussing now that I did enlarge to some extent at an earlier stage. The conclusion which I endeavoured to put before the House was that in all probability the increase in the price of the lower counts which might result from the imposition of the duty would not be very large, because the price of these counts was determined to a very large extent by internal competition.

I come now to the question of how this proposed duty of one and a half annas a pound might affect the interests of the handloom industry. Now, the first point that I would like to make is this, that as regards the

higher counts it is not likely that the handloom industry will be at all seriously prejudiced. There are two reasons. In the first place, when you get to the really high counts of yarn the price will be more than Rs. 1-14-0 a pound and in that case the yarn will be subject as before to the 5 per cent. *ad valorem* duty and not to the specific duty, that is to say, there will be no increase in the cost of the yarn at all. As regards the counts a little bit lower down the scale but higher than 40s., it is quite possible that the specific duty may be a little higher than the 5 per cent. duty, but probably not very much. In that case, since the kind of piece-goods which are spun from the higher counts of yarn are something in the nature of a luxury product, it is quite possible that the handloom weaver will be able to pass on the increasing cost to the consumer. Then, let us take the lower counts, counts below 30s. Here again the conclusion I have already tried to place before the House is relevant. It is very doubtful whether the price of these lower counts will be increased materially by the duty, and if I am right in suggesting that, then the effect on the handloom industry cannot be serious.

Finally, we are left with the medium counts, from 31s. to 40s. Now, as I have already said, it seems probable that, in respect of these counts, the increase in price will be practically equivalent to the increase in the duty, and here unquestionably the handloom weaver will have to pay a higher price for the yarn he buys ; but if we assume—I have no accurate data as regards this—if we assume that out of the 50 million pounds of yarn of medium counts which is either imported into India or produced in India, half of it is taken by the handloom weavers, then that quantity, about 25 million pounds, would only amount to about 10 per cent. of their total consumption. That is the only part of the burden which, so far as I can judge, is likely to be at all serious.

Finally, before concluding I must refer very briefly to one other proposal which does not find a place in this Bill, but is in the other Bill which contains all those proposals which the Government of India have adopted for the removal or reduction of duties. This proposal is the reduction of the duty on artificial silk yarn from 15 to 7½ per cent. which, it is believed, will be distinctly in the interests both of the handloom weavers and of the cotton mill-owners. Artificial silk yarn is a material which is coming more and more into use in recent years and the imports of it into India have grown at a very remarkable rate. If either the handloom weavers or the mills are to manufacture a class of goods for which there is a growing demand, then any step that is taken to reduce the cost of materials they have to use ought to benefit them considerably.

1 P.M.

I do not know, Mr. President, that there is much more that I need add. I must thank the House for the patience with which they have listened to what, I fear, must have been a somewhat tedious exposition of one of these economic questions which, however interesting they may be to some of us, do not always make a popular appeal. The decision of the Government of India that it was desirable to safeguard the manufacture in India of cotton yarn was only arrived at after prolonged consideration and after all that could be said on either side had been as carefully weighed as possible. They believe that the change proposed in the Bill ought to be made out of fairness to the interests of the cotton mill industry. They also believe that any prejudicial effect that it may have on the handloom industry

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will not be serious. In these circumstances, they consider it their duty to bring it before the House.

Sir, I move the motion that stands in my name. (Applause.)

Mr. President : Before I propose the motion for the consideration of the House I should like to know exactly what the Government mean when they say "that the Select Committee be instructed to report on or as soon as possible after the 29th August 1927". Under this instruction it will be open to the Select Committee to delay its Report for any length of time. They will not be bound to make their Report during this Session. I do not know what the object of the Government is in giving such instruction to the Select Committee.

The Honourable Sir George Rainy : Perhaps I might explain that it was hoped that it would be possible to submit the Report by the 29th August, but it was felt that owing to the number of Committees that have to sit that might not be possible. It was for this reason that the 29th August was put in rather as a pious aspiration than an absolutely fixed date. I respectfully recognise that what is in the motion is not very satisfactory and, if the House will permit me, I should be quite willing to propose that the Report be submitted by the 31st August.

Mr. President : On or before the 31st August.

The Honourable Sir George Rainy : Yes, Sir.

Mr. President : Motion moved :

"That the Bill further to amend the Indian Tariff Act, 1894, in order to safeguard the manufacture of cotton yarn in British India be referred to a Select Committee consisting of Maulvi Muhammad Yakub, Mr. R. K. Shanmukham Chetty, Sir Victor Sassoon, Sir Purshotamdas Thakurdas, Mr. W. Stenhouse Lamb, Dr. A. Suhrawardy, Diwan Chaman Lall, Mr. N. M. Joshi, Raja Ghazanfar Ali Khan, Mr. Duraiswamy Aiyangar, Mr. Jamnadas M. Mehta, Mr. S. C. Mitra, Pandit Hirday Nath Kunzru, Munshi Iswar Saran, Mr. M. R. Jayakar and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee be five, and that the Committee be instructed to report on or before the 31st August, 1927."

Sir Victor Sassoon (Bombay Millowners' Association : Indian Commerce) : Sir, I rise to support the motion. I submit that this House should deal with this motion in the same manner as was done with the Steel Protection Bill last Session, that is, that if the motion for reference to a Select Committee is agreed upon, this House will only have agreed to the principle that the textile trade needs to be and shall be safeguarded, leaving it to the Select Committee to put before this House subsequently the methods by which this end may be achieved. (Hear, hear.) It may be that one or more alternative schemes may be suggested.

Mr. President : You will perhaps have to change the Government of India Act before the Assembly can do so without the sanction of Government.

Sir Victor Sassoon : I am merely suggesting that the same procedure shall take place as took place in the Steel Protection Bill. If I remember aright, there was some altetrnative scheme. I am not suggesting that we should do any thing that was not done there. I propose, therefore, to confine my remarks to the principle that the industry is deserving of assistance.

The problem resolves itself into two parts. Firstly, whether the industry needs help and, secondly, whether it is to the advantage of the nation as a whole that such help should be given.

To my mind the first proposition is so self-evident that to defend it is like being called on to defend the thesis that the sun shines during the day and the moon at night. I do not propose to make a technical speech on the subject to-day. I will content myself with pointing out that the industry all over India is so depressed that it cannot even pay its depreciation charges and is so living on its capital, that a large number of mills have had to stop working ; I think it is four in Bombay, 12 in Ahmedabad, and others in the mofussil, and that half the industry, the half which is situated in Bombay and the province of Bombay, if I may use the words of the Tariff Board, a body which no one can affirm has shown itself partial in any way to the textile industry, is in a critical position. Further on they say :

"In view of the dangers financial and industrial which are inherent in the continuance of the present conditions, the case for as effective a measure of State aid as possible does not appear to us to require elaboration."

That is the opinion of an official body of gentlemen who, as I have already said, have by no means shown partiality to the industry. There is in fact no question as to the needs of the industry. The real question which, I feel, concerns some of us more than others, but all of us to a great degree is whether the State aid offered will be sufficient when added to the efforts within the power of the industry to effect to save it without a change in the world conditions. If there is any doubt as to the question of the needs of the industry, I can elaborate the point for hours, but I will spare the House on this occasion.

Let me turn to what this House must consider as a dominant factor of the question. Admitting that the industry is in a critical situation, is the nation justified in making sacrifices to keep it alive ? Is its existence of importance to the country as a whole and the agriculturist in particular ? There is the perfectly sound argument that, though the consumer will benefit by the sale of bankrupt stocks during the death of the industry—eventually, the absence of internal competition will be taken advantage of by textile industries abroad and the consumer will have to pay as much in the end as if a protective duty had been put on and the local industry saved ; but I wish to approach the problem from a different angle.

We are told that the fertile lands of this country are not sufficient to carry the present-day agricultural population, that fragmentation due to surplus agriculturists stands in the way of efficient farming, that the new tracts brought in by irrigation are barely sufficient to satisfy the needs of the provinces in which those tracts are situated. We know that India is a prolific nation ; further, that sanitation, Baby Weeks and so on are all working for the reduction of the death-rate in the infantile and child population, which means, in other words, that the adult population in an already overcrowded land is going to increase at a faster rate than it is even doing to-day.

Now, what are you going to do with that increase in your population ? Your production of foodstuffs and produce is not increasing, so that your exportable surplus will be decreasing. Surely the only thing to do is to industrialise the country so that your surplus population will produce the

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manufactured articles which you need to buy in exchange for the foodstuffs and produce it now consumes, and which you used to export.

That seems to be a self-evident fact and so it follows that as it is always sounder and cheaper to keep an old-established industry using indigenous produce as its raw material going in bad times than to start new ones, you are justified in giving protection to an industry which employs a number of agriculturists and doing anything you can to encourage that industry to expand because that will be all to the good and your surplus population will then earn higher wages than it could at home by producing a commodity necessary to their food-producing brethren.

So far I do not think I have said anything which can be controverted. What I have said in effect is that the existence of a prosperous textile industry is essential to the well being of India in general, and that the protection of the industry justifies a sacrifice on the part of the consumer. But there is, I admit, one argument, one criticism, for which there is something to be said and which may be in the minds of Government, though it has never been publicly stated, and it is this. Is the country entitled, in seeking to protect an industry—is it entitled, in order to do that, to penalise the poorest class of consumer by putting an additional import duty, when the wage of the agriculturist is so much less than that of the mill hand ? Is it fair to ask the man who may be earning as little as,—I think Rs. 4|8 was quoted as the lowest wage that an agriculturist has been known to work for.....

Mr. B. Das (Orissa Division : Non-Muhammadan) : Do you agree to that ?

Sir Victor Sassoon : I do not approve of that but I am informed that it is so and is the reason why some of them go to plantations at Rs. 6 and others serve on the railways at Rs. 8 a month. I am merely saying, is it fair to ask a man who is earning as little as this to pay even an anna more for his *dhoti*, because, if the proposed tax on yarn is passed on to the poor consumer (which I do not admit), because the lowest class does not use *dhoties* made of imported cloth, it would be an anna; I think the price is from ¾ to 1½ annas according to the width of the particular garment he does wear.

The point is : is it fair, however little the increase is, to ask him to pay it when the minimum wage, at any rate in the Bombay part of the mill industry, is Rs. 18 a month and the average wage is Rs. 30 a month. I will only say that there is admittedly something to be said for such an argument. I am not asking the House to agree to this argument. I am asking them to reject it and to reject it for two reasons. In the first place, if they are going to uphold this argument, why did they not uphold it when they passed the Bill for the protection of the steel industry. There was the same position there. And there is even a stronger defence. If the mill industry goes to the wall, a number of men earning an average wage of Rs. 30 a month will have to go back to the country, go back to their people up-country and work on the land and thus compete with the already badly-paid agriculturist. Whereas if the industry prospers, more surplus agriculturists will be enabled to come into the industry and earn higher wages and at the same time relieve the congestion on the land and therefore perhaps make it impossible for anybody to have to try and exist on Rs. 4-8 a month. We, in the textile industry, do not want to

reduce the standard of living of the mill hand. On the contrary, we want to raise it and lower the costs of production by increased efficiency. But we must face the fact that, though I firmly believe this can be done, though I firmly believe it will come to pass, increased efficiency is not an easy task and it will take some time to carry out. And it is during this intermediate period that I suggest that, whatever is necessary to save the industry from extinction should be done. And, therefore, Sir, it is with some confidence that I ask the House to pass this motion to refer the Bill to a Select Committee on the clear understanding that it is only committing itself to the principle that the industry as a whole should be afforded sufficient protection to enable it not to make large profits but merely to continue existing without loss and to allow it to cover this depreciation.

Mr. B. Das : Sir, I congratulate the Honourable the Commerce Member on the very able defence of a very poor case. I don't know if the Honourable Sir George Rainy as the President of the Tariff Board would have brought forward similar arguments while arguing the case of the protection of the steel industry. But that we will have to discuss later on. Sir, it is known to all the Members of this House that I am a protectionist. And if I raise my voice against the present motion it is because of the fact that there is the scare-mongering news that the Bombay millowners had brought pressure to bear on the Government Benches and Government had brought forward hasty Bills for consideration before this House. There was no necessity of two Bills before this House. One Bill and the latter Bill was enough. But still it always happens, Sir, whenever these millionaires and multi-millionaires known as mill-owners in India bring forward anything in great agitation for consideration, the Treasury Benches, although they sit on the top of the Simla hills, bow their heads and bring forward measures which may not be compatible with the interests of the millions and millions of India. Sir, you belong to a part of the country and I belong to a part of the country that are in the greatest distress owing to the floods. We have appealed for help. We have had the sympathy of the Honourable the Leader of the House ; but has Simla been upset over it ? Have the Government come forward with any measures on their initiative to help the people of Gujarat ?

Mr. President : Order, order. We are not discussing the floods.

Mr. B Das : Sir, I bow to your ruling, but I was making a statement bearing on the fact that the agitation of a few capitalists appealed to the Honourable Members on the Treasury Benches more than the appeal of the crores of afflicted agriculturists in India. But, Sir, why this scare-mongering ? Why this panic on the part of the Government to bring this measure before this House ? The millowners are doing very well. They did so well that they over-capitalised their firms. Firms with 10 lakhs were over-capitalised into 50 lakhs, so as to get more profits by the system of managing agencies that is prevalent in India, and they deprived the shareholders and my friend Mr. Joshi's labourers of certain portions of their shares. I know the millowners have suffered recently, but that is partly their fault, and we have here such a panic that we are asked to legislate so that they will get a certain measure of relief for one or two years. Take the Convention that was introduced by the League of Nations. Well, the Government of India as the original member of the League of Nations can protest against it. There is no

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necessity for us to protect the millowners while millions and millions of people have suffered intensely. Sir, I have already observed that millowners would not have experienced these monetary losses which they are going through, had they not over-capitalised their industries. But that does not mean that the nation should come forward to-day to help them to raise a tariff wall against foreign countries. I appreciate very much my Honourable friend Sir Victor Sassoon's remarks about the agriculturist population in India. He may know that 20 to 25 crores of people in India are engaged in agriculture, and while I appreciate the concern of Sir Victor Sassoon, it is not the concern of one individual member which will bring relief to the agricultural class. I am happy to say that Lord Irwin is taking some interest in the agricultural classes and is endeavouring to bring relief to them. But you want to tear away the agricultural labourers from the open air, from the villages and the country, and bring them to the towns and make them sweat and live in the slums of Bombay. There are 10 or 15 millions of labourers employed in agriculture. It has been suggested by various public leaders who have agitated for this before that the tax on textile machinery should be removed. This delayed piece of justice to the Indian industry I appreciate and I thank the Government for it. But I do not appreciate the panic-mongering to put a tariff wall against cotton yarn. I personally do not want this Bill to be referred to a Select Committee. Why this hurry ? Have the Government of India consulted the Provincial Governments ? Industries is a transferred subject in the Provincial Governments. Has the Honourable the Commerce Member got their opinion there ? Has he consulted the many lakhs of weavers that work as independent millowners like my friend Sir Victor Sassoon and my friend Seth Kasturbhai Lalbhai ? They are also independent millowners. Have you consulted these industries as to how they will be affected by this measure ? Why do you bring this measure so soon ? There is no necessity for it. I understand the millowners waited in deputation on His Excellency the Viceroy and therefore the whole Government communique was changed and another communique was issued, and instead of a measure which Government in their first communique announced that they will abolish, and rightly abolish,—the duties on imported mill machinery—they are now bringing in another piece of legislation. I do not see the meaning of it.

Sir, I do not like again to go into the question of floods, but because my Honourable friend evinces so much interest in the teeming millions of agriculturists I refer to it. Millions are suffering owing to the floods. I have seen a statement in the Bombay papers how the millowners have subscribed to the flood relief. I have not seen one.....

(At this stage some Honourable Members behind Mr. B. Das were talking among themselves.)

Mr. President : I must call the Honourable Members to order.

Mr. B. Das : Sir, I have a serious charge to make against these millowners of India. They have done very little for the development of Indian industries, particularly the industries allied to the textile industry. The engineering industries in India have not thriven very much through

the help of the millowners. Each managing agent in Bombay and Ahmedabad is also agent for mill-stores. He imports the things from England and Germany and supplies them to his own mills and sells them also in the bazaar. But they have done nothing for the engineering industries and the allied industries. My second charge, and a very serious charge, against the millowners is that they have done nothing to foster Indian insurance in India. Sir, to develop Indian industries you want insurance and banking. I find that every millowner in Bombay—almost every millowner, I am subject to correction—is an insurance agent of a foreign insurance company. He not only insures his own mill in that insurance company, but he canvasses orders from other Indian industries. Thereby the Indian insurance companies have suffered. If the industrialists have neglected allied industries such as applied engineering industries and insurance companies in India, how is it that they come forward to-day on the floor of this House to ask for the sympathy of the Members of this House and of the millions of people outside this House ?

Mr. President : Order, order. The House stands adjourned till Half Past Two of the Clock.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. N. M. Joshi (Nominated · Labour Interests) : It is a matter of great satisfaction to me that the Tariff Board have made an inquiry into the condition of the textile industry in this country. In the year 1925, when there was a strike in Bombay, I was pressing upon the Government to make an inquiry into the condition of the mill industry. At that time the millowners were not anxious to have that inquiry. I am glad that the stern facts of the situation compelled them to ask for an inquiry and an inquiry has been made. Sir, the textile industry in this country is a very important industry. Not only has a large amount of capital been sunk in this industry, but the livelihood of more than 367,000 people depends upon this industry. Not only that, but the capital invested in this industry, unlike several other industries, is Indian, as well as most of the supervision and direction is also Indian. Sir, the Report of the Tariff Board has made it quite clear that the textile industry in this country is at present passing through a period of depression. The majority of the factories in Bombay are not working at a profit but are working at a loss. Unfortunately, exact information as to the whole country is not available. We have got facts about the profits and the losses of the Bombay industry but not for the whole of the industry in this country. But it is also clear that in spite of this depression some factories, which are being prudently managed, are still making profits. There was one statement made by my Honourable friend Sir Victor Sassoon that some four factories were closed in Bombay. But, Sir, although it is true that these factories are closed, still the Tariff Board has made it quite clear that no factory which has been properly managed has so far gone into liquidation on account of the depression. This is what the Tariff Board says :

" We are satisfied that no mill in India which could be regarded as run with fair efficiency and economy has been forced into liquidation as the result of the depression."

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Sir, in order to understand the present position of the mill industry it is better to take stock of what the position of the industry was only a few years ago. The Tariff Board has shown that as far as Bombay mills are concerned from the year 1917-1922 they made a profit of 33.8 crores.

Out of these 33.8 crores 21.63 crores were distributed as dividends ; while the capital sunk in this industry in the year 1917 was only 7 crores, in the year 1922 it was 17 crores. Sir, it is quite clear that the industry made large profits and those profits have been imprudently distributed as dividends. If those profits had been conserved in order to consolidate the position of the industry, I am quite sure the millowners would have been able to pass through the present crisis more easily. Apart from that, there is another feature of the figures which I have now placed before the House, and that is the over-capitalisation of the industry. If you take the industry in the country as a whole you will find that the capital has been raised from 20 to 40 crores during the years 1917-1922. But although the capital has been increased, there is not a proportionate increase either in the number of spindles or in the number of looms. The increase in the total spindleage in all the Indian mills between 1918 and 1922 was from 65 lakhs to 72 lakhs ; while the increase in the capital, as stated above, was 96 per cent. the increase in the total spindleage was only 10.7 per cent. Now, if we take the figures in Bombay alone, the increase in the capital is much greater. The figures for 13 Bombay mills show an increase of capital amounting to 196 per cent. while the increase in the number of spindles was only 36.8 per cent. and in looms of 61.9 per cent. This shows, Sir, how the industry has been over-capitalised during the years 1917 to 1922. Now this over-capitalisation has a greater effect upon the cost of production, inasmuch as on account of it the mills have to pay higher insurance charges and a larger amount for depreciation charges. I estimate that the mills in India have to pay about 70 lakhs of rupees more for overhead charges on these two items.

Sir Victor Sassoon : Overhead ? Depreciation is not overhead.

Mr. N. M. Joshi : I call these overhead. Now, Sir, I do not wish to deal with this question at greater length. The Tariff Board has gone into the causes of the depression. They say that the causes of the depression are among other things, the reduction in purchasing power which is not confined to India but is common to all the world. The Tariff Board also suggests that the depression is due to the trade cycle which is inherent in a capitalist system, and unless we control the capitalist system we cannot get rid of trade cycles. The other cause for the depression which the Tariff Board has suggested is the competition of Japan, especially in yarn. The Tariff Board says that as far as competition in coarser cloth is concerned, Japan finds it difficult to compete with Indian cloth, and the chief factor which enables Japan to compete with Indian yarn is the worse labour conditions in Japan. The Honourable Member in charge of this Bill has explained the position of the factory law in India. I will not therefore go over that question. But, Sir, I am as anxious to see the labour conditions in Japan improve as any other Member ; and I had taken an opportunity of speaking on this question in the International Labour Conference in the year 1925. But I think it is better that we should be fair to Japan in this matter. I agree that Japan had an advantage over India in the matter of nightwork. But the Japanese labour

conditions as a whole are not certainly worse than the labour conditions in India. As far as the wages are concerned, the Japanese wages are higher than the wages in India. In the spinning department of Japanese textile mills the men get daily Rs. 1-12-1 and the women get Rs. 1-6-1. Not even men in Bombay get as much as women get in Japan in the spinning department. Then there is also another thing in which Japan has made an advance over us. Japan has got a sickness insurance law, and that Act is now being put into force. We have got no such law. After all, sickness insurance does cost something to the industry. Japan has got a law by which they have established public employment exchanges. I do not say that the establishment of the public employment exchanges cost very much, but still Japan is progressing in the matter of labour legislation.

Sir Victor Sassoon : Who pays ?

Mr. N. M. Joshi : For the exchanges, Government, and for the sickness insurance, the industry.

Sir Victor Sassoon : And Government.

Mr. N. M. Joshi : Therefore, Sir, although we must all wish that the Japanese labour conditions should improve, it is better that we should not exaggerate the inferiority of Japanese labour conditions very much.

Then, Sir, the Tariff Board has suggested that the lack of attention to markets is also one of the causes of the depression. It also suggests another important cause of the depression of the Bombay Mills, namely, competition with up country mills. As regards this competition the Tariff Board says that although up country mills have certain advantages over Bombay mills, the Bombay mills have also certain advantages over them. But the chief factor in which Bombay differs from up country is, in the opinion of the Tariff Board, the cost of labour, and it is on this point, Sir, that I wish to deal at some length. The Tariff Board suggests that although the higher labour costs in Bombay are not the cause of the depression in the industry, still the labour costs in Bombay, being in the opinion of the Tariff Board higher, have accentuated the depression. Now, Sir, when the Tariff Board says that the labour costs in Bombay are higher, we must understand what they actually mean. If the labour costs are higher, they are higher than what, or they are higher compared to what ? Sir, the Tariff Board has not made any comparison between the labour costs in Bombay and the labour costs in Lancashire or the labour costs in Japan or the labour costs in any other country. I think in considering the matter of tariffs, it was the duty of the Tariff Board to compare the labour costs of this country with the labour costs of those countries with which our industry is competing. Unfortunately, the Tariff Board has not done that, and that being so, it would have been much better if the Tariff Board had not expressed any opinion on the labour costs in India also. That was done very wisely by the Tariff Board in the United States. The Tariff Board there found that they had no figures about the cost of production in other countries, and therefore they wisely refrained from making any recommendation as regards tariffs. This is what the United States Tariff Board said :

" The Commission has as yet made no investigation of the difference in costs of production of cotton cloths here and abroad and if such an investigation were to be made it could hardly be completed within less than a year. It is the general opinion

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as stated by authorities in the industry, that domestic and foreign, particularly British, selling prices are to-day very close to actual costs of production, but in the absence of verified domestic and foreign costs of production required by section 315 of the Tariff Act of 1922, the Commission does not feel warranted in suggesting readjustments in the duties on cotton cloths."

Sir, our Tariff Board also, in the absence of information on this point, would have been wise if they had not made any criticism about the labour costs in Bombay. As a matter of fact, from the information which I have got, the labour costs in India are at least lower than the labour costs in Lancashire. The millowners themselves say that the labour costs in Bombay are 40 per cent. of the cost of production ; but I find that the labour costs in England are 57 per cent. of the cost of production. As a percentage of selling price, the labour costs in Britain are approximately 18 per cent. ; in Bombay labour costs are approximately 16 per cent. If the Tariff Board had made an enquiry, they would have found that the labour in Bombay is not so inefficient in relation to wages as the Tariff Board has suggested. Neither do the Tariff Board give any figures as regards the labour costs in Japan. Then, Sir, the wages in Bombay may be said to be higher as compared to the cost of living index. The millowners claim that the wages in Bombay during the years 1917 to 1922 have risen 70 per cent. in the case of those who receive fixed wages for the day and have gone up to 80 per cent. in the case of those who receive wages on piece work. Now, Sir, taking these figures as correct and taking it that the cost of living index is to-day at 156, we find that the real increase in the wages in Bombay is between 15 and 20 per cent., and this increase has taken place during the last 12 years, if not more; so that the yearly betterment of the condition of the workers in Bombay is between 1 per cent. and 2 per cent. If for the sake of argument we take it that the betterment in the condition of workers is taking place at the highest figure of 2 per cent. yearly, certainly that progress is not very fast. Supposing that at the present standard the workmen in Bombay are getting one-room tenements and if they are progressing at the rate of 2 per cent. every year, they will take 50 years to be in a position to occupy two rooms. If the standard of life of the workers in our country is going to progress so slowly, certainly there is not much hope for the people in our country. I wish, Sir, therefore, that the Tariff Board had not made any suggestion that the labour costs in Bombay are higher. As a matter of fact, the real wages are going up so slightly that they hardly give any benefit to the workmen ; and although it is true that the wages have not been reduced by the millowners as a whole, still individual mills are gradually reducing wages by various indirect methods. They can certainly reduce wages by asking them to make finer yarn or giving them finer yarn to weave cloth. Now, Sir, in this way the wages in Bombay are being reduced.

Now, Sir, there is another kind of comparison which may be made as regards the wages and that is, that the wages in Bombay may be considered higher than the wages in other occupations as the millowners claim them to be. But the verdict of the Tariff Board in this matter is quite clear. They say :

"The wages in other occupations have risen by a higher percentage than the wages in the textile industry in Bombay."

Then, Sir, there is a comparison of the higher costs of production between Bombay and up country. Now, in this matter, the House will agree with me that there is no wonder if the wages in Bombay are higher than the wages in Sholahpur or in any other mufassil centre. The cost of living in Bombay is higher. Even Government recognises this fact and the Government employees in Bombay are paid higher than those in other mufassil towns. So there is no wonder if the textile workers in Bombay are paid higher than the textile workers in other centres. I can assure this House that the workers in Bombay, in spite of the higher wages which they get than the wages paid up country, are not happier than the people who are working in the mufassil or up country centres. Now, Sir, this disadvantage which Bombay has as regards the labour costs being higher than the labour costs in the up country centres is a permanent disadvantage unless the mills in Bombay choose to go out of that city. If the mills have to remain in Bombay, then certainly they have to find out some other method of competing with the mills up country. Then, Sir, the millowners also claim that the labour costs are increasing in proportion. They say that in 1914 the labour costs formed 37.81 of the cost of production and in 1924 they formed 40 per cent. Sir, the increase of the labour costs is found not only in Bombay, not only in India, but all over the world. Even in America the cost of production per pound of the cloth during the years 1911 and 1925 has gone up by 100 per cent. The cost of production per spindle has gone up similarly. Therefore, the labour costs in America have gone up compared to the other costs. Similarly, the labour costs in India have gone up as compared to the other costs. But in this matter it is not only the labour costs that have gone up compared to the cost of production, but the costs of the office charges and the supervision charges have also gone up much higher. The millowners themselves say that the labour costs are now higher by 211 per cent. than in the year 1914, but the office and supervision charges are higher by 215 per cent. and the interest charges by 216 per cent. So, the increase is not only in the labour costs but there is an increase in the office and the supervision charges and in the interest charge also. Sir, the fact is that the Tariff Board has very little material with it to make a proper comparison as regards the labour costs. The Tariff Board tried to get information on the cost of production in India but, whereas they sent out 70 forms, they got only 22 forms filled in, while the majority of forms were not returned to them. It is no wonder, therefore, that the Tariff Board was unable to make a proper comparison as regards the labour costs to the total cost of production.

These are some of the causes of the depression as given by the Tariff Board. The Tariff Board has suggested certain remedial measures. They have suggested certain internal economies. When I gave evidence on behalf of the Bombay Textile Labour Union before the Tariff Board, I suggested that it is quite possible to make some economies if the millowners will co-operate with each other in purchasing their raw material, fuel and stores.

But unfortunately the Tariff Board did not consider that much economy could be secured by this method. Sir, I still hold to my view that if the millowners, instead of competing among themselves, will co-operate with one another in purchasing raw materials and in purchasing their

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stores, they will certainly have an advantage when in competition with the capitalists of other countries. Sir, as regards the stores, my Honourable friend Mr. Das has already referred to the fact that if the millowners had cared, they could have built up in India a good mill stores industry, but they did not do that.

I shall now come to the suggestion of the Tariff Board as regards labour. The Tariff Board does not suggest, although it says that the labour costs are righ, that the wages of the workers in Bombay should be reduced. The Tariff Board had seen something of the conditions of the Bombay millworkers and they could not suggest any reduction in their wages. I was also glad to hear that my Honourable friend Sir Victor Sassoon does not suggest such a reduction. I hope, Sir, that other millowners in Bombay will give great weight to what Sir Victor Sassoon has said this morning here. Sir, the Tariff Board suggests that the productivity of the workers in Bombay should be increased by asking the millworkers in Bombay to manage more spindles and more looms. This question is a very important question from the point of view of the interests of the workers engaged in this industry. I am not one of those people who would unconditionally oppose the increasing of productivity on the part of labour. If Indian labour is to compete with labour in other countries, I feel that Indian labour will have to produce as much as the workers in other countries produce. But, Sir, the problem is not quite simple. When you ask the workers to produce more or to manage more spindles and more looms, if you do not give them proper conditions, you will be sweating them, you will be speeding them up and there is always danger to the health of the workers when you begin to speed them up. There is also the danger of accidents increasing when you begin to speed up workers. But, if proper conditions are given, I am one of those people who feel that any proposals for increasing the productivity of workers in our country should be examined on their merits. The conditions, which I would suggest, should be fulfilled, before workers are asked to manage more spindles and more looms may be stated as follows. In the first place the factory conditions require to be altered if the workers are to manage either more spindles or more looms. In some cases, at least in Bombay, I have found that the workers have been asked to manage more spindles and more looms without making any alterations in the factory conditions. Then, Sir, it is quite necessary that if the workers are to manage more spindles and more looms that this change should be introduced gradually. When you introduce these changes, certainly there is danger of a large number of workers being thrown out on the streets as unemployed. If we are to avoid this calamity of people being thrown out of employment, then this change must be introduced very gradually. If a workman goes out, his place need not be filled up.

3 P.M.

But it will be wrong on the part of the millowners in Bombay or in any other place in our country to discharge men if they find that there is no work for them on account of the workers being asked to manage a larger number of spindles and looms. I therefore think that if the change is introduced

gradually the danger of unemployment will be minimised and perhaps even may be avoided.

Then, Sir, there is one other important point. The millowners in Bombay, as well as outside, generally feel that it is beneath their dignity to hold consultations with their workers.

The Honourable Sir Basil Blackett (Leader of the House) : On a point of order, Sir. I would ask you to say whether the Honourable Member in travelling so widely over the subject is not out of order.

Mr. President : It is very difficult for the Chair in connection with this motion to decide what is really within the bounds of order. If the Honourable the Mover had confined himself in his opening remarks strictly to the principle of the Bill and not travelled beyond it by referring to all the recommendations of the Tariff Board, probably the Chair could have considered the point of order raised by the Leader of the House. The Honourable the Mover gave his reasons at some length why the Government of India rejected certain recommendations of the Tariff Board and this introduced matters which were outside the scope of the Bill, though not outside the scope of the Report on which the Bill is based. I must, therefore, give a certain amount of latitude to other Honourable Members. I hope, however, they will not abuse the indulgence given to them.

The Honourable Sir George Rainy : On a point of order, Sir. May I submit with great respect that I endeavoured to confine myself in my speech only to those recommendations which were directly connected with the safeguarding of the manufacture of yarn.

Mr. N. M. Joshi : I assure you, Sir, I do not propose to deal with this subject at a much greater length, but I hope you will show me the indulgence of enabling me to complete this part of my speech. I was saying, Sir, that if the millowners will hold consultations with their employees, it is quite possible that the employees will understand their motives.

Mr. President : Let me make it quite clear to Honourable Members that while I allow them to discuss the whole Report of the Tariff Board on this motion, I expect them not to follow the same course in connection with the next motion on the paper.

Mr. N. M. Joshi : I assure you, Sir, I will not make another speech on the subject in connection with the next Bill.

Sir, if the millowners will hold consultations with their employees, I am quite sure they will understand the millowners' object and they will also understand that it is to their interest that they should increase their productivity. Then, Sir, there is the question of the rates. If the workers manage a larger number of spindles and looms, the millowners expect that the benefit of the increased productivity should be shared by themselves with their workers. The workers naturally feel that they should get the whole benefit of their increased productivity. Now, Sir, I do not think there is anything unreasonable in the workers' demand in this respect. Even if the millowners do not get any benefit by way of reduction of rates, the millowners will certainly get some advantage by way of savings in overhead costs. The supervision charges will be reduced and the millowners in my judgment should be

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content with these savings. But, Sir, if the millowners feel that it is necessary that they should have some share in the increased productivity, I shall be quite ready to examine also this question with them.

There is one point, Sir, on which I wish to make one remark. In the whole of the Tariff Board's Report and in the representation of the millowners, there is a clear suggestion that the workers of India are less efficient than the workers in other parts of the world. I do not agree with this view. I believe that given the same conditions or at least similar conditions, the workers of India will be as efficient as the workers in any other part of the world.

If you to-day see that the workers in India do not produce as much as the workers in other parts of the world, it is because the conditions under which they work are dissimilar. In order that the Tariff Board should not make any damaging remarks about labour, I had suggested to them to recommend to the Government of India a very useful experiment. I said that if the millowners or the Tariff Board feel that the workers in India are less efficient than the workers in other parts of the world, let them make an experiment. Let them send 50 spinners and 50 weavers from Bombay, chosen by the Government, to Lancashire, and let these men work in the Lancashire mills for three months. If at the end of the third month it is found that the Indian workers produce less than the Lancashire workers, then I would readily admit that the Indian workers are less efficient than the Lancashire workers. But as long as you do not give them the same or even similar conditions, it is unfair to say that the workers in India are less efficient than the workers in other parts of the world. I hope, Sir, that the Government of India will be good enough to carry out my suggestion.

Then, Sir, there is one point to which I wish to draw the attention of the Honourable Member in charge of the Department of Industries and Labour, and it is the recommendation of the Tariff Board to him and to the Government of India that they should make an inquiry into the labour conditions in our country. The Tariff Board says that the examination made by them call for a comprehensive inquiry into the labour conditions which they themselves could not make on account of the restricted terms of reference. I hope, Sir, the Honourable Member in charge of the Department of Industries and Labour will carry out this important recommendation of the Tariff Board.

Sir, I do not wish to spend any more time on these labour matters. I know there are some people in this House who do not like to hear much about the labour conditions. I shall therefore now deal with another matter.....

Mr. President : The Honourable Member has taken more than 35 minutes. I hope he will now bring his remarks to a close.

Mr. N. M. Joshi : I hope you will now give me a few minutes more to deal with the other aspects of the Report of the Tariff Board. The majority of the Tariff Board besides making these recommendations have recommended a certain increase in the import duty on cloth, and they have also recommended a certain bounty to be given for the production of finer counts of yarn. Sir, I am very glad to find that the Tariff Board have suggested the grant of a bounty by way of protection. I had always held that the method of protecting an industry by means of a

bounty is much better than the method of protecting the industry by means of an import duty. But, Sir, it would have been much better if the majority of the Tariff Board had recommended that the amount required for the bounty should be collected from that class of people which is able to bear the burden of this tax. Unfortunately, the majority of the Tariff Board has suggested that the amount should be obtained by increasing the duty on cloth. Sir, although I do not approve of the method of protecting an industry by means of an import duty, still under the present circumstances I thought that, as the Government of India are bound by the recommendations of the Tariff Board, they would accept the recommendations made by that body. I was surprised therefore to find that the Government of India discarded the recommendation of the Tariff Board. Sir, on this point I do not wish to speak now any further as I have already taken more time than I ought to have done.

But, Sir, there is one point on which I must speak before I close, and it is this. Personally I am anxious that this industry should be protected. If it can be protected according to the methods which I approve, well and good. But if my methods are not generally accepted, I am quite willing on the occasion to accept the methods suggested by the Tariff Board. But, Sir, there is one condition which I would lay down and it is this, that the millowners in Bombay must recognise that when the industry is protected it is not only the capitalists or the shareholders who ought to be protected but that protection must also be extended to the workers engaged in that industry. I hope, Sir, when the industry gets some protection, the millowners will allow a part of that protection to pass over to the workers engaged in that industry. Sir, I thank you very much for the indulgence which you have shown in giving me such a long time.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : Sir, I associate myself with Sir Victor Sassoon in hoping that, as this Bill is based on the Report of the Tariff Board, which was appointed to investigate whether or not the cotton textile industry required any protection, it will be possible to consider in the Select Committee all methods of protection that are relevant under the Board's Report ; there is more than one precedent in this respect. As Sir Victor Sassoon observed, when the Steel Protection Bill was under consideration, we were permitted to go into the alternative question of bounty as against duty although the Tariff Board had turned down protection by bounty. Similar circumstances exist in this case and I hope that the observation which you, Sir, permitted yourself to make when Sir Victor Sassoon was speaking, was not the final ruling in this behalf.

Turning to the question before us, Sir, this Bill is in some respects a very remarkable and amazing piece of legislation. It is before this House as a result of the inquiry held by the Tariff Board and yet, its provisions fly in the face of almost every recommendation that the Tariff Board made ; what is more, it turns down Government's own decision on the Board's Report. The Tariff Board recommended protection both for yarn and cloth. It recommended several other things. Government in their Resolution of the 7th June 1927 said as regards one of these latter, *i.e.*, the scheme of the combined dyeing, bleaching and printing works in Bombay partly subsidised by Government, that the said question could not be decided without reference first to the Bombay Government. When we turn to the recommendation that the spinning of the higher counts of yarn should

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be stimulated by a bounty, we find that the Government do not accept it. They say that although the advantage to Japan in yarn is not covered by the existing duty of 5 per cent. an additional duty on yarn would prejudicially affect the handloom industry ; therefore there can be no further duty on imported yarn. As regards additional duty on imported piece-goods they state, though incorrectly,

"On the facts found by the Board no case was made out for an increase in duty as a measure of protection."

The only thing that they accept under their Resolution of June 1927 is the removal of some duty on the machinery and stores connected with the industry and then generally. Then there was the conference with millowners. We find from the Resolution of the Government of India dated the 15th August 1927, that on re-examining the situation they still remain adamant on the question of any import duty on piece-goods. But although they first thought that any duty on yarn would prejudicially affect the handloom industry, they have now completely recanted that opinion and have come forward with a proposal to impose a specific minimum duty on yarn, and they have persuaded themselves that the handloom industry would not be affected thereby. Sir, this Bill is thus a remarkable measure. It turns down practically all the important recommendations of the Tariff Board and after declaring in June that a duty on yarn will prejudicially affect the handloom industry. Government within a little more than two months come out with a proposal to impose a duty on yarn. As the Bill is going to a Select Committee I do not propose to make any detailed observations on the amazing policy which the Government have adopted towards the Report of the Tariff Board, and therefore, towards the condition of the mill industry.

Sir, India is eminently fitted for the development of the textile industry ; given the necessary protection and help from the State, we should have long ago been able to clothe ourselves completely with the output of the indigenous mills and handlooms. But under the present Government we find that since 1883 up till to-day, in a period of 44 years, with every favourable circumstance in this country—cheap labour and material at hand and enterprising capitalists—we find that India does not yet supply all her requirements in the matter of clothes except to the extent of 42 per cent. only. I say, Sir, that if we had a real national Government we should long ago have been able to supply all our requirements in the matter of piece-goods from the output of our own mill industry. Sir, the manufacture of piece-goods is the second most important industry in the country, second only to the supply of food-stuffs. Yet we find that from the very beginning right up to the present moment the treatment of this industry by Government has been anything but sympathetic. Between 1883 to 1893 the mill industry began to show signs of prosperity ; but in 1893 the Mints were closed to the free coinage of silver, and as a result you find the trade of India with China in yarn slowly disappearing. In 1898, as the Tariff Board shows, the export of yarn to China, or the export of yarn from this country was 47.4 and within less than 30 years it has now been reduced to 4.7. It has approached the vanishing point in less than 30 years, not because the millowners were not willing to continue their trade with China, but because of the ill-fated policy of

exchange and the notorious 3½ per cent. duty ; the mill industry in India has ever since been handicapped in its competition with other countries. Even now the Government attitude remains the same. Having appointed the Tariff Board, which, as my Honourable friend, Sir Victor Sassoon rightly observed, has shown not the slightest partiality for the mill-owners, Government turn down the proposals of that Board for the protection of the industry whose claim to that protection is established beyond reasonable doubt. We will discuss this subject in the Select Committee, but I cannot help pointing out and protesting against their desperate endeavour to find an excuse for not accepting the Tariff Board's recommendation. I say that the Government have, in their desperate endeavour to find an excuse for not taxing imported piece-goods, shown a readiness wholly to misunderstand and wilfully to distort the statements of the Tariff Board and even to do violence to the English language. The Tariff Board have, amongst other things, said that they want to stimulate the production of yarn and also to protect cloth, and they propose a duty on piece-goods from the proceeds of which they recommend the payment of bounty on yarn. The Government interpret the recommendation of the Tariff Board for a bounty on yarn as the primary reason and of the import duty on piece-goods and the protection of the Indian piece-goods as secondary. I say, Sir, this interpretation of the Board's recommendation is a misrepresentation of their meaning and a violence on language. I shall now point out why I say so.

The Honourable Sir George Rainy : On a point of order, Sir. The point with which the Honourable Member is now dealing does not appear to have any connection with the proposal in the Bill to increase the duty on yarn, but it is entirely connected, I think, with the duty on piece-goods, which the Tariff Board proposes, and I submit, therefore, that it is out of order.

Mr. Jamnadas M. Mehta : I thought that the whole Report of the Tariff Board was under consideration, and I am taking one point only. In their letter to the Mill-owners' Association, dated the 15th August, the Government say :

" It seems to Government that only one inference can fairly be drawn from this passage that with the majority of the Board the stimulus to the spinning of finer counts ranked first and they regarded the safeguarding of the manufacture of piece-goods as secondary."

That the inference sought to be drawn by Government is wholly unfounded will be clear from the following passage where the Board say why they propose a duty on imported piece-goods. On page 299 the Board say :

" The imposition of such a duty has a double advantage. It will not only assist the industry against unfair competition from Japan and afford relief against the maladjustment between costs of production and falling prices but will also provide the funds required to give a definite stimulus to the development of the industry on the lines we consider desirable."

Here, Sir, they give the first place not to the stimulus to yarn but to the protection to cloth. The Government's object is to show that the Tariff Board regarded the stimulus to yarn as the first ; but in the passage quoted above the Tariff Board say that the stimulus to yarn is the secondary object. The fact is, as the Board have said, they

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had a two-fold object, namely, the protection of cloth and yarn and this is further made clear by the following passage at page 200 :

"We propose that the additional duty should be fixed at 4 per cent. We have adopted this figure for two reasons. In the first place it is the most suitable rate with reference to the cost of our proposals. The proceeds of such a duty if levied for three years will bring in revenue which is more than sufficient to cover this. In the second place it exactly offsets the actual advantage though not the advantage if a reasonable return on capital is also included in cost of manufacture which we have estimated that the Japanese industry derives from double shift working."

Now they mention cloth first, now yarn first ; that is all ; they mean to protect both equally. Here also the Tariff Board point out the two objects they have in view. Then, finally, on the same page the Tariff Board say :

"We cannot too strongly emphasise that the primary purpose of the duty we propose is to provide the funds required to stimulate the production of higher counts of yarn and to protect the protection from unfair competition."……

The Honourable Sir George Rainy : Not to protect "the protection" but to protect "that production".

Mr. Jamnadas M. Mehta :

"To protect that production from unfair competition in the manner which in our view best avoids inflicting injury on other interests ; that is the outstanding argument for a bounty as against an additional duty on yarn."

Thus if we collectively read the statements of the Board their object of giving protection and stimulus not only to yarn but also to piece-goods will become quite clear ; practically in all the passages I have quoted the Board have mentioned these two things, the protection of piece-goods and the protection of yarn as the primary objects ; the primary and the secondary object are mentioned together on page 177 :

"Such a duty has in our view four advantages. In the first place it gives protection against unfair competition. In the second it avoids complications arising from discrimination against particular countries. In the third it enables funds to be found to give definite stimulus to the development of the industry on the lines we have considered desirable, and lastly, it obviates the necessity for certificates of origin which would be necessary to ensure that goods of foreign origin were not passed off as goods from any part of the Empire."

The House will thus see that there is no foundation for the Government saying that stimulus to yarn is the only object which the Tariff Board had in view ; the whole case in the Government letter to the mill-owners, dated the 15th August, saying that the Tariff Board recommended the bounty on yarn as the primary thing and protection to cloth as secondary absolutely falls to the ground. I hope, Sir, when the time comes for discussing this Bill in the Select Committee, the Commerce Member will realise that we ought to discuss the whole subject covered by the Report of the Tariff Board and not the single issue of protection to yarn. I support the motion for reference to the Select Committee on this ground.

Mr. M. S. Sesha Ayyangar (Madura and Ramnad *cum* Tinnevelly : Non-Muhammadan Rural) : Sir, whether or not the mill-owners deserve the protection that they ask for now, in the face of what is attributed to them in the pages of the Tariff Board Report or what is attributable to them by Bengal,—I see that no Honourable Member from Bengal has

stood up and spoken on this motion as to how the mill-owners treated Bengal during the time of the War—I frankly admit that at this stage the Bombay mill-owners need protection because the Tariff Board has definitely found that the industry has sustained losses during the last three or four years and that some kind of protection is necessary. Speaking for myself I am not quite conscious of the extent to which the Bill before us will alleviate the depression in which the mills happen to be placed at present. I am concerned only with one phase of the Bill which has not been touched upon by any speaker so far. I would invite the attention of Honourable Members of the Select Committee to the important bearing which the provisions of the Bill proposed will have upon the handloom industry. Now, the Tariff Board in their majority report did distinctly find that any imposition of an additional duty on yarn would be undesirable because it would adversely affect the handloom industry. Another finding of the Tariff Board is this In proposing their scheme of a bounty they say it is decidedly advantageous because the position of the handloom industry will not be much affected. I would invite the attention of the Members to this aspect of the matter when they discuss the provisions of this Bill in the Select Committee. The Honourable Mover of the Bill in discussing why it was that the Government chose to differ from the minority report put it on the ground that any question of a differential protective duty would be a first step in an economic war. I quite concede that position. But the Honourable Member in charge of the Bill was not quite convincing when he dealt with the Government's reasons for brushing aside the majority report. The Honourable Mover said that the bounty proposed by the majority report was inadequate and ineffective. If that is so, it would be very reasonable for me to ask the Government through their spokesman, the Honourable Member in charge of the Bill, to find out some better method of giving a bounty which might be more effective and adequate. That ground, therefore, I submit is not a good one for rejecting the scheme of bounty propounded by the majority in their report. Then it was next said that a long-standing industry like the textile industry of India does not deserve to be given protection, especially at the cost of the consumer. In this connection I would submit to the House that my conviction is rather deep-rooted that whenever a Committee or Commission is appointed by Government, they invariably so manage things—I will not use stronger language—that their settled convictions are eventually endorsed by the Committee's Report. I would refer the House to page 1 of the Report of the Tariff Board. In the reference made by the Government in the appointment of this Board I would refer you to sub-clause (4) of paragraph 2 of the Report, page 1 :

"This Board to report whether, having regard to the fact that the industry has long been firmly established in India, and to the interests of the consumer and to all other interests affected."

Now that fairly gave out what their intention was as to the attitude which must eventually be taken by the Tariff Board after examining the question. And the answer to that expectation is practically got through the mouth of Mr. Noyce, the Chairman. In the Minute of Dissent, paragraph 2, page 1—although the paragraphs are not numbered it is paragraph 2—Mr. Noyce observed :

"I hold that a long-established industry like the textile industry in Bombay should need no stimulus at the expense of the general tax-payer to a development which is in its own interests."

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And now the same opinion is endorsed by the Honourable Mover of the Bill to-day. The identical sentiment was expressed by him. Now political economists know that even in the case of long-established industries they are liable to suffer in times of depression, because periods of depression invariably follow periods of boom. We have seen that in all Governments, including the British Government and the countries in the British Commonwealth, State aid was given after the War with a view to protection of industries suffering from depression, though the industries were long-standing. I submit, therefore, that that argument is unavailing. Lastly, it was said by the Honourable the Mover of the Bill that he has chosen to give the industry the benefit of the reduction of the import duty on artificial silk yarn. Now I have closely studied the Tariff Board Report and I do not know where in this long Tariff Board Report the Commissioners say anything about this artificial silk yarn, and I ask the Honourable Member to kindly give us the reason why he has made this proposal. I have been following his speech closely, and I found that he went on to suggest that the Indian handloom industry is badly in need of yarn of that kind, and that therefore it is that the Government propose to make that industry pay less duty. Now instead of answering the question myself, I would respectfully request the Honourable the Mover to tell us in his reply where he expects this artificial silk yarn to come from. If, as I daresay, he proposes to answer this question of mine, I submit we can understand the genesis of the introduction of artificial silk yarn into the list of less duty articles in this Bill. It was also conceded practically that the introduction of this artificial silk yarn in the list of articles on which less duty is being imposed now would also adversely affect the handloom industry, though, as he considers, it would not be serious ; but I am fairly convinced that it would very seriously affect the handloom industry in this way. Once this duty on yarns is imposed, it will necessarily raise the cost of yarn. If that is raised, the handloom weavers would necessarily turn their attention to places from which they can get cheaper material. They would necessarily indent upon cheaper artificial silk yarn from whatever place that might be had. In that way they would prefer the imported article to the indigenous yarn produced in the country itself. That would certainly affect the handloom industry to that extent ; and here is an instance where the counterfeit is placed in a more advantageous position, *i.e*, artificial silk, in preference to genuine silk. I submit that these points should be taken into consideration by the Select Committee.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I very much hope that no one in this House would question the genuineness of interest that I have always taken in industrial matters. And I trust that whatever I may say on this occasion, no uncharitable interpretation will be put upon it by my Honourable friends who may not agree with my views. Sir, the Honourable Mover, as also the Honourable Member representing the interests of the mill-owners of Bombay, in their very able speeches have omitted to mention one particularly important feature of the question now before us. It has been sought to be assumed that we are considering the question of protecting the industry of cotton textiles. I desire to point out that it is nothing of the kind. The Tariff Board has made it quite clear that the difficulties that the Bombay mill-owners find themselves faced with are not difficulties which are being experienced to

that same extent even in Ahmedabad, and as for the rest of India, as far as can be judged, the cotton mills are in a quite flourishing condition. In judging therefore of the merits of the question before us, we should remember that we are not discussing the interests of the cotton textile industry as a whole but only of a part of it. Sir, I find from certain statistics given by the Tariff Board that the number of mills in Bombay work out to a percentage of 28.8 to the number of mills in all India, and taking the number of spindles, the percentage works out at 41.7 to all India. Taking the production per year, the percentage stands at 38.2, and in respect of cloth the percentage is 43 to the whole of India. I therefore say, Sir, that it is not quite right that when we approach this question we must give it that weight which is necessary in the consideration of the position of the entire textile industry of India. My Honourable friend Mr. Jamnadas Mehta has already pointed out the inconsistencies of the Government case. He has particularly shown that although in their first Resolution they refused to raise the duty on yarn on the ground that the additional duty would affect prejudicially the handloom industry, they have in their subsequent Resolution gone back upon this position ; and my Honourable friend Mr. Das in the earlier part of the debate very pertinently raised the question as to whether the Government of India had consulted the Local Governments as to what the effect of this change was likely to be on the handloom industry in the various provinces. On going through the evidence volume of the Tariff Board's Report I find that the Director of Industries, Bengal, was questioned on this particular point by the Tariff Board and he said as follows :

" Increase of import duty on yarn will not be desirable in the interests of the handloom industry unless there is a *pro rata* increase of duty on imported cloth. To be on the safe side it will be desirable to have more than a proportionate increase in the duty on cloth."

Similar observations have also been made by other Directors of Industries from other provinces. I find that the Director of Industries, Madras, holds the view that any increase in import duty on yarn would be prejudicial to the handloom industry of that province. He would, on the other hand, like to see the present 5 per cent. duty altogether removed. Furthermore, he made the observation that so far as the province of Madras was concerned, the handloom weaver was hardly making a profit at this time. Sir, when we come to the Director of Industries, Bombay—and he is an Indian—we find he holds the contrary view. He thinks the general effect of a higher duty on yarn would be to increase the price of cloth, but he thinks that people will come forward to support their own industry by paying about half an anna or one anna per yard, and he adds " in the boom time the price was higher and yet nobody complained ". Sir, I have too vivid a recollection of what the position was in Bengal during what is described as the boom time by the Director of Industries of Bombay. This was the period which coincided with the period of maximum profit which the Bombay mill-owners derived from their business and it was a period when the people of Bengal, most of them, had not sufficient capacity to buy their wearing cloth. People, as my Honourable friends from Bengal will bear me out, went about in rags and tatters. The condition of the lower middle classes was even much worse. They had to conform to a standard of civilisation, a certain standard of conduct, and yet their pecuniary position was absolutely hopeless ; and instances are on record in which heads of families—not one, I remember there have

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been at least two or three cases—heads of families who, having failed even to procure rags and tatters for the members of their family, committed suicide in order to escape humiliation and shame. Sir, that is the period to which this Director of Industries refers as the boom period when the price was higher and yet nobody complained. Sir, the Bombay mill-owner was driving in his Rolls Royce in those days, and but for the fact that the people in this country have got a traditional habit of putting up with their misfortunes without making any complaint, the mill-owners of Bombay would not have found it possible to drive their Rolls Royces in those days. Sir, my Honourable friend Sir Victor Sassoon refers to the national interests involved in this question. He refers more particularly to the desirability of establishing this industry on a firm footing. He refers to the desirability of industrialization of this country. Sir, so far as it lay within the limited power of my province we gave the mill-owners of Bombay a very good opportunity to do all this during the days of the Swadeshi agitation at great cost to ourselves, and what did they do? They frittered away their soaring profits in dividends. They did not lay by any share of those extraordinary dividends to meet the extraordinary circumstances with which they are faced to-day. Sir, if I have made these observations, it is more in sorrow than in anger. I would at once make it quite clear that I am not going to oppose this motion, but I do certainly think that the Government would be doing a very great wrong to the consumers if they were to accede to any requests for any higher protection in the Select Committee. I think the suggestions that have been made by my Honourable friends Sir Victor Sassoon and Mr. Jamnadas Mehta amount to this that, although it may not be quite within the competence of this House, having regard to the rules which govern our procedure, to increase the measure of protection which this Bill seeks to give, it may be permissible in the informal atmosphere of the Committee to suggest some such increase. Sir, I give a warning to Government beforehand that, if they accede to any such request in the Select Committee in disregard of the interests of the consumer, they may not have the support of myself and some of my friends on this side.

Sir, there is another small point to which reference has already been made by Mr. Sesha Ayyangar, and that is with regard to artificial silk. My Honourable friend Sir George Rainy claims great credit for having reduced the duty on the importation of artificial silk. I come from a province, Sir, which at one time was very well known for its silk industry, and I very much regret to say that the position of the silk industry in Bengal is not quite as good as it was at one time. I should like my Honourable friend, Sir George Rainy, to examine very carefully as to what the effect of this reduction in the import duty of artificial silk is likely to be on the future of the silk industry of Bengal. Sir, in such matters I earnestly request the Government to consult the Local Governments and also the local public opinion before they embark on any tariff reform of this character.

Pandit Hirday Nath Kunzru (Agra Division : Non-Muhammadan Rural) : Sir, the House having accepted the principle of protection cannot certainly be opposed to the basis of the Bill before us. Now, one need not be a capitalist or an apologist of the mill-owners to welcome the Bill as it has been introduced, although I do not think it will be sufficient to

enable the textile industry to tide over its difficulties. The Report of the Tariff Board, it seems to me, is a very impartial document. It does not propose additional protection blindly. It points out that there are certain world factors that are responsible for the present condition of the textile industry in Bombay. It also castigates the mill-owners and asks them to set their house in order.

But in order to enable them to help themselves and to carry out the suggestions made by the Board it recommends that the industry should be granted a limited protection for a certain period of time, both on the production of yarn and the manufacture of cloth. Now the first recommendation has been accepted by Government after a great deal of agitation on the part of the mill-owners. But so far as the second recommendation, namely, that with regard to the protection of manufactured cloth, Government have been unable to see eye to eye with the majority of the Board. Indeed they seem to me, in their Resolution, to accept the line of argument followed by the President of the Board in his dissenting minute. Now the main objection of Government to the acceptance of the recommendations of the Board with regard to the protection of cloth is that even accepting that Japan, because of the employment of female labour has a certain advantage over the textile industry of this country, the existing import duty is more than enough to cover it. Now, may I ask Government to consider on this point the opinion of the President of the Board, whose opinions they seem to have accepted in other respects.

"We are agreed," says Mr. Noyce, "that an industry may legitimately ask for protection against unfair foreign competition beyond what is accorded to it by any existing revenue duty."

Besides when the Tariff Board considered this question, it was aware of the fact that there was an import duty both on foreign yarn and cloth, and it is to be presumed that if it made certain recommendations it made them after a full knowledge of this fact and because it thought that the existing protection was not adequate. The report of the majority has laid stress on the fact that the textile industry is suffering, at any rate for the time being, from the effects of the rise in exchange. I do not wish, Sir, to revive the bitter controversy over exchange which we went through during the last Delhi Session, but if ordinary economic laws have any effect at all, I think it will be admitted even by the Honourable the Finance Member himself that a rise in exchange from 1*s.* 4*d.* to 1*s.* 6*d.* would destroy the protective effect of the import duties. In fact, if I am not mistaken, in the course of certain remarks which he made at a meeting held at the Delhi University on the subject, he expressly said in reply to those who objected to a rise in exchange that the existing import duties were not to be supposed to be protective and that it was therefore no argument against a rise in exchange that it would do away with the incidentally protective effect of import duties which were imposed primarily for revenue purposes. If the effect of the import duties has been destroyed by the rise in exchange, as I hold it has been, it is obvious that the argument of Government that the advantage which Japan enjoys over the Indian textile industry is fully covered by the existing import duty, cannot hold water. That effect of the duty on imported cloth, whatever it was, was temporary and has ceased to exist, and the question of the competition of the Indian textile industry with the Japanese textile industry should therefore be taken up on the same basis as that of protection to the spinning industry of India.

[Pandit Hirday Nath Kunzru.]

I think, Sir, reading the Report of the Tariff Board, that if it had been possible for Government to propose a duty merely on cloth made from counts between 32 and 40, they would have come forward as willingly to protect the cloth industry as they have come forward to protect the yarn industry. But, in view of the difficulty of finding out whether a certain cloth has been produced from yarn of a certain quality or not, and the fact that a general duty if imposed would hurt Lancashire also, they have refrained from proposing that protection to the textile industry which they have given to the yarn industry. I may be doing some injustice to the Honourable Member in charge of the Bill, but, considering the fact that the arguments for the protection of yarn and cloth are substantially the same, one can only think that, when confronted with the difficulty of protecting cloth made from yarn of certain counts only, Government did not take their courage in both hands and propose a general duty which would have fallen not merely only on cloth imported from Japan but also on cloth imported from England. I remember, Sir, a few weeks ago when Mr. Gandhi made the statement that Government were unwilling to impose a duty for the protection of cloth mainly in the interests of Lancashire, a European edited paper completely lost its balance and accused Mr. Gandhi of criminally and wilfully distorting facts, and in support of this accusation it came forward with the contention that the Lancashire industry in India had to compete as much with the Japanese industry as the Indian industry itself ; but it is obvious to anybody who reads the Report of the Commission that the 4 per cent. duty on imported cloth proposed by the Tariff Board would, if of a general character, have fallen not only on Japanese cloth but also on cloth of British origin. In view of this, it seems to me hard to controvert Mr. Gandhi's statement that if protection has not been given to the cloth industry it is primarily with a view to protecting British interests.

We would certainly all be in favour of giving that protection to the textile industry in Bombay which is proposed by Government, but we hope that the question will be discussed in all its bearings in the Select Committee. Whatever protection Government are willing to give will be welcomed by the textile industry for that would enable it to place itself in a better condition than that in which it is situated to-day. But frankly, Sir, even those of us who are on the Select Committee which will consider this Bill are bound to say that the measure, as it has been placed before the House, is not sufficient to enable the textile industry to become self-supporting.

Just one more point, Sir, before I sit down. Government, in considering the Report of the Tariff Board, seem to have taken up the position that they were not bound to propose additional protection for cloth unless it was shown, by an exhaustive comparison of conditions permanently prevailing in India and Japan, that the conditions in India were temporarily so unfavourable as to require additional protection. If they are of that view, it was open to them to appoint a Committee or a Board with wider terms of reference. Instead of asking the Board to confine itself merely to a consideration of the competition with Japan and other countries in certain respects they could have asked it to go into the whole question thoroughly and examine the very foundations of the Indian textile industry,

4 P.M. and then to report whether the industry could be self-supporting, and if so, what help should be given to it

and for what period of time. But not having done that, they cannot now come and say that, as they are not fully conversant with all the facts, it is not possible for them to grant to the cloth industry the protection recommended by the Tariff Board. It is still open to them to appoint a Board with wider terms of reference, but in the meanwhile they must protect the textile industry here, so that if it is found, and I am sure it will be found, that it can become self-supporting, the country may not be put to greater expenditure than it would be put to if it is granted a limited measure of protection for three or four years.

Mr. M. R. Jayakar (Bombay City : Non-Muhammadan Urban) : Sir, I wish to occupy the attention of the House only for a few minutes, and I wish to associate myself with the suggestion made by my Honourable friend Sir Victor Sassoon, that in the Select Committee the whole question ought to be open for reconsideration, the question being whether the textile industry requires protection, and if so, to what extent and in what manner. The House has before it a precedent in this connection. When the Steel Protection Bill was referred to the Select Committee, a similar interpretation was put upon the preamble and scope of the draft Bill, and the whole question was referred to the Select Committee for their consideration. If that was necessary in the case of the Steel Protection Bill, Sir, I think it is far more necessary in the case of this Bill, and Honourable Members will be able to appreciate this if they follow very briefly my outline of the circumstances in which this Bill has come before the House. Now, what are the facts ? A few years ago the mill industry in Western India especially, as my Honourable friend Mr. Neogy rightly stated, was so prosperous that its promoters were riding in Rolls Royce cars. A few Members have spoken like my Honourable friend Mr. Neogy pointing out that Sir Victor Sassoon and his colleagues of the mill industry are now paying for their past sins, and I do hope that my friend Sir Victor and his colleagues of the mill industry will bear in mind the gentle castigation which has been given to them by Mr. Neogy and Mr. Das. But that is not the question before the House at the present moment, unless it intends, by a sort of *ad hominem* argument to penalise the mill industry for the sins of its promoters six years ago. The question at present before the House is a very broad and general one, whether a languishing national industry has to receive protection ; if so to what extent and in what manner. The mill-owners put their case time after time before the Government of India. They wanted an *ad hoc* committee of inquiry to go into the question how far, in view of unfair Japanese competition due to double shift and many other advantages which they enjoy in their own country, the textile industry should be protected against unfair competition which reduced their cost of production. The Government said that they would not give the mill-owners an *ad hoc* inquiry, and that they must go before a semi-judicial tribunal which had been established in the country, namely, the Tariff Board. The mill-owners, I understand, were extremely unwilling to open out all their secrets before this tribunal, but they ultimately consented to the Government proposal and laid before this body an amount of information which they have a right to complain exposes many of their professional and technical secrets to their competitors outside India. On that inquiry the Tariff Board has submitted a report. It cannot be said to be in any way a partial report or a report unduly favourable to the mill-owners. I have read that Report, Sir, with such knowledge as a layman like me can bring to bear on its reading, and I do hold—and I am

[Mr. M. R. Jayakar.]

sure my Honourable friends who have taken the trouble to read this Report will agree with me—that this Report considers the whole question in a very judicial manner without showing any partiality to the mill-owners. The question before the Tariff Board is stated briefly at page 1. It is *inter alia* to report whether the textile industry is in need of protection ; if so, in what form and for what period the protection should be given and to make other recommendations. Briefly stated, the recommendations of that Report were that the majority agreed that both yarn and cloth should be given protection, yarn in the way of bounties and cloth in the way of protective duties ; while the minority, consisting only of its President, Mr. Noyce, agreed that both yarn and cloth required protection, but he varied his verdict by confining the protection only to competition with Japan. But it is common ground between the majority and the minority that both yarn and cloth require protection. When that came before the Government of India, the Government in two communiqués explained their position, and I am bound to say, Sir, in perfect fairness and without being in any way partial to the mill-owners that, speaking for myself, I found some difficulty in following the logic which Government pursued in their communications. One such flaw in their logic has already been pointed out to the House by my Honourable friend Mr. Jamnadas Mehta. The Government in their communication have said that the Tariff Board have not made it clear whether the percentage of duty which is recommended by the Tariff Board is in addition to the duty of 11 per cent. which is the revenue duty or whether it is included in that. Personally, Sir, I find some difficulty in following this reasoning of Government, because I have found in the Report time after time sentences which make it perfectly clear that both the majority and the minority intended the protection to be given in addition to the 11 per cent. protective duty which existed on cloth and 5 per cent. on yarn.

The Honourable Sir George Rainy : If I might intervene for one moment, I think the Honourable Member is under some misapprehension. There was no doubt in the mind of Government that what the Board recommended was that the duty should be additional to the existing duties. That point was never in doubt.

Mr. M. R. Jayakar : I am very glad to hear that. Then the question is only this, and the Honourable the Commerce Member has very frankly stated in his opening speech this morning that, if it can be established that any indigenous industry is suffering from unfair foreign competition in this sense that a foreign industry of a similar character owing to its inferior cost of production due to advantages it enjoys in its own country is able to undersell the commodity in India, then certainly that commodity is entitled to the protection of the Government of India. If that is the principle on which the Government of India want to proceed, may I ask the Honourable the Commerce Member to look at a passage on page 50 of the Tariff Board's Report, where they clearly state in one paragraph that cloths coming from Japan, especially in some of the well-known qualities of shirtings, long cloth, etc., are underselling Indian fabrics in India. The Tariff Board have clearly stated it as their conclusion that :

> "Japanese manufacturers are supplying long cloth and shirtings which are only slightly inferior to Lancashire goods at prices which are distinctly lower than those of the latter and differ very little from the cost of manufacture of Indian goods to which their quality is distinctly superior."

Paraphrased into plain English what the Tariff Board state as the basis of their recommendation which involved both cloth and yarn is that Japanese people are able to undersell in India cloth of indigenous manufacture. That cannot be denied. The Board further state that this underselling is made possible by unfair competition. If that is so, according to the principles stated by the Honourable the Commerce Member this morning, and which are the right ones to adopt, one fails to understand on what ground yarn alone is going to be protected and cloth is excluded from protection. Speaking of yarn, Sir, I met a technical expert in Bombay and I shall state his opinion on the present suggestions of Government which are embodied in the draft Bill. That opinion has been foreshadowed in an excellent note which the *Evening News* of Bombay published on the 16th of August 1927. There it is shown by calculation—a very careful one in figures—that speaking of the 1½ annas duty which the draft Bill provides for, and applying that duty to yarn which is at the present moment sold at 20 annas per pound, which I understand becomes nearest the 42*s*. count, the percentage of duty works out as 2.5 per cent. which is really no protection. On yarn which sells at present at 10 annas the proposed duty works out at 10 per cent. The figures are given in greater detail there in a table to which I shall invite the attention of the Commerce Member and it leads to the conclusion that as the price per pound of yarn goes up nearer thirty annas, the percentage of protection grows less and less, until when it reaches Rs. 1-14-0, it becomes 5 per cent. which is no more than the present rate. In other words, for higher priced yarn, yarn of higher counts, the revised proposal of Government affords little protection. Now take that, Sir, with the suggestion made by the Tariff Board. They say that it is these 42*s*. and higher counts which require special protection and the Tariff Board in their desire to give it went the length of perpetrating what may be called an economic heresy, quoting the opinion of the same body in their Report on Steel Protection, where they described "bounties" as an economic heresy. In the present case, however, they perpetrated such a heresy, because they thought that the needs of the occasion required it. Yet what does this Bill do? It gives those very counts of yarn very little protection. Therefore, I find, Sir, in Western India there is a strong feeling that the present Bill is unable to afford the mill industry that protection which it requires, and I submit, Sir, that as we have got a fairly large Committee on which there are members representing different schools of thought, the whole question ought to be kept open and we ought to have liberty to consider the entire question which the Tariff Board stated briefly, namely, whether the textile industry requires protection; if so to what extent, in what manner and for what period. I submit, Sir, that this would be a far more effective way of finding out the proper remedy for the disease which has now been admitted than to ask the Select Committee to consider a narrow cut-and-dry proposal embodied in the measure before us. I submit, therefore, that the Government should accept the suggestion of my Honourable friend Sir Victor Sassoon.

The Honourable Sir George Rainy: I should like, Sir, at the outset to say that, if in my speech in moving the motion which is before the House at this moment, I strayed beyond the bounds of what was strictly within the limit of the Bill I regret it very much, and if I have in any way rendered more difficult your task, Mr. President, of controlling the debate, that would be a subject of very deep regret to me. I hope I may

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be allowed to say that that was no part of my intention. But what I felt was this. In the Bill we are proposing to take a certain course of action to carry out part of the object which the Tariff Board proposed to itself, and I thought I should be lacking in respect to this House if I did not state in some detail the reasons why the Government of India were unable to accept the recommendations of either the majority or the minority. I think I am right in saying that these were the only recommendations of the Tariff Board to which I referred, namely the recommendation for the bounty on the spinning of the finer counts of yarn and the proposed differential duty on yarn imported from Japan. The others I left untouched altogether. Usually, Sir, when the Mover is replying to the debate, he has to answer a series of arguments directed to showing that the House ought not to assent to the motion which he has placed before them. But during the course of the debate to-day, while I have heard a great many criticisms of Government—it is perhaps the common experience on such occasions—most of them, I think I am right in saying, were not advanced as reasons why the House should reject the motion to refer the Bill to a Select Committee. On the other hand, a good many of them were arguments for referring the Bill to a Select Committee on the understanding that it would then be open to the Select Committee to take the course of action they like. I shall come to them presently, but there are one or two other smaller points which I should like to dispose of first, and if I do not reply to-day to all the requests for information or all the arguments which have been addressed to me by Members in various quarters of the House, perhaps they will understand that I am anxious that I should not on a second occasion stray beyond the scope of the Bill Some of the questions for example,—and here I was certainly to blame because I referred in my opening speech to the duty on artificial silk, and of course, anything said about that will come more properly into the discussion about the other Bill.

Mr. Jayakar attributed to me a statement of opinion in my speech to-day which I certainly did not intend to give. I hope I am repeating correctly what he said. I understood that he believes that I said that, if it could be proved that the cost of production was lower in some foreign country, that of itself was a sufficient reason for imposing a protective duty. May I ask if that is the opinion he was attributing to me ?

Mr. M. R. Jayakar : I may not have properly heard the Honourable Member, but I was under the impression in the course of his speech, when he came to the middle of it, the Honourable the Commerce Member did say that if a case could be established by an indigenous industry that owing to unfair foreign competition leading to reduction of the cost of production, it was being undersold in this country, that would be a good ground for a claim to protection, not necessarily by a protective duty.

The Honourable Sir George Rainy : I am not quite sure to what passage of my speech the Honourable Member refers. I have been endeavouring to find from my notes what may have been in his mind. It is possible this sentence :

" Unfair competition is competition against which industries can ordinarily claim to be safeguarded, whether that arises from the action of foreign Governments or manufacturers, or, as in this case, from the restrictions imposed by the law of the country itself."

I do not know whether that was the passage. However, that may be, if I did make so very unguarded a statement as the Honourable Member attributes to me, I must at once take this opportunity of correcting it. I do not think I actually did make the statement attributed to me, but if I did, it is obvious that it required to be limited by the qualification that the foreign competition must be due to some special cause in the case of what is called safeguarding duties. When we talk about unfair competition there is always some special ground alleged, such as dumping or bounties, or, as in this case, a difference of industrial conditions, when the industry in one country is subject to a restriction from which the industry in the other country is free. But I certainly never meant to commit myself to any general statement such as the Honourable Member thinks that I gave utterance to. The Honourable Mr. Jayakar also asked why, " since the conditions as to foreign competition are precisely similar in respect of cloth and of yarn, do we propose a higher duty in the case of yarn and not in the case of cloth ". Well, I find it difficult to believe that the Honourable Member does not understand the Government view on that question, though I quite realise that he does not approve of it or agree with it. The whole distinction is merely this. If the unfair advantage at present prices is 10 per cent. the existing duty on yarn is only 5 per cent., and therefore unless it is increased it does not safeguard the industry against unfair competition, but as the duty on piece-goods is 11 per cent. it a little more than safeguards the industry. After all that is not a particularly obscure point.

Then I will turn to something that was said by Pandit Hirday Nath Kunzru. He attibuted to the Government of India a somewhat docile adherence to the dicta of Mr. Noyce, the President of the Tariff Board. I can only say, if he was right in attributing this curious docility to the Government of India, there would have been no Bill before the House to-day, because Mr. Noyce's finding was that the disadvantage to the Indian mills was only 4 per cent. which is already covered by the 5 per cent. duty, and in these circumstances it is absurd, if I may say so, to say that in all matters we have been following Mr. Noyce, because in this rather important matter the opinion of the Government of India was not with him but with the majority.

Pandit Hirday Nath Kunzru : May I remind the Honourable Member that the disadvantage was 4 per cent. without taking into account the return on capital.

The Honourable Sir George Rainy : Exactly. He said that the return on capital ought not to be taken into account.

Pandit Hirday Nath Kunzru : He said it could not be accurately calculated.

The Honourable Sir George Rainy : The Government of India said that it ought to be taken into account. I think it is sufficiently obvious that the Government of India cannot fairly be charged with taking all their opinions from Mr. Noyce.

I come now to the point that was raised by Sir Victor Sassoon and which was referred to again and again by several of the subsequent speakers. Perhaps my Honourable friend Mr. Jayakar put it most clearly. He said that he intended to vote for the motion to refer the Bill to the Select Committee in the hope that it would be open to the Select Committee to

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examine the whole question as to what extent and in what manner the cotton textile industry should be protected. Well, I find it difficult to see how the particular motion which I have moved can possibly be construed in such a very wide sense. I know that an appeal is made to the precedent of what took place at the time the Steel Industry (Protection) Bill was before this Assembly in Delhi. On that occasion Sir Charles Innes in winding up his speech when he moved the reference to a Select Committee said :

" All I ask the House to-day is to accept the principle that further protection is required, everything else to be left to the Select Committee."

The Bill, which Sir Charles Innes was dealing with on that occasion, was a Bill " to provide for the continuance of protection to the steel industry in British India ", that is to say, it was a Bill with a pretty wide scope. Now, when I moved my motion this morning I drew attention at the very outset to the fact that the scope of this Bill was limited, and that it had a single object, namely, the safeguarding of the manufacture of yarn in British India. I expressly said that it was not a Bill for the grant of protection in the general sense even to the manufacturer of yarn. Therefore, I should find the greatest difficulty in agreeing to what was suggested by Sir Victor Sassoon and was supported by other speakers. I cannot see how a motion to refer this Bill to a Select Committee can be construed as authority to investigate all the questions which arise in connection with the Tariff Board's Report. To come a little more closely to the point, Mr. President, the first submission I would make is this, that the Bill is a Bill to safeguard the manufacture of cotton yarn. Well, it seems to me quite clear that that limits the scope of the Bill to yarn only, and questions connected with piece-goods are beyond its scope. In the second place, the object of the Bill, as it is put in the Preamble, is to safeguard the cotton textile industry in British India against competition in cotton yarn produced under industrial conditions which enable such yarn to be produced at a cost below that at which it can be produced in British India. That is to say, it is quite a definite reference to safeguarding as opposed to the rather wider term " protection ". And in the third place, the Bill is a Bill to amend the Indian Tariff Act and does not purport to have any wider object. Now in the case of the original Steel Bill there was a provision for the grant of bounties. But the section empowering the Government of India to grant these bounties was not proposed to be inserted as an amendment in the Indian Tariff Act. The Indian Tariff Act is itself limited to provisions dealing with the levy of duties of customs on goods imported or exported by sea, and to provide for the levy of duties on goods imported into or exported from British India by land. Hitherto there has been no question of including in the Tariff Act any bounties or subsidies, and therefore, in view of the fact that this Bill is a Bill to amend the Indian Tariff Act, I would submit, Mr. President, that any question of a bounty scheme is outside the scope of the Bill. Apart from that, and to put it on broader grounds, I am asking the House to affirm, in voting for the Select Committee, that it is expedient to safeguard the cotton textile industry in British India against competition in cotton yarn produced under certain industrial conditions. I am limiting my request to that. I therefore propose to put it in this way, that the principle I ask the House

to affirm is that the manufacture of cotton yarn should be safeguarded and that it should be safeguarded by means of a duty. That follows at once from the fact that the Bill is a Bill to amend the Indian Tariff Act. I regret, therefore, that I am quite unable to accept the suggestion which was made by the Honourable Sir Victor Sassoon that the whole question of protection to the Indian textile industry should be regarded as open before the Select Committee.

(At this stage Pandit Madan Mohan Malaviya rose in his place.)

Mr. President : The Honourable Member is not entitled to make any speech at this stage.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : I submit, Sir, that.....

Mr. President : Order, order. The Honourable Member in charge of the Bill has replied and, therefore, the debate on the motion is concluded.

Pandit Madan Mohan Malaviya : Would you, Sir, allow me to make one point. I submit, Sir, that on an occasion like this, when the Government Member replies to a specific request put forward by several Members of the House negativing the request, Members of this House should be permitted to have an opportunity of answering.....

Mr. President : Order, order. The Standing Orders and the Rules are against the contention of the Honourable Member.

The question is :

"That the Bill further to amend the Indian Tariff Act, 1894, in order to safeguard the manufacture of cotton yarn in British India be referred to a Select Committee consisting of Maulvi Muhammad Yakub, Mr. R. K. Shanmukham Chetty, Sir Victor Sassoon, Sir Purshotamdas Thakurdas, Mr. W. S. Lamb, Dr. A. Suhrawardy, Diwan Chaman Lall, Mr. N. M. Joshi, Raja Ghazanfar Ali Khan, Mr. Duraiswami Aiyangar, Mr. Jamnadas M. Mehta, Mr. S. C. Mitra, Pandit Hirday Nath Kunzru, Munshi Iswar Saran, Mr. M. R. Jayakar and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee be five and that the Committee be instructed to report on or before the 31st August 1927."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 23rd August, 1927.

LEGISLATIVE ASSEMBLY.

Tuesday, 23rd August, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

THE SOUTH AFRICAN AGREEMENT.

107. ***Diwan Chaman Lall** : Will Government make a statement as to the actual position to-day in regard to the South African agreement ?

Mr. G. S. Bajpai : With your permission, Sir, I shall state briefly the developments regarding the South African agreement that have occurred since Mr. Bhore made his statement on the subject to the Assembly on the 21st February, 1927. In May last, the Government of India appointed the Right Honourable V. S Srinivasa Sastri as their first agent in the Union. Mr. Sastri arrived at Pretoria on 27th June, 1927, and after a brief halt there, proceeded on a short tour of Natal where, as Honourable Members are no doubt aware, the Indian element in South Africa is most numerous. Mr. Sastri has gone to Natal to familiarise himself with local conditions and to work for carrying out the programme of upliftment, especially in regard to education, which is part of the agreement. Honourable Members will be gratified to hear that so far Mr. Sastri's reception in South Africa by all sections of the community has been very cordial. (Applause.)

In order to assist Mr. Sastri, the Union Government have appointed one of their senior officials Mr. Venn, formerly Under Secretary in the Department of the Interior, to be Commissioner of Asiatic affairs. Mr. Venn is working in close and friendly co-operation with Mr. Sastri.

In accordance with the terms of the agreement, the bonus for Indians returning to India has been increased from £10 to £20 for each adult and from £5 to £10 for each minor. Up to the middle of July, 1,319 Indians had returned from South Africa to India. A special staff has been appointed in Madras with effect from the 1st August to meet Indians returning to that Presidency, and to help them to bank their savings and find occupation suited to their capacity and resources.

The legislation introduced in the Union Parliament to implement the agreement roused some apprehension among Indians in the Transvaal on the ground that one of its provisions, which authorised cancellation of certificates of registration, obtained by fraudulent means, would have retroactive effect. Their misgivings should have been set at rest by the assurance given in the Union Assembly by the Honourable the Minister of the Interior that retrospective effect will not be given to this provision, provided that the Transvaal Indians co-operate with the Government of the Union in carrying out the Cape Town agreement.

The Bill itself has now become the Immigration and Indian Relief (Further Provision) Act. The Government of India feel sure that the House will receive with satisfaction the assurance that the relations between them and the Government of the Union continue to be most friendly.

In conclusion, Sir, I would like to pay a tribute to Mr. Andrews for the great services rendered by him to the Indian cause in South Africa (Applause), especially during the interval that elapsed between the termination of the conference at Cape Town and the arrival of Mr. Sastri in the Union.

RECOMMENDATIONS OF THE DELHI CONFERENCE REGARDING JOINT ELECTORATES.

108. *Diwan Chaman Lall : (*a*) Have Government seen the recommendations of the Delhi Conference regarding joint electorates ?

(*b*) Have Government decided to accept those recommendations, agreed to by the All-India Congress Committee, for future guidance in revising the constitution ?

The Honourable Mr. J. Crerar : (*a*) Yes.

(*b*) As far as Government are aware the proposals of the Delhi Conference have not yet been accepted by all the parties concerned.

Mr. K. Ahmed : Are Government aware that the conveners of the Delhi Conference and their supporters wanted simply to advertise their names in the newspapers so that the people might see that.....

Mr. President : Diwan Chaman Lall.

Diwan Chaman Lall : May I ask the Honourable Member whether it is the policy of the Government that any recommendations unanimously accepted by all parties should receive their consideration ?

The Honourable Mr. J. Crerar : No, Sir. We have not received any assurance that these recommendations have received even a partial acceptance among some of the most important interests concerned.

Diwan Chaman Lall : Is the Honourable Member aware that the recommendations have received the support of a large number of people in this country ?

The Honourable Mr. J. Crerar : Judging from the references to these recommendations in the press, it would appear that a considerable number of persons have endorsed the recommendations.

Diwan Chaman Lall : May I ask whether the Government is not desirous of introducing joint electorates in view of the condition of the country ?

The Honourable Mr. J. Crerar : That, Sir, is a matter which I think would be more appropriate for debate than for question and answer.

Diwan Chaman Lall : Have Government not made up their minds in regard to this question at all ?

Mr. K. Ahmed : Are Government aware that the Delhi Conference was neither constitutional nor formal and that the Muhammadans in all the major provinces, as well as other provinces, such as the Punjab, Bengal, Madras, Bombay and the North West Frontier Province I believe, if I am not mistaken, have stated that they do not want joint electorates, and the conveners of these meetings and their supporters have said so in order to circulate their names in the sphere of politics and they are not really for the interests of their country and the community ?

The Honourable Mr. J. Crerar : In reply to that question, I have merely to say that I find it extremely inconvenient to be the channel for a controversy carried on between the Honourable gentlemen opposite and the Honourable gentlemen behind me.

Mr. R. K. Shanmukham Chetty : Do Government intend to convene a Conference of the leaders of various communities to settle the communal question ?

The Honourable Mr. J. Crerar : That again, I suggest, is a matter more appropriate for debate.

THE SKEEN COMMITTEE'S REPORT.

109. *Diwan **Chaman Lall** : Will Government state what immediate action they intend to take in regard to the Skeen Committee's Report ?

Mr. G. M. Young : I am afraid the Honourable Member's question cannot be answered until final decisions have been reached on the recommendations of the Indian Sandhurst Committee.

Diwan Chaman Lall : May I ask how long it is likely to take before a final decision is reached ?

Mr. G. M. Young : I am afraid I cannot give any idea.

Diwan Chaman Lall : May I ask what the delay is due to ?

Mr. G. M. Young : I should not admit that there was any delay. Final decisions will not be reached until this House has been fully consulted. His Majesty's Government have also to reach their conclusions.

Mr. A. Rangaswami Iyengar : May I know exactly in what stage this matter is now ?

Mr. G. M. Young : If my Honourable friend will wait till the day after to-morrow, he will be informed in the course of the debate on this question.

Mr. A. Rangaswami Iyengar : Is there any particular harm in giving the information just now ? Are any interests of the State involved ?

The Honourable Sir Basil Blackett : I would suggest that it would be for the convenience of the House and of the Government if this matter were left to come up in debate in the ordinary course the day after to-morrow.

Diwan Chaman Lall : With your permission, I do not intend to ask the next question, No. 110.

† 110.*

RECOMMENDATIONS OF THE INTERNATIONAL LABOUR CONFERENCE REGARDING SOCIAL INSURANCE.

111. ***Diwan Chaman Lall** : Will Government state what action they intend to take in regard to the recommendations of the International Labour Conference in connection with social insurance ?

The Honourable Sir Bhupendra Nath Mitra : I am unable to say. Government have not yet received either the report of their Delegates to the Conference or the authentic copies of the Draft Conventions and Recommendations. When these are received the question will be examined.

Mr. K. Ahmed : Was not there any representative representing the Government of India and the people of this country in the Conference ?

The Honourable Sir Bhupendra Nath Mitra : I am sorry, Sir, I did not catch the Honourable Member's question.

Mr. K. Ahmed : It is very simple, Sir. Was not there any representative from India and on behalf of the Government—the Government of my Honourable friend—sent there, who must have been familiar with these questions, and must have informed the Honourable Member's Department about it ?

The Honourable Sir Bhupendra Nath Mitra : If the Honourable Member had kindly listened to what I said in reply to my Honourable friend Mr. Chaman Lall, he would have got the answer to that question.

Mr. K. Ahmed : Then what is the difficulty now, Sir, for the Honourable Member to answer the question ?

RATIO OF MILITARY EXPENDITURE TO CENTRAL REVENUES.

112. ***Diwan Chaman Lall** : Will Government state (*a*) whether the answer given by Lord Winterton in the House of Commons when asked to give the ratio of military expenditure to revenue included the total of Provincial as well as Central Revenues ? (*b*) the exact ratio of military expenditure to Central Revenues ?

The Honourable Sir Basil Blackett : The answer to part (*a*) is in affirmative. As regards part (*b*) the ratio of net military expenditure to gross Central revenues in 1925-26 was 27 per cent. Complete figures are not yet available for 1926-27.

Mr. A. Rangaswami Iyengar : Does that include the revenue of the Railways and the other developmental revenues ?

The Honourable Sir Basil Blackett : The ratio of military expenditure to the gross Central revenues is the figure that I gave.

Mr. A. Rangaswami Iyengar : Does that include the Railway revenue ?

The Honourable Sir Basil Blackett : Yes, the Central Revenues include Railway revenues.

Mr. A. Rangaswami Iyengar : Will the Honourable Member kindly tell us what proportion the military expenditure bears to the actual taxation revenues of the Central Government.

† Not asked by the Honourable Member. (Diwan Chaman Lall).

The Honourable Sir Basil Blackett : I would suggest that the Honourable Member should work it out for himself.

Diwan Chaman Lall : Is it not a fact that the figure that the Honourable Member wants my friend Mr. Rangaswami Iyengar to work out is somewhere near 47 to 48 per cent. ?

The Honourable Sir Basil Blackett : I once said that I could produce a figure of over 100 per cent. if I were asked.

Diwan Chaman Lall : Is that the method in which the finances of the Government are conducted ?

The Honourable Sir Basil Blackett : No, Sir. The method is as stated in my answer.

Diwan Chaman Lall : Will the Honourable Member give the ratio of military expenditure to net revenue in Great Britain ?

The Honourable Sir Basil Blackett : If the Honourable Member will put the question down, I shall consider whether I will answer it.

PLACING OF RAILWAY CONTRACTS WITH MEMBERS OF RAILWAY ADVISORY COMMITTEES.

113. ***Diwan Chaman Lall** : Will Government state whether any members of Railway Advisory Committees have been given railway contracts ?

Mr. A. A. L. Parsons : Government have no information. But if the Honourable Member wishes to know whether appointment to a Railway Advisory Committee constitutes a bar to a member receiving a railway contract, the answer is in the negative. Nominations to these Committees are, as the Honourable Member is, I think, aware, made by various legislative and commercial bodies.

ACTION TAKEN AGAINST INDIANS BY THE RESTAURANT PROPRIETORS OF EDINBURGH.

114. ***Diwan Chaman Lall** : Has the attention of the Government been drawn to the action taken against Indians by the restaurant proprietors of Edinburgh ? If so, what protest, if any, has been made by the Government of India ?

The Honourable Mr. J. Crerar : I invite the Honourable Member's attention to the answer I gave on the 22nd August 1927, to a similar question by Mr. Gaya Prasad Singh. The restrictions were withdrawn as a result of the action taken by the city authorities.

STATEMENT ISSUED BY MR. SUBASH CHANDRA BOSE IN REPLY TO LORD WINTERTON'S CHARGE.

115. ***Diwan Chaman Lall** : (*a*) Have Government seen the statement issued by Mr. Subash Chandra Bose in reply to Lord Winterton's charge ?

(*b*) If so, is it a fact that many of the detenus are being detained in spite of there being no charge against them of complicity in any revolutionary crimes ?

(*c*) Will Government inform this House of the evidence alleged to have been examined by two Judges in the case of Mr. Subash Chandra Bose ?

(*d*) Will Government place all relevant documents on the table ?

The Honourable Mr. J. Crerar : Government have seen the statement. The answers to the remaining parts of the question are in the negative

Mr. Satyendra Chandra Mitra : Is not the Honourable the Home Member aware that Government have recently styled these charges not as charges but as mere allegations when it was pointed out to them that these charges lack all the three essentials of a valid charge, namely, the definiteness as to time, the nature of the crime and the place of occurrence.

The Honourable Mr. J. Crerar : I missed the Honourable Member's point. Will he put his point a little more precisely ?

Mr. Satyendra Chandra Mitra : Is not the Honourable the Home Member aware that the Government no longer style these charges as charges but as mere allegations when it was pointed out to them that these wild allegations really lack all the three essentials of a valid charge, namely, the definiteness as to time, place of occurrence or the nature of the crime ?

The Honourable Mr. J. Crerar : No, Sir. I cannot agree with the Honourable Member that Government regard the charges as mere allegations.

Mr. Satyendra Chandra Mitra : Is it not a fact that now the detenus are not asked to answer the charges but are merely asked to explain the allegations against them ? Formerly they were asked to answer to the charges but now Government have accepted them as mere allegations and not as charges.

The Honourable Mr. J. Crerar : That is a point of detailed procedure of which I have not such means of direct acquaintance as the Honourable gentleman. Nevertheless, I do not think that the use of the word " allegation " in substitution for the word " charge " means or implies any difference in the attitude of the Government.

Diwan Chaman Lall : May I ask, Sir, whether the Honourable Member is aware of the definition of " charge " as given in the Criminal Procedure Code ? What is the definition of " charge "? Does it not mean that in any criminal proceedings against a particular accused a definite statement should be made of the offence committed by him and the approximate time of the offence ?

The Honourable Mr. J. Crerar : The Honourable and learned Member raises this as a point of law. I feel that it is rather superfluous for him, a lawyer, to apply to me, a layman.

Diwan Chaman Lall : May I ask the Honourable Member whether he is not aware that certain charges have been levelled against these detenus and that Lord Winterton said in the House of Commons that there is no specific allegation in regard to any criminal charge against these people and that therefore it is necessary for the Government to explain what " charges " have been levelled against these people ?

The Honourable Mr. J. Crerar : The substance of the Honourable Member's question appears to me to be this : whether, when the word " charge " has been used in the particular sense arising out of the question, it has been used in the precise legal and formal sense of the Criminal Procedure Code ? That, of course, is not the case.

Diwan Chaman Lall : Is it not a fact that these detenus are arrested under due process of law whatever is might be—it might be a lawless law ?

The Honourable Mr. J. Crerar : They are certainly arrested under the process of law.

Diwan Chaman Lall : Therefore am I not right in asking the Honourable Member that he ought to reply to my question in regard to the " charge " ?

The Honourable Mr. J. Crerar : I have already replied to the Honourable Member's question.

Mr. A. Rangaswami Iyengar : May I ask the Honourable Member whether the Government in dealing with these matters make absolutely no distinction between what are the allegations and what are the charges ?

The Honourable Mr. J. Crerar : There is nothing in what I have said which would justify the Honourable and learned gentleman in making this suggestion.

Mr. A. Rangaswami Iyengar : May I know, Sir, whether the Government have not definitely made this alteration in regard to inquiring from the detenus as to mere allegations where formerly they were stated to be charges ? I want a specific answer to my question.

The Honourable Mr. J. Crerar : I have already replied to that question and my reply was to the effect that I am not personally aware whether, when the question was actually put to the detenus, the word used was " allegation " or " charge ". My point was that there is no essential distinction between the two words in that context.

Mr. A. Rangaswami Iyengar : Really !

APPOINTMENT OF LORD RONALDSHAY AS CHAIRMAN AND SIR MALCOLM HAILEY, AS A MEMBER OF THE STATUTORY COMMISSION ON REFORMS.

116. ***Diwan Chaman Lall** : (*a*) Is it a fact that Lord Ronaldshay has been offered the chairmanship of the Statutory Reforms Commission ?

(*b*) Is it a fact that His Excellency Sir Malcolm Hailey has been offered a seat on that Commission ?

The Honourable Mr. J. Crerar : (*a*) and (*b*). Government have no information.

PRESIDENTS OF CANTONMENT BOARDS.

117. ***Pandit Thakur Das Bhargava** : (*a*) Are Government aware that an Officer Commanding a station begins to discharge the duties of the President of the Cantonment Board of that station immediately or his assumption of the command ?

(*b*) Are Government aware that under section 18 of the Cantonment Act no member of the Cantonment Board can take his seat as such member unless he has taken the oath prescribed in that section ?

(*c*) Is it a fact that the oath in question is to be taken at a meeting of the Cantonment Board, and that in many Cantonments in the past, the Officer Commanding the station has commenced working as the President of the Cantonment Board without taking the oath in question ?

(*d*) Are Government prepared to consider the question of issuing instructions that the Vice-President of the Cantonment Board may discharge the functions of the President till the Officer Commanding the station has taken the oath at a meeting of the Board ?

Mr. G. M. Young : (*a*) and (*b*). Yes, Sir.

(*c*) Yes. Under the Act the President is bound to take the oath before he can preside at a meeting, but he can enter upon any of his other duties as soon as he becomes President.

(*d*) The question does not arise.

GRANT OF DEFINITE POWERS TO THE NON-OFFICIAL VICE-PRESIDENTS OF CANTONMENT BOARDS.

118. ***Pandit Thakur Das Bhargava** : (*a*) Are Government aware that as far back as July 1926, His Excellency the Commander-in-Chief gave a definite assurance to a deputation of the All-India Cantonments Association that early steps will be taken to give some definite powers to the non-official Vice-President of the Cantonment Board ?

(*b*) Is it a fact that in spite of the above assurance no step has been taken by the Government so far in the direction indicated above ?

(*c*) Are Government aware that the All-India Cantonments Association has since repeatedly pressed this point on the attention of the Secretary, Army Department, Government of India, who has informed the Association that he will soon bring the amending Bill to the Cantonment Act before the Legislature, to make a statutory provision for the powers of the non-official Vice-President ?

(*d*) Are Government aware that the people of the Cantonments are anxiously waiting for this much-needed reform ?

(*e*) Do Government propose to bring the amending Bill in the Simla Session of the Assembly ?

Mr. G. M. Young : (*a*) and(*c*). The facts are substantially as stated by the Honourable Member.

(*b*) and (*d*). The answer is in the negative.

(*e*) A Bill is under preparation and will be introduced, if possible, during the current Session.

AGENDA OF BUSINESS OF CANTONMENT BOARDS.

119. ***Pandit Thakur Das Bhargava** : (*a*) Are Government aware that in Ambala Cantonment and also in some other cantonments, the Executive Officer discusses the agenda of a meeting of the Cantonment Board with the President before the date of the meeting ?

(*b*) Is it a fact that as a result of this discussion, resolutions are framed about each item of the agenda and brought in the meeting in a cut and dried form for the acceptance of the Board ?

(*c*) Is it a fact that the President and the Executive Officer being invariably in possession of official votes, use these votes for getting these resolutions either accepted by the non-official members or passed by the official majority ?

(*d*) Are Government aware that the result of this procedure has been to throttle free discussion of the agenda in the meeting and to render the non-official voice absolutely ineffective ?

(*e*) Are Government prepared to stop this practice and direct that discussions about the items of the agenda of a meeting should be arrived at after the same have been discussed in the meeting of the Cantonment Board ?

Mr. G. M. Young : With your permission, Sir, I will answer this question as a whole. Government have no precise information, but it is clearly desirable that the Executive Officer who prepares the agenda should submit it for scrutiny and discussion, if necessary to the President, and if the latter chooses to prepare draft resolutions before the meeting, there is no objection to his doing so. Government are aware that there is an official majority on elective Cantonment Boards.

REST-HOUSE AT MANDAPAM ON THE SOUTH INDIAN RAILWAY.

120. ***Mr. M. S. Sesha Ayyangar** : (*a*) Has the attention of the Government been drawn to a letter regarding the Mandapam rest-house on the South Indian Railway, that appeared in the *Hindu* dated 28th May 1927 by Mr. Watrap S. Subramanya Iyer, High Court, Vakil, Madras, under the heading " Indian visitors and Mandapam rest-house " ?

(*b*) Have Government taken any action in the matter ?

RESERVATION OF THE REST-HOUSE AT MANDAPAM ON THE SOUTH INDIAN RAILWAY FOR EUROPEANS AND AMERICANS.

121. ***Mr. M. S. Sesha Ayyangar** : (*a*) Will the Government be pleased to state if it is a fact that the rest-house at Mandapam (South Indian Railway), a health resort, is exclusively intended for Europeans and Americans ?

(*b*) If so, what is the justification for this racial discrimination ?

(*c*) If not, are Government prepared to direct the South Indian Railway to delete Rule No. 71 from the current Time-table and Guide ?

Mr. A. A. L. Parsons : I propose, with your permission, Sir, to answer questions Nos. 120 and 121 together.

The Honourable Member's question first drew the attention of Government to this complaint, and they have made enquiries on the subject from the Agent of the South Indian Railway. According to rule 71 of the South Indian Time Table and Guide the use of the rest house accommodation at Mandapam was restricted to Europeans and Americans, but a separate rest-house with similar accommodation has now been provided at Mandapam for Indians, and rule 71 of the South Indian Railway Time Table and Guide is being amended.

Mr. A. Rangaswami Iyengar : May I ask, Sir, whether the rest-house that has been separately provided for Indians is of the same standard as the rest-house provided for Europeans and Americans ?

Mr. A. A. L. Parsons : I understand so. The information I have given has been supplied by the South Indian Railway, and I think the words that I used namely, " similar accommodation " were taken from their letter.

INCOME OF THE IMPERIAL X-RAY INSTITUTE AT DEHRA DUN FOR THE YEARS 1920 TO 1926.

122. ***Mr. Mukhtar Singh** : (*a*) Will the Government be pleased to inform the Assembly, how much was the income derived by the Government from the Imperial X-Ray Institute, Dehra Dun, during the years 1920, 1921, 1922, 1923, 1924, 1925 and 1926 ?

(*b*) And also the number of cases treated by the Institute during the years above named ?

Mr. G. S. Bajpai : (*a*) Information is being collected.

(*b*) A statement giving the information required has been placed in the Library of the House.

EXPENDITURE ON THE IMPERIAL X-RAY INSTITUTE AT DEHRA DUN FOR THE YEARS 1920 TO 1926.

123. ***Mr. Mukhtar Singh** : Will the Government be pleased to state the amount of recurring expenditure per annum on the X-Ray Institute, Dehra Dun, from the year 1920 to 1926, both years inclusive ?

Mr. G. S. Bajpai : A statement giving the information required has been placed in the library.

PRIVATE PRACTICE ALLOWED TO OFFICERS OF THE IMPERIAL X-RAY INSTITUTE AT DEHRA DUN.

124. ***Mr. Mukhtar Singh** : Is it a fact that officers employed in the X-Ray, Dehra Dun Institute are allowed private practice ? If the answer be in the affirmative, will the Government be pleased to state the salaries of the officers who are allowed private practice ?

Mr. G. S. Bajpai : The medical members of the staff are allowed private practice in X-Ray work, subject to the condition that half the fees recovered from private patients treated with the aid of Government apparatus, material or staff, are credited to Government. The salaries of the medical staff are :

Superintendent	.. Rs. 1,350 *plus* £30	Overseas pay, per mensem.
Assistant Surgeon	.. Rs. 575 per mensem.	
Sub-Assistant Surgeon	.. Rs. 175 per mensem.	

USE BY OFFICERS OF THE IMPERIAL X-RAY INSTITUTE OF GOVERNMENT APPARATUS AND MACHINERY IN THEIR PRIVATE PRACTICE.

125. ***Mr. Mukhtar Singh** : (*a*) Have Government permitted the officers employed in the X-Ray Institute, Dehra Dun, to make use of the Government apparatus and X-Ray machinery for private practice ?

(*b*) If the answer be in the affirmative, will the Government be pleased to state how the above practice affects the income derived from the Institute ?

Mr. G. S. Bajpai : (*a*) The Honourable Member's attention is invited to the answer given to the first part of his last question. Government apparatus can be used for such practice at the institute provided that half the fees are credited to Government.

(*b*) Government get one half of the fees and the medical staff divide the rest among themselves. A statement showing the income derived by Government from this source for the years 1922-1926 has been placed in the Library of the House.

LEAVE ALLOWED TO MEMBERS OF THE INDIAN STAFF OF THE IMPERIAL X-RAY INSTITUTE AT DEHRA DUN.

126. ***Mr. Mukhtar Singh** : (*a*) Will the Government be pleased to state the number of days for which members of the Indian staff of the X-Ray Institute, Dehra Dun, were allowed to take leave during the year ?

(*b*) Will the Government also state the number of holidays that are allowed to the servants and staff of the Institute ?

(*c*) Is it a fact that holidays are not allowed in the Institute to the Indian staff and servants even on gazetted holidays ?

(*d*) Are Government aware that the Indian staff is put to considerable hardship on account of the above stated fact ?

(*e*) Will the Government be pleased to state the number of days for which holidays used to be allowed to the Indian staff during the years 1923, 1924, 1925 and 1926 ?

(*f*) What is the number of days for which casual and privilege leave are allowed to the staff during the last four years ?

(*g*) Has it come to the knowledge of the Government that at the present time no privilege leave or casual leave is allowed to the staff even on medical certificate, thus entailing a great hardship on the Indian staff ?

Mr. G. S. Bajpai : (*a*) The Honourable Member has not specified the year, but a statement giving the information asked for the years 1926 and 1927 has been placed in the Library of the House.

(*b*) The staff are usually allowed the provincial and local gazetted holidays, a list of which has been placed in the Library.

(*c*) No. When pressure of work has made it necessary, Hindu members of the staff have been asked to work on Muhammadan holidays and *vice versa ;* but such occasions have been few.

(*d*) No.

(*e*) All gazetted holidays besides Sundays and Saturday afternoons were allowed.

(*f*) Up to 1925 casual leave as required and privilege leave, averaging about one month per person, were allowed to each person. In 1926 the practice of giving privilege leave was stopped owing to the number of holidays enjoyed by the staff. Orders have been issued directing the

Superintendent to grant privilege leave or leave on average pay as it is called, in accordance with the ordinary rules.

(*g*) Government understand that casual or privilege leave to sick-members of the staff has not been refused, except in one case, in which it was considered that the person who had applied for sick leave was not really sick.

Mr. Mukhtar Singh : Are the European members also not allowed the gazetted holidays ?

Mr. G. S. Bajpai : They are allowed gazetted holidays and so are the Indian members.

Pandit Hirday Nath Kunzru : The point is whether the European staff has been asked to work on gazetted holidays just as the Indian servants have been asked to work.

Mr. G. S. Bajpai : The Indian staff could not possibly have been asked to work at the Institute during the gazetted holidays if the European had not been there, because the Superintendent happens to be a European.

Pandit Hirday Nath Kunzru : The question is whether the European staff was asked to do work when the Indian staff was required to be on duty.

Mr. G. S. Bajpai : I shall invite the Honourable Member's attention to the actual composition of the staff which is given in the answer which I am going to give to the next question. The Superintendent and the Electrician are the only European members of the staff. There are no other Europeans on the staff.

NUMBER OF EMPLOYEES OF THE X-RAY INSTITUTE AT DEHRA DUN DRAWING MORE THAN RS. 200 A MONTH.

127. ***Mr. Mukhtar Singh** : Will the Government be pleased to state (*a*) the number of employees drawing more than Rs. 200 a month in the Dehra X-Ray Institute ? (*b*) How many of them are Hindus, Muhammadans, Anglo-Indians and Europeans and how much salary each of them draws ?

Mr. G. S. Bajpai : A statement giving the information required has been placed in the Library of the House.

TRAINING OF INDIANS IN THE USE OF X-RAY MACHINERY.

128. ***Mr. Mukhtar Singh** : (*a*) Are there any facilities provided for Indians to learn the use of X-Ray machinery ? If so, will the Government be pleased to state the arrangement made for such instruction and how many Indians undergo the training provided in the Institute ?

(*b*) Are the medical students in the Medical College, Lucknow, taught the use of the apparatus and machinery provided at the X-Ray Institute, Dehra Dun, and are they qualified to work as officers in the said Institute ?

Mr. G. S. Bajpai : (*a*) Yes. Two courses of instruction lasting two months each are given every year. To each course 40 candidates are admitted. 22 of these are military medical officers. The remaining seats

are primarily reserved for civilian officers nominated by Local Governments. If these latter are not filled, private medical practitioners, holding medical qualifications registrable in India, are admitted on payment by each student of a fee of Rs. 150 for a course. The class held from 15th September to 15th November 1926 was attended by 21 Indians ; the class held early this year by 24.

(*b*) The exact meaning of the Honourable Member's question is not quite clear. But if he wishes to know whether medical students of the Lucknow Medical College receive X-Ray instruction at the Institute as part of their course, the answer is in the negative. Nor are such students employed on the staff of the Institute *qua* students. As to whether they would be eligible to serve on the staff would depend on their qualifications.

DIVISION OF THE STAFF OF THE X-RAY INSTITUTE AT DEHRA DUN INTO INDIAN AND NON-INDIAN.

129. *Mr. **Mukhtar Singh** : Are the officers in the X-Ray Institute divided into Indian and non-Indian staff ? If so, will the Government be pleased to state the reason for such distinction ?

Mr. G. S. Bajpai : The reply is in the negative.

SCALE OF FEES CHARGED AT THE X-RAY INSTITUTE AT DEHRA DUN.

130. *Mr. **Mukhtar Singh** : (*a*) Will the Government be pleased to state the scale of fee prescribed to be charged from the patients who want to make use of the apparatus and machinery provided at the X-Ray Institute, Dehra Dun ?

(*b*) What facilities are provided to treat poor patients at this Institute and how is the poverty ascertained ?

(*c*) How many patients have been treated in the institute free of charge besides those who might have been officially sent there for treatment ?

(*d*) Is the record of every patient for whom the apparatus or machinery is used kept at the Institute ? If so, is an entry made about the patients who are under private treatment of the officials employed at the Institute ?

Mr. G. S. Bajpai : (*a*) Non-entitled patients who are treated in the Institute are charged fees according to the nature and extent of the X-Ray or Electro-therapeutic work required.

(*b*) Poor patients attending at the Institute are treated free of charge. The question of poverty is in each case investigated by the senior members of the staff.

(*c*) No record is kept of such patients.

(*d*) Records of all entitled patients only are kept in the Institute. A separate account of fees received from private patients is maintained.

REGULATION OF THE STORAGE AND HANDLING OF EXPLOSIVES ON THE SURFACE.

131. *Mr. **N. M. Joshi** : (*a*) Has the attention of the Government been drawn to a statement on page 15 of the report of the Chief Inspector of Mines for 1925, that, at present, there are no rules under the Indian

Mines Act regulating the storage and handling of explosives on the surface ?

(*b*) Will the Government of India be pleased to state why such rules are not yet made and when they will be made ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) Provision has been made in Chapter IX of the Indian Coal Mines Regulations, 1926, for the handling and storage of explosives on the surface.

ACCIDENT IN A MINE DUE TO NON-FENCING OF THE SURFACE.

132 ***Mr. N. M. Joshi** : With reference to an accident mentioned on page 16 of the report of the Chief Inspector of Mines for 1925, due to non-fencing of the surface, will Government be pleased to state whether the person who had violated the Local Government rule was punished, and, if so, how ?

The Honourable Sir Bhupendra Nath Mitra : There was not sufficient evidence to prove that before the accident occurred there was any reason to anticipate a subsidence of the surface : hence no one could be prosecuted for violating the Local Government's rules.

PREVENTION AND CONTROL OF UNDERGROUND FIRES IN COAL MINES.

133. ***Mr. N. M. Joshi** : (*a*) Has the attention of the Government of India been drawn to the paragraph on page 9 of the report of the Chief Inspector of Mines for 1925, regarding underground fires due to spontaneous combustion and showing the urgency of tackling the problem of preventing these fires ?

(*b*) Will the Government of India be pleased to state what steps they have taken to solve this problem ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) The Indian Coal Mines Regulations, 1926, require provision to be made to the satisfaction of the Mines Inspectors to prevent an outbreak of fire in a mine or the spread of fire to a mine from an adjacent mine. The Regulations also prevent a mine from being worked within a distance of 25 or 50 feet from the boundary of an adjacent mine. As stated by the Chief Inspector of Mines in his report fires may be prevented by hydraulic stowing, but under present conditions the universal adoption of hydraulic stowing is not economically possible, and Government would not be justified in endeavouring to enforce the adoption of measures of this kind.

PREVENTION OF ACCIDENTS IN MINES.

134. ***Mr. N. M. Joshi** : (*a*) Has the attention of the Government been drawn to the statements on page 15 of the Report of the Chief Inspector of Mines for 1925, that 9 accidents resulting in *ten* deaths due to falls of ground and five accidents resulting in 8 deaths caused by the collapse of the sides had taken place during the period of the report and that practically all of these accidents could have been avoided ?

(*b*) Will Government be pleased to state why steps were not taken to avoid these accidents ?

(*c*) Will the Government of India be pleased to state whether those owners of mines who were responsible for the accidents were prosecuted and if not, why not ?

(*d*) Will Government be pleased to state what punishments were awarded to those who were guilty ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) Steps are taken to prevent accidents as far as possible but the prevention of accidents requires the co-operation of miners and others and about fifty per cent. of the total avoidable accidents in 1925 were attributed to the fault of the deceased.

(*c*) and (*d*) Prosecutions were instituted wherever possible and convictions obtained. The punishments varied from a fine of Rs. 20 to Rs. 500.

Diwan Chaman Lall : May I ask, Sir, whether the evidence of the deceased was taken after the occurrence ? (Laughter.)

The Honourable Sir Bhupendra Nath Mitra : The answer is obviously in the negative.

Mr. N. M. Joshi : May I ask the Honourable Member whether the punishment meted out is not inadequate ?

The Honourable Sir Bhupendra Nath Mitra : No, Sir ; so far as we are aware the punishments were mostly adequate.

Diwan Chaman Lall : May I ask the Honourable Member what is the usual punishment for murder ?

Mr. N. M. Joshi. : May I ask, Sir, whether the Government of India have considered the question of punishment inasmuch as a fine of Rs. 20 to Rs. 500 cannot be held to be sufficient punishment for a crime which involves the death of several persons ?

The Honourable Sir Bhupendra Nath Mitra : Sir, that is a hypothetical question and involves an element of opinion.

Diwan Chaman Lall : May I ask the Honourable Member whether he considers that the life of an Indian miner is worth about Rs. 500 ?

Mr. N. M. Joshi : May I tell the Honourable Member, Sir, that my question is not a hypothetical question ? I ask Government whether they consider the punishment adequate in view of the fact that the punishment consisted only of fines varying from Rs. 20 to Rs. 500 for accidents in which the lives of several persons were involved.

The Honourable Sir Bhupendra Nath Mitra : The punishments are given under an Act of the Legislature and by people who are authorised to administer the Act. I am sorry, Sir, I am unable here to admit the correctness of my Honourable friend's allegation that these punishments are not adequate.

Mr. K. Ahmed : Are not the Government supposed to safeguard the interests of labourers and miners ? Have Government no liability whatever in the matter to the people of this country ?

USE OF SAFETY LAMPS IN MINES.

135. *Mr. N. M. Joshi: (a) Has the attention of Government been drawn to a statement on page 15 of the Report of the Chief Inspector of Mines for 1925, that an explosion causing the death of one person had taken place in a mine due to an ignition of fire-damp caused by an open light?

(b) Will the Government of India be pleased to state whether they provide by rules under the Indian Mines Act that only safety lamps should be used in such mines? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) The Indian Coal Mines Regulations, 1926, require the use of locked safety lamps in a mine where inflammable gas is found or is likely to be found or where gas was found during the previous twelve months. In the mine in which the accident in question occurred gas had not previously been found.

PROHIBITION OF THE USE OF OTHER THAN "PERMITTED EXPLOSIVES" IN COAL MINES.

136. *Mr. N. M. Joshi: (a) Has the attention of the Government been drawn to a statement on page 10 of the report of the Chief Inspector of Mines for 1925, that the use of "permitted explosives" is safer?

(b) Will the Government be pleased to state whether they will take steps to prohibit the use of other explosives in coal mines in securing greater safety to human life?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) Under the Indian Coal Mines Regulations of 1926 "permitted explosives" must be used in mines in which inflammable gas has, within the previous twelve months, been reported to be present.

PREVENTION AND CONTROL OF UNDERGROUND FIRES IN COAL MINES.

137. *Mr. N. M. Joshi: (a) Has the attention of the Government been drawn to the following sentence in the report of the Chief Inspector of Mines for 1925, page 9:

"There is no doubt but that the problem of the prevention and control of underground fires in coal mines is one of the most pressing of the technical difficulties facing colliery owners."

(b) Will the Government be pleased to state what steps they have taken to prevent and control underground fires in coal mines?

The Honourable Sir Bhupendra Nath Mitra: This question seems to be substantially a repetition of question No. 133 which I have already answered.

EMPLOYMENT OF APPROVED TYPES OF COAL-CUTTING MACHINES IN MINES.

138. *Mr. N. M. Joshi: (a) Has the attention of Government been drawn to a sentence in the report of the Chief Inspector of Mines for 1925, page 10, referring to one type of a coal-cutting machine having been found defective?

(*b*) Will the Government be pleased to state what steps they have taken to get the types of machines to be used first approved by the Chief Inspector of Mines ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) Owing to the large number of designs of coal-cutting machines in use it is not considered desirable to require that every type of machine shall be approved by the Chief Inspector of Mines before it is employed in mines. The designs of the machines in use in India are in general satisfactory, and defects brought to the notice of managers by the Mine Inspectors are speedily remedied. Bye-laws are being made under section 32 of the Indian Mines Act for the guidance of operators of coal-cutting machinery and there were no fatal accidents due to coal-cutting machinery in 1926.

FIRING BY CERTAIN EUROPEAN AND ANGLO-INDIAN EMPLOYEES OF THE BURMA OIL COMPANY ON INDIAN WORKERS IN MADRAS IN MAY 1927.

139. ***Mr. N. M. Joshi** : Will the Government of India be pleased to state :

(*a*) the circumstances under which certain European and Anglo-Indian employees of the Burma Oil Company had fired on the Indian workers at Madras in May 1927 ?

(*b*) whether any enquiry by a Government officer was made into these circumstances and what is the result of the enquiry ?

(*c*) under what law these Europeans and Anglo-Indians were permitted to shoot at Indian workers ?

The Honourable Mr. J. Crerar : (*a*) and (*b*). The Chief Presidency Magistrate, Madras, held an enquiry into the matter and directed the prosecution of certain employees of the Burma Oil Company, who were alleged to have taken part in the firing. The Magistrate's order, which was read out in Court and has been reproduced in the Press, gave an account of the circumstances of the case. Government understand that the case against those who were alleged to have fired as well as the case against the strikers has been withdrawn on the initiative of the Oil Men's Union in consequence of the harmonious relations subsequently established between the employers and the employees.

(*c*) Presumably the defence would have been based on the provisions in the Indian Penal Code relating to the right of private defence. These provisions, as the Honourable Member is doubtless aware, apply to all communities alike.

Mr. N. M. Joshi : May I ask whether Government are justified in withdrawing a prosecution for a serious offence on the ground of the harmonious relations between the employers and the employees ?

The Honourable Mr. J. Crerar : The precise ground, I understand, on which the prosecutions were withdrawn was that the Oil Men's Union themselves desired it and that view was concurred in by the employers.

Mr. T. C. Goswami : Was any pressure put on the Union ?

The Honourable Mr. J. Crerar : There has been no suggestion of that nature.

Diwan Chaman Lall : May I take it to be the policy of Government that when a political murder is committed, provided the political murderers show willingness on their part, the Government will be quite willing to withdraw the prosecution ?

The Honourable Mr. J. Crerar : I do not think that question arises.

Mr. N. M. Joshi : I want to know whether Government are justified in withdrawing the prosecution in a serious offence like this ?

The Honourable Mr. J. Crerar : There is considerable substance in what the Honourable Member suggests and the Government of Madras took that point into careful consideration ; but in view of the desirability of not interfering once more with the relations of harmony which had been re-established they decided to permit the withdrawal of prosecutions on both sides.

NUMBER OF INDIANS EMPLOYED AS WIRELESS OPERATORS.

140. ***Mr. N. M. Joshi** : (*a*) With reference to the answer given to my supplementary question arising out of the reply given to my question No. 719 on the 4th March 1927, will Government be pleased to state what steps they have taken to increase the number of Indians (excluding Anglo-Indians) as wireless operators ?

(*b*) Will Government be pleased to state whether the number of Indians (excluding Anglo-Indians) working as wireless operators has been increased from *one* as stated in reply to my question No. 719 given on 4th March 1927 ?

(*c*) If so, what is the present number of Indians (excluding Anglo-Indians) working as wireless operators ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The matter is still under consideration.

(*b*) The Honourable Member has misunderstood the reply which I gave to his question on the 4th March. The figure " one " related to the *increase* in the number of Indian operators and not to their total number. Since that date one Indian wireless operator has been promoted and one has been reverted to traffic. From July 1st, 1927, 13 additional Indians have been under training as wireless operators, in connection with an experimental scheme for working Wheatstone between Madras and Rangoon.

(*c*) 11, excluding the 13 under training.

NUMBER OF STUDENTS RECEIVING TRAINING FOR GENERAL SERVICE AND STATION SERVICE IN GOVERNMENT TELEGRAPH TRAINING CLASSES.

141. ***Mr. N. M. Joshi** : Will Government be pleased to state the number of Government Telegraph Training Classes with the number of students receiving training for General Service and for Station Service, and stating the number of Anglo-Indian students studying for General Service and Station Service ?

Mr. H. A. Sams : There are no Government Telegraph Training Classes in which probationers for General Service and for Station Service are now receiving training.

TERMINATION OF AGREEMENTS WITH ANGLO-INDIAN SCHOOLS FOR CONDUCTING TELEGRAPH TRAINING CLASSES.

142. *Mr N. M. Joshi : (*a*) Will Government be pleased to give the names of Anglo-Indian Schools with which Government is, at present, in agreement for conducting Telegraph Training Classes ?

(*b*) Will Government be pleased to state when the agreements with these schools will terminate ?

Mr. H. A. Sams : (*a*) (1) St. Fidelis' High School, Mussooree.

(2) Bernes High School, Devlali.

(3) Lawrence Memorial High School, Lovedale.

(4) St. Joseph's College, Coonoor.

(*b*) The question of terminating the agreement is now under the consideration of the Government of India.

PROVIDENT FUND FOR GOVERNMENT EMPLOYEES.

143. *Mr. N. M. Joshi : Will the Government of India be pleased to state whether the consideration of the question of establishing a Provident Fund for their employees has now been any further advanced than on 3rd February 1927 when a question on the subject was replied to by Government, and if it has advanced, to what extent ?

The Honourable Sir Basil Blackett : The question is being further considered in consultation with the Government Actuary but no final decision has yet been reached.

REVISION OF THE PENSION AND LEAVE RULES OF INFERIOR SERVANTS OF THE GOVERNMENT OF INDIA.

144. *Mr. N. M. Joshi : (*a*) Will the Government of India be pleased to state whether they have finished the consideration of the question of revising the pension and leave rules for inferior servants of the Government of India ?

(*b*) If they have finished the consideration, will they be pleased to state the decision ?

(*c*) If they have not finished the consideration, will they be pleased to state whether it will be finished before the end of the year ?

(*d*) If not, when do they expect to come to a decision ?

The Honourable Sir Basil Blackett : The question is still under consideration. The Government of India are unable at present to say when the final decision will be reached.

SELECTION OF STUDENTS FOR THE GOVERNMENT TRAINING CLASS FOR WIRELESS OPERATORS IN CALCUTTA.

145. *Mr. N. M. Joshi : (*a*) Will the Government of India be pleased to state what is the method by which students for the Government Training Class for wireless operators at Calcutta are selected ?

(*b*) What steps are taken to secure students from all provinces ?

Mr. H. A. Sams : (*a*) and (*b*). The training classes in wireless at Calcutta are primarily arranged to train officials of the Department of Posts and Telegraphs in wireless to meet departmental requirements. Volunteers are obtained from suitable grades in the Department all over India and Burma and the most suitable candidates are then selected with due regard to efficiency and economy. In addition instruction is arranged on behalf of Local Governments and other bodies on payment of certain prescribed fees when departmental requirements permit. Permission has also been granted for the admission of a very limited number of private students at reduced fees but departmental requirements have not hitherto permitted the formation of special classes for this purpose.

AMOUNT OF CASUAL LEAVE GRANTED TO TELEGRAPHISTS IN BOMBAY CITY.

146. ***Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) the maximum number of days for which casual leave is allowed in a year to a telegraphist in the Government Telegraph Department ;

(*b*) the average number of days of casual leave actually given to telegraphists in Bombay City ?

Mr. H. A. Sams : (*a*) Twenty days.

(*b*) The average number of days of casual leave granted to each telegraphist in the Bombay City in the last official year is 16.

CASUAL LEAVE OF TELEGRAPHISTS.

147. ***Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) whether it is a fact that telegraphists in the Government Telegraph Department find it very difficult to secure casual leave ?

(*b*) If so, will they be pleased to explain why it is so ?

Mr. H. A. Sams : (*a*) No.

(*b*) Does not arise.

RETRENCHMENT IN RAILWAY WORKSHOPS AND CLOSING OF COTTON TEXTILE FACTORIES AND MINES.

148. ***Mr N. M. Joshi** : Will Government be pleased to state :

(*a*) How many employees of the various railway workshops were deprived of their employment on account of retrenchment during 1923, 1924, 1925 and 1926 ?

(*b*) How many cotton textile factories were closed during the years 1925 and 1926 and the number of employees of these factories ?

(*c*) How many mines in India have ceased to work during 1923, 1924, 1925 and 1926 and the total number of their employees ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) As a measure of retrenchment 782 men were discharged from the Bengal-Nagpur Railway workshops in 1923 and 367 from the Assam Bengal Railway workshops in

1923, 68 in 1924 and 41 in 1925. It is possible, though not very likely, that retrenchment was also the cause of the discharge of 69 men from the South Indian Railway workshops and 20 men from the Eastern Bengal Railway workshops in 1923, but I will obtain the exact facts if the Honourable Member desires. Other discharges in the years mentioned by the Honourable Member on these and the remaining State-owned Railways, except the Madras and Southern Mahratta Railway, were not due to a policy of retrenchment but to other causes, chiefly the re-organisation of the workshops or the fact that there was not sufficient work offering. The Madras and Southern Mahratta Railway have not yet supplied information on this point but it will be communicated to the Honourable Member as soon as it is received.

(*b*) The Government of India understand that six cotton textile factories were closed during 1925 and 11 during 1926 in the Bombay Presidency. The number of employees affected was 3,622 and 7,100, respectively. These figures include one mill which was burnt down.

The Government of India are not in possession of similar statistics for the rest of India.

(*c*) I lay on the table a statement giving the number of mines governed by the Indian Mines Act which were opened and closed annually in the period 1923—1926.

Information of the number of employees who were engaged in the mines which were closed is not available. But the total number of persons employed in coal mines fell by about 12,000 between 1923 and 1926 and the total number of persons employed in other mines rose by about 37,000 in the same period.

Year.	Closed.	Opened or re-opened.	Net reduction or addition per annum.
Coal Mines—			
1923	182	63	—119
1924	102	81	—21
1925	118	65	—53
1926	122	48	—74
Other Mines—			
1923	94	179	+85
1924	185	405	+220
1925	261	439	+178
1926	347	340	—7

FURNISHING OF STATISTICS ABOUT UNEMPLOYMENT IN INDIA TO THE INTERNATIONAL LABOUR OFFICE, ETC.

149. *Mr. N. M. Joshi : (*a*) Are Government aware that on account of their having ratified a Convention regarding unemployment passed at the International Labour Conference at Washington they have undertaken the responsibility of furnishing the statistics about unemployment in the country to the International Labour Office and to establish Public Employment Agencies ?

(*b*) If so, will they be pleased to state how they have discharged their responsibility in this matter ?

(*c*) Are Government aware that a Committee appointed by the Governing Body of the International Labour Office has made comments on the conduct of the Government of India in this matter ?

(*d*) If so, will they be pleased to state what the comment is ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) In the manner explained to the Legislative Assembly by Sir Thomas Holland during the discussion of this Convention on 19th February 1921.

(*c*) and (*d*). The Committee commented on the position of India in respect of this Convention. It would take too long to read the whole of the Committee's observations, but I am sending a copy to the Honourable Member. After referring to the action taken in India the Committee added :

"The Committee notes that the Government of India appears to have interpreted the Convention as only involving an obligation to create employment exchanges to the extent to which circumstances may render them necessary. Nevertheless the Office might be instructed to enquire whether the development of industry in India in the last few years may not have modified somewhat the situation which led the Government of India to decide the question of the creation of employment exchanges negatively."

I may add that the Conference was informed that the Government of India would have no objection to an enquiry on the lines suggested.

HOURS OF WORK AND WEEKLY REST DAY OF RAILWAY EMPLOYEES.

150. ***Mr. N. M. Joshi** : (*a*) Are Government of India aware that in ratifying the Conventions regarding the hours of work and weekly rest day, in industrial undertakings they have undertaken the responsibility of applying the regulations in the Conventions to such branches of the railway work as shall be specified for this purpose by the competent authority ?

(*b*) Will Government be pleased to state which branches of the railway work are specified for this purpose ?

(*c*) What steps they have taken for the enforcement of the regulations ?

(*d*) Have the Government of India enquired from the International Labour Office or from their own legal advisers whether their responsibility can be entirely fulfilled without passing legislation on the subject ?

The Honourable Sir George Rainy : (*a*) Yes.

(*b*) and (*c*). For the purposes of the Convention relating to hours of work, the Government of India have specified, first, work performed by workshop staff except running and maintenance staff of power houses, maintenance staff in shops who can be classed as millwrights, and maintenance staff on outside work who are required to work on maintenance of electric installations, distribution mains, etc., and, secondly, work performed by station staff not employed in connection with the working of trains. Orders to this effect have been issued to railway administrations.

For the purpose of the Convention relating to the weekly rest day, no branches of railway work have as yet been specified. I should explain that the whole subject is now under consideration and with a view to

reducing to a minimum the classes of staff to be excluded from the provisions of these Conventions, the Railway Board have referred the matter to the Indian Railway Conference Association both with regard to the hours of work and with regard to the weekly rest day.

(*d*) The Government of India are examining this question in consultation with their legal advisers.

REGULATION BY LEGISLATION OF THE HOURS OF WORK OF RAILWAY EMPLOYEES.

151. *Mr. N. M. Joshi : (*a*) Are the Government of India aware that in Great Britain under the Regulation of the Railways Act, 1889, section 4, the Railway Companies are bound to submit statements to the Board of Trade regarding the persons in the employment of the Company whose duty involves the safety of trains or passengers and who are employed for more than such number of hours as may be from time to time fixed by the Board ?

(*b*) Are the Government of India also aware that under Railway Regulation Act, 1893, section 1, the Board of Trade has a right to regulate the hours of work of railway employees ?

(*c*) Are the Government of India prepared to consider the desirability and practicability of regulating by legislation the hours of work of railway employees both in the interest of the travelling public and of the employees themselves ? If not, why not ?

The Honourable Sir George Rainy : (*a*) Yes.

(*b*) Yes, through the Railway and Canal Commission.

(*c*) I do not think Government can at present contemplate legislation beyond what may be found necessary to carry out any obligation involved by the ratification of certain international Conventions.

(1) MINIMUM AGE OF EMPLOYMENT AS STOKERS AND TRIMMERS, ETC.

(2) COMPULSORY MEDICAL EXAMINATION OF CHILDREN EMPLOYED AT SEA.

152. *Mr. N. M. Joshi : (*a*) Are the Government of India aware that they have ratified Conventions of the International Labour Conference fixing the minimum age of employment as trimmers and stokers and for the compulsory medical examination of children employed at sea ?

(*b*) Will they be pleased to state what steps they have taken to enforce the regulations of the Convention and when they propose to introduce legislation for the purpose ?

(*c*) Will the Government of India be pleased to state when these Conventions were passed and when they were ratified and why there is delay in giving legislative effect to the regulations ?

The Honourable Sir George Rainy : (*a*) Yes.

(*b*) Executive instructions have been issued by Local Governments to give effect to the provisions of both of these Conventions pending legislation in the matter which will be taken up when the Indian Merchant Shipping Act is next amended.

(*c*) These Conventions were adopted by the Third International Labour Conference convened in October 1921 and the ratifications of the Government of India were registered with the Secretariat of the League of Nations on November 20th, 1922. As already stated the necessary legislation will be undertaken when the Indian Merchant Shipping Act is next amended.

Mr. N. M. Joshi : May I ask, Sir, when the Indian Merchant Shipping Act is going to be amended ?

The Honourable Sir George Rainy : I cannot give an absolute pledge, Mr. President, but there are certain amendments which we should like to put through in the cold weather Session, and, if we find it possible to do so, then the amendments referred to in the answer to this question will also be made.

RULES REGARDING RECRUITMENT TO THE INDIAN POSTAL AND TELEGRAPH DEPARTMENT.

153. ***Mr. Anwar-ul-Azim** : Will the Government be pleased to state when the rules regarding recruitment to the Post and Telegraph Department as promised by the Member in charge of that Department during the last Delhi Session are likely to be out ?

The Honourable Sir Bhupendra Nath Mitra : The matter is under the consideration of Government.

INADEQUATE REPRESENTATION OF MUSSALMANS IN THE INDIAN POSTAL AND TELEGRAPH DEPARTMENT.

154. ***Mr. Anwar-ul-Azim** : (*a*) Are the Government aware of the fact that Mussalmans are very ill represented in the Post and Telegraph Department ? If so, what steps if any are the Government contemplating to take in the matter ?

(*b*) Do the Government propose to issue orders to make recruitment according to the numerical strength of each community in each Postal Division ?

(*c*) Do the Government propose to issue orders to reserve the first few vacancies in each Division for the Mussalmans so that the community may get a part of its due share in the Department ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The number of Mussalmans employed in the Indian Posts and Telegraphs Department represents about 20 per cent. of the staff.

(*b*) No.

(*c*) No. The Director General has, however, been instructed to issue general orders in accordance with the policy adopted by the Government of India on the subject of the representation of minority communities in the various services.

Mr. K. Ahmed : Is it not a fact that the Honourable Member has repeatedly promised in this House since 1924 and 1925, and when he came into the Assembly, that he is going to give effect to the statement in the declaration of Lord Reading and that he has not satisfied the Assembly hitherto that he has given appointments to Muhammadans up to the percentage mentioned in that declaration ?

The Honourable Sir Bhupendra Nath Mitra : I do not understand the Honourable Member's question. I cannot find anything in the reply which I have already read out that Government are not acting up to the declarations of policy which they have made.

Mr. K. Ahmed : In view of the fact that the Honourable Member himself, reading an answer written out by his assistants probably in the Department, besides what he had promised previously, now says that only 19 per cent. of the appointments have been given to Muhammadans and not the adequate percentage mentioned in Lord Reading's declaration.....

The Honourable Sir Bhupendra Nath Mitra : I regret, Sir, that it is not possible for me to instil intelligence into my Honourable friend over there. What I said was this : The number of Mussalmans employed in the Posts and Telegraphs Department represents about 20 per cent. of the staff. That does not mean that the recruitment of Mussalmans in the last two or three years has amounted to 20 per cent. of the vacancies. Moreover, the Honourable Member forgets that the 33 per cent. refers to all minority communities and not to Mussalmans only.

Sir Hari Singh Gour : Sir, I rise to a point of order. Is the Honourable Member in order in stating that he is not in a position to instil intelligence into an Honourable Member ?

Mr. President : That was merely by way of retort to the Honourable Member's own insinuation that the Honourable Member was reading the notes made by his clerk.

INFORMATION RELATING TO THE SILCHAR HEAD POST OFFICE AND THE SILCHAR HEAD RECORD OFFICE.

155. ***Mr. Anwar-ul-Azim** : 1. Will the Government be pleased to lay on the table the following information regarding (*i*) Silchar Head Post Office and (*ii*) Silchar Head Record Office, separately ?

(*a*) What are the grades of the Postmaster, Silchar and Head Record Clerk, Silchar ?

(*b*) What is the monthly average cash handled at Silchar Head Office and Silchar Head Record Office, separately ?

(*c*) How many direct subordinates are under the Postmasters, Silchar, and Head Record Clerk, Silchar ?

(*d*) What are the monthly average amounts of receipt and payment of the cash account of the Silchar Head Office and Silchar Head Record Office for which the Postmaster and Head Record Clerk are responsible ?

(*e*) What are the number and insured value of insured articles dealt with in the Silchar Head Office during 1926-27 ?

(*f*) What are the number and value of V. P. articles dealt with at the Silchar Head Office during 1926-27 ?

(*g*) Does the Head Record Office deal with any valuable except the work papers ?

(*h*) Is the Head Record Office required to deal with the public ?

2. What is the reason for fixing the pay of the Head Record Clerk at a higher figure than that of the Head Postmaster, Silchar ? Do Government propose to consider the question of removing this difference ?

The Honourable Sir Bhupendra Nath Mitra : (1) A statement containing the information asked for under heads (*a*) to (*h*) of the Honourable Member's question is laid on the table.

(2) A Head Record Clerk of the Railway Mail Service has heavy responsibilities other than those of a monetary nature. The reply on the second point is in the negative.

Office.	(*a*) Scale of pay of official in charge.	(*b*) Average monthly amount of cash handled.	(*c*) No. of officials directly subordinate to officials referred to under (*a*).	(*d*) Average monthly amount of receipts and payments.	(*e*) No and value of insured articles for 1926-27.	(*f*) No. and value of V. P. articles for 1926-27.	(*g*) Whether Head Record office deals with any valuables.	(*h*) Whether Head Record office deals with public.
Silchar Head Post Office.	*175—10—225	4,16,580	34	4,16,580	Number 11,940 Value Rs. 11,21,787	Number 22,514 Value Rs. 6,20,241	..	..
Silchar Head Record Office, R. M. S.	*145—5—175—10—225	4,470	55	20,612	..	..	No.	No.

* With effect from the 1st September 1927, the existing grades of Rs. 145—5—170 and Rs. 175—10—225 for non-gazetted Postmasters and other officials in post offices will be replaced by a single grade of Rs. 160—10—250, which will also be substituted for the existing grade of Rs. 145—5—175—10—225 for Head Record clerks, Head Sorters, Accountants, etc., in the R. M. S. and for the existing grade of Rs. 100—5—175 for Inspectors of Post Offices and of the R. M. S. It is, however, under contemplation to have a grade of Rs. 250—20—350 for Head Record clerks (of whom there are 19 in all), as there is already for non-gazetted Postmasters, etc.

GRIEVANCES OF POSTMASTERS.

156. ***Mr. Anwar-ul-Azim** : (*a*) Would the Government lay on the table the result of the examination of the grievances of Postmasters in detail as represented by Sjt. Chandradhar Barooah, late Honourable Member of the Council of State, in September, 1925 ?

(*b*) Why could not the recommendation of Sjt. Chandradhar Barooah be accepted ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) and (*b*) A detailed statement containing the desired information is being furnished to the Honourable Member.

PAY OF POSTMASTERS.

157. *Mr. **Anwar-ul-Azim** : Are the Government aware of the fact that the responsibility of Postmasters in respect of money, valuables dealing with the public and accounts is unique in the Department ? If so, on what ground has their scale been fixed lower than the Head Record Clerks and equal to the Inspectors of Post Offices ?

The Honourable Sir Bhupendra Nath Mitra : Government are aware that Postmasters have considerable monetary responsibilities and due allowance was made for this fact in fixing their pay. Monetary responsibilities are not, however, the only criterion for fixing an official's pay. The responsibilities of all kinds of a Postmaster in charge of one of the smaller head offices are not considered on the whole to be greater than those of an Inspector of Post Offices and are definitely less than those of a Head Record Clerk in the Railway Mail Service. With effect from the 1st September, 1927, no Head Postmaster will be on a lower scale of pay than Rs. 160—10—250 which will also be the scale of pay sanctioned for Inspectors of Post Offices.

PROMOTION OF POSTMASTERS AND INSPECTORS TO THE 2ND SELECTION GRADE.

158. *Mr. **Anwar-ul-Azim** : How do the Government propose to regularise the promotion of Postmasters and Inspectors to the 2nd selection grade ?

Mr. H. A. Sams : Promotion is at present regulated according to the method prescribed in the Director-General's letter No. A.X.-127, dated the 2nd December, 1922, a copy of which is laid on the table.

Copy of a letter No. A.X-127, dated the 2nd December, 1922, from the Director-General of Posts and Telegraphs, to all Postmasters-General, and the Deputy Postmaster-General, Sind and Baluchistan.

PROMOTION OF INSPECTORS AND HEAD CLERKS TO SUPERINTENDENTS OF POST OFFICES TO THE SELECTION GRADES.

* With reference to your reply to this office letter No. A.X.-127, dated the 21st April, 1922.

† With reference to the correspondence ending with your letter No. A.-29, dated 23rd September, 1922.

‡ With reference to your letter No. A.D.-1150, dated the 28th September, 1922.

I am directed to say that the Director-General considers that a definite method should be prescribed on the subject of promotion of Inspectors of post offices and Head Clerks to Superintendents of post offices in the time-scale of Rs. 100—5—175 to the selection grades. He has accordingly decided that with effect from the 1st December, 1922, the following revised orders should be acted upon in supersession of all previous orders issued on the subject :

(*i*) In the event of an Inspector or Head Clerk to a Superintendent being reverted or voluntarily reverting to the general line, he will be given the position in that cadre that he would have held if he had never been appointed to the rank of Inspector. For this purpose Postmasters-General should keep a note of the proper position of each Inspector in the general line. It will not be necessary to publish this information in Circle gradation lists.

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* To all except P. M. G., By. and D. P. M. G., S. B.

† To P. M. G., By. only.

‡To D. P. M. G., S. and B.

(*ii*) Inspectors and Head Clerks to Superintendents are eligible for promotion to the second selection grade of Rs. 175—10—225 along with officials in the general line according to their seniority to be determined in the following manner :

(*a*) Inspectors and Head Clerks to Superintendents who attained this position *before the introduction of the revised scales of pay* will be ranked with the officials in the general line according to the dates of entry into their respective grades of Rs. 100—5—175 and Rs. 145—5—170. If the dates happen to be the same, seniority should be reckoned by the position held prior to the entry into these grades.

(*b*) Inspectors and Head Clerks to Superintendents who attained this position *after the introduction of the revised scales of pay* will be ranked with the officials in the general line according to the date on which they reach the Rs. 145 stage of pay in their own respective cadres.

* 2. This also disposes of your letter No. A.T.-2060, dated the 30th October, 1922.

PURCHASE OF STORES BY THE EAST INDIAN RAILWAY.

159. ***Mr. K. C. Neogy** : (*a*) Has the attention of Government been drawn to a letter published in the *Forward* of Calcutta dated June 25 (Town edition), under the heading of " Government and Railway Supplies ", in which Mr. Baijnath Bhotika of 63, Bartola Street, Calcutta, gives specific instances in which higher tenders of European firms for paint have been accepted by the authorities of the East Indian Railway in preference to Indian firms who quoted 50 to 75 per cent. less ?

(*b*) If so, will Government be pleased to state the reasons for such action ?

(*c*) Is there any truth in the observation made in the said letter that " Indian manufacturers get very few contracts from the East Indian Railway for the supply of goods and materials, even in the face of cheaper competitive prices " ?

(*d*) To what extent does the East Indian Railway make use of the Indian Stores Department in the matter of its purchases ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) I have obtained particulars of the cases mentioned by Mr. Baijnath Bhotika in his letter. The Tender Committee of the East Indian Railway rejected the lowest tender for lamp black, Prussian blue, ultra-marine blue, Venetian red and bath enamel green, because the firm tendering was not on the list of the Indian Stores Department as a supplier of paints, and in accordance with the recognised procedure their tender was in consequence not considered. The tenders of another firm, which were lower than those accepted, were also rejected because it had been recently found necessary to reject supplies from this firm. The lowest tender for white lead was also rejected because the firm was not known to the East Indian Railway Administration or to the Controller of Purchase of the Indian Stores Department.

(*c*) No. A very large number of contracts for almost all classes of supplies are placed by the East Indian Railway Administration with Indian firms. The East Indian Railway Administration is in no way interested in the nationality of the tendering firms, but merely in the prices quoted and in the suitability and reliability, as regards quality, of supplies offered

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* To P. M. G. only.

(*d*) The East Indian Railway entrust the Indian Stores Department with practically the whole of their purchases of cement, clothing, textiles such as paulins, cotton waste, cop bottoms and a large portion of their oil requirements. These purchases represent in the aggregate very large sums—over Rs. 34 lakhs in 1926-27.

†160. ***Mr. K. C. Neogy** : I do not put question No. 160.

INDIA'S ANNUAL CONTRIBUTION TOWARDS THE COST OF THE IMPERIAL NAVY.

161. ***Mr. Gaya Prasad Singh** : (*a*) Has the attention of the Government been drawn to the following Reuter's cable, dated London, 14th March, and published in the *Amrita Bazar Patrika*, dated the 17th March 1927 :

"Earl Winterton said that the question of revising the Government of India's annual contribution of £100,000 towards the cost of the Imperial Navy would arise when the Indian Navy was in a position to perform an appreciable portion of the services in respect of which it paid the cost. The cost of the Indian Navy would be borne by the Indian revenues, but the total cost was not estimated to exceed the present cost of the Royal Indian Marine by more than relatively a small amount" ?

(*b*) Are Indians eligible for appointment in the Imperial Navy ; and, if so, how many Indians are so employed ? If not, will the Government give reasons for giving a contribution out of Indian revenues ?

Mr. G. M. Young : (*a*) Government have seen the message.

(*b*) Indians are not eligible for appointment to the commissioned ranks of the Royal Navy. They are, however, eligible for employment on the East Indies stations as domestic and clerical ratings ; the Government of India are not aware of the number of Indians so employed. The annual contribution of £100,000 is made in consideration of the general and effective defence of Indian shores and the protection of Indian trade by the Royal Navy.

Mr. Gaya Prasad Singh : May I know, Sir, why Indians are not eligible for appointment in the commissioned ranks of the Royal Navy ?

Mr. G. M. Young : The Royal Navy, Sir, is a British force. Indians are not eligible for appointment to commissioned ranks in the Royal Navy any more than in the Royal Air Force or the British Army.

Mr. Gaya Prasad Singh : May I know, Sir, the reason why India is made to contribute towards the Royal Navy when her children are excluded from its commissioned ranks ?

Mr. G. M. Young : That question has been answered.

ENHANCED CUSTOMS DUTIES LEVIED ON INDIAN GOODS IN TURKEY.

162. ***Mr. Gaya Prasad Singh** : With reference to the reply of Government to my starred question No. 1065 of the 8th March, 1926, have Government enquired as to whether Indian goods exported to Turkey have now to pay highly enhanced customs duties ? If so, will the Government be pleased to make a statement on the subject, and also indicate how far it is in agreement with the commercial convention with Turkey ?

† Not put by the Honourable Member (Mr. K. C. Neogy).

The Honourable Sir George Rainy : The Government of India made the enquiry and as a result of representations made by them Indian goods are now accorded the benefits of the Turkish Commercial Convention.

IMPOSITION ON AMERICANS, RESIDENT IN INDIA, OF DISABILITIES SIMILAR TO THOSE IMPOSED UPON INDIANS IN THE UNITED STATES OF AMERICA.

163. ***Mr. Gaya Prasad Singh** : (*a*) With reference to my starred question No. 1100 of the 8th March, 1926, regarding the imposition upon Americans, resident in India, of disabilities similar to those imposed upon Indians in the United States of America, will the Government kindly state if the examination of this question has been finished, and if so, what decision has been arrived at ?

(*b*) How many Indians are there in the United States of America, who have been affected adversely by the Supreme Court decision, and how many Americans are resident in India ?

Sir Denys Bray : As far as the Government of India are aware, the number of Indians who have so far been actually affected adversely by the Supreme Court decision is about 30. As these are only a small proportion of the total number, and as a process in the Courts now appears to be required in each separate case before a certificate of naturalization can be withdrawn or cancelled—a procedure which in the natural course and in the absence of any outside stimulus seems likely to check further cancellations—the Government of India do not consider it politic to proceed further with the suggestion in (*a*), at any rate for the present.

Mr. Gaya Prasad Singh : May I know what is the national status of those Indians who have lost their citizenship in the United States of America ?

Sir Denys Bray : I believe that that point has not been finally decided by any court of law, but His Majesty's Government have acted executively on the supposition that they return to British citizenship.

DEFECTIVE CONDITION OF THE ROOF OF THE LEGISLATIVE ASSEMBLY CHAMBER BUILDING IN NEW DELHI.

164. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that the roof of the Legislative Assembly Chamber in New Delhi, from which a brick fell down while the Assembly was sitting, is under repairs ? What exactly is the defect in the roof, and what is the precise nature of the repair that is being done to it ?

(*b*) Is it true that even photographs of the work in progress are not permitted ? Will the Government be pleased to lay on the table the report of Mr. Brebner and other experts who examined the roof ?

(*c*) What is the total estimated cost of the repairs, and who is responsible for the defect ?

(*d*) Are Government aware that cracks have been discovered in some of the walls of the Assembly building in New Delhi ? Has the entire building been carefully examined, and what is the report of the experts on it ? Is the building reported to be absolutely safe ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The ceiling in the Assembly Chamber is not under repairs. A scaffolding has been erected in the Chamber to enable the ceiling to be carefully examined by the engineers in charge of the building. This examination has revealed the fact that there is no serious defect in the ceiling, but, as I have already explained, in reply to another question put by the Honourable Member, it is proposed to keep the ceiling under observation for some time and temporarily to fix under it wire netting.

(*b*) Government are not aware that the taking of photographs has been prohibited. They are not at present prepared to lay on the table the reports of the experts who have examined the building.

(*c*) Exact figures are not available, but the cost will be quite small.

(*d*) Government are aware that cracks exist in some of the walls of the Assembly building. These have been examined and reported on by experts, who assure Government that such cracks are to be expected and do not mean that the building is in any way unsafe.

Mr. Gaya Prasad Singh : May I know, Sir, what is the reason for Government refusing to lay a copy of the reports of those experts on the table ? What questions of high policy are involved in this ?

The Honourable Sir Bhupendra Nath Mitra : There are no questions of high policy involved, but the reports are being examined by Government.

Mr. K. Ahmed : Is there any means of recovering the cost of the repairs due to the defect in the roof from the builders or contractors ? Can Government find any ways and means to recoup the loss to the Indian revenue sustained on account of this roof not being properly built by the contractors ?

The Honourable Sir Bhupendra Nath Mitra : Sir, my Honourable friend's question presupposes that it is the contractor who is responsible for that accident.

Mr. K. Ahmed : We do not want to be addressed like a schoolmaster teaching his pupils. We all understand what the question is. What we want is an answer, if there is any.

Appointment of Mr. Tyson, I.C.S., as Secretary to the Right Honourable Srinivasa Sastri.

165. ***Mr. Gaya Prasad Singh*** : Will the Government kindly state if Mr. Tyson, I.C.S., was appointed Secretary to the Right Honourable Srinivasa Sastri with the latter's previous consultation and approval ?

Mr. G. S. Bajpai : As Mr. Sastri had left it to Government to secure a suitable Secretary for him, the names of a number of officers were considered and Mr. Tyson, who appeared to be the most suitable, was invited to Simla to meet Mr. Sastri. Mr. Sastri saw Mr. Tyson in Simla and approved of the selection. Since reaching South Africa Mr. Sastri has written about Mr. Tyson in the highest possible terms.

NUMBER OF PERSONS DETAINED UNDER REGULATION III OF 1818.

166. *Mr. Gaya Prasad Singh : Will the Government kindly lay on the table a statement showing, Province by Province, the number of persons detained under Regulation III of 1818 ?

The Honourable Mr. J. Crerar : I have laid on the table a statement showing the number of persons detained in the jails of each Province under Regulation III of 1818.

STATEMENT.

Madras	2
Bombay	1
Bengal	1
Burma	4
Assam	1

ACCUSATION MADE BY RESPONSIBLE OFFICIALS IN INDIA AGAINST MR. S. C. BOSE.

167. *Mr. Gaya Prasad Singh : (*a*) Has the attention of the Government been drawn to the allegation made in the House of Commons by Mr. Pilcher, on the debate on the India Office Estimates, that :

" Mr. S. C. Bose was the centre of the ganglion, which formed this conspiracy. The one object of the conspiracy was to assassinate the Governor of Bengal "

and to the report that, when challenged by Mr. Saklatvala, Mr. Pilcher replied that :

" this had been said in public in India, many times, not contradicted, by responsible officials " ?

(*b*) Will Government kindly state what responsible officials in India have made this accusation in public against Mr. S. C. Bose, or any other detenu ?

(*c*) What steps do Government propose to take to counteract this accusation ?

The Honourable Mr. J. Crerar : I have seen the official report of Mr. Pilcher's speech, and find that it does not altogether correspond with the version given by the Honourable Member. The fact that Mr. Bose and the other detenus were placed under restraint on the ground of their participation in revolutionary conspiracy has been officially stated on several occasions. My predecessor, in February last, speaking in this Assembly on the general question of the repeal of Regulation III of 1818, mentioned that one revolutionary plot had been aimed at the life of the Governor of Bengal. I know of no public statement either here or in the Bengal Council to the effect that Mr. Bose was the centre of the conspiracy. The Government do not consider that the matter calls for any action on their part.

Mr. Satyendra Chandra Mitra : Is the Honourable Member aware that Mr. Moberly on the 24th February, 1927, in the Bengal Council said that these detentions in jail were merely preventive and that it was not for any commission of crime ?

The Honourable Mr. J. Crerar : I have not seen the passage in Mr. Moberly's speech to which the Honourable Member refers.

Mr. K. Ahmed : Is the Honourable Member aware that Mr. Pilcher, a Member of the House of Commons now, is the same Mr. Pilcher who represented the European community in the Legislative Assembly here and stated things which were not acceptable to this House ?

Mr. Gaya Prasad Singh : May I know what is the correct version of Mr. Pilcher's speech ?

The Honourable Mr. J. Crerar : If the Honourable Member will compare the version given in his question with the report of Mr. Pilcher's speech in Hansard, I think he will have no difficulty in seeing where the difference lies.

Mr. T. C. Goswami : Does the Honourable the Home Member endorse the statement of Mr. Moberly who, I understand, is Home Member in the Government of Bengal, when he said on the 24th February, 1927, " I would reiterate and emphasise that detention in jail is not resorted to in these cases " (*that is to say, cases of political prisoners*) " for any crime which a prisoner may be believed to have committed : the detention is partly preventive " ? And may I further remind the Honourable the Home Member of a statement which I made on the floor of the House in Delhi last winter, namely, that Lord Lytton had told me definitely that these detentions were of a purely preventive nature, that statement not having ever been contradicted ?

The Honourable Mr. J. Crerar : Before I could give any concurrence to, or express any dissent from, the views in either of these two speeches, it would be necessary for me to study them in detail and in their context, but as for the general proposition which appears to underlie the Honourable Member's question, I think it is undoubtedly the case that the measures taken in respect of detention are primarily in their object preventive.

Mr. T. C. Goswami : Does not the Honourable the Home Member think it desirable that when, on an important occasion like a debate in the House of Commons, the name of a man of the position of Mr. S. C. Bose,—a man for whom, whatever the Government may think, we have great respect,—is dragged into the debate, and he has been abused as having been the centre of a gang of conspirators, is it not proper that the Government should repudiate that statement ? Is it not only in the fitness of things that the Government of India should contradict Mr. Pilcher's libellous statement ?

The Honourable Mr. J. Crerar : In my reply to the original question I have explained as fully as it appears necessary that the Government do not consider that any action is called for.

Mr. T. C. Goswami : Shame !

THE CRIMINAL LAW REPEALING AND AMENDING BILL—*contd.*

Mr. President : The House will now resume further consideration of the following motion moved by Sir Hari Singh Gour on the 15th February, 1927 :

" That the Bill to repeal and amend certain provisions of the Indian Criminal Law Amendment Act, 1908, and the Code of Criminal Procedure, 1898, be taken into consideration."

The Honourable Mr. J. Crerar (Home Member) : Sir, I rise to oppose this motion. I do so under the disadvantage of not having had the privilege of being present in this House when this measure was first debated. I have, however, perused the proceedings very carefully and there are two points which I wish at the outset to make. Mr. Tonkinson, during the course of the debate, I observe, pointed out certain somewhat grave imperfections in the Bill, and I observe further that no adequate reply was given to his criticisms. They were treated rather as minor matters of drafting. That point I shall have subsequently to revert to. An Honourable gentleman opposite, in the course of supporting the Bill, said that he considered it proper that Government should not base their case upon minor considerations of drafting but should oppose it, if they had a case, on its merits. Now, Sir, I think that is a very reasonable invitation and I propose now to accept it and to oppose the measure on its merits.

12 NOON.

Sir, it will be within the recollection of Honourable Members who were present at that debate that the Honourable the Mover placed very great reliance upon the Report of the Committee known as the Committee on Repressive Laws and he made two suggestions which it is necessary for me to correct. The suggestion contained in that part of the Honourable Member's speech, which appeared to be one of the main grounds on which he moved this measure, certainly the general impression which would undoubtedly be gathered from it, was that the Committee on the Repressive Laws had recommended the repeal of this Act, and that Government, who had given a general endorsement of the recommendations of the Committee, have, in so far taking no steps to repeal the Act, been guilty of something like a breach of promise. Now, Sir, I must ask the House to bear with me, because this is a very important point, when I proceed to point out that such a representation of the case is extremely inaccurate. At any rate it has a very remote and precarious contact with the facts. The truth of the matter is that the Committee expressly refrained for very good and very weighty and very deliberate reasons, from making any such recommendation as the Honourable Member suggested they had made. They not only spoke in the course of their well-considered Report with some degree of approval of the Act itself but also of the manner in which it had been applied, and as the Honourable and learned gentleman relies so much on the Report of this Committee, it is necessary for me to recall to the recollection of the House in some detail what the Committee actually had to say on this matter. Their first reference to the Act is in the following terms :

"There remain then two Acts, the Indian Criminal Law Amendment Act, 1908, and the Prevention of Seditious Meetings Act, 1911. It is around those two Acts that controversy has centred and regarding which we have been careful to obtain a full expression of opinion. These Acts also differ from those to which we have already referred in that, while the Committee was sitting, they were actually being used in the Punjab, Delhi and the United Provinces. The evidence of some of the witnesses goes to show, that their effect was beneficial and that their application was necessary to maintain public tranquillity. It is affirmed that local officers responsible for the maintenance of peace and order would, under existing conditions if these Acts were repealed, find themselves in an impossible situation faced, it might be, with disorder on a large scale which they could not prevent. The application of these Acts moreover is subject to safeguards which ensure that sanction to their introduction is only granted after careful scrutiny of the necessity for such action. The Local Governments are unanimous in asking for the retention of Seditious Meetings Act. Most of the Local Governments similarly affirm the need for retaining Part II of the Criminal Law Amendment Act, 1908."

The Committee go on to say :

"We realise also that substantial support is necessary for Government to meet the non-co-operation movement, which is the greatest obstacle to the successful development of the reforms recently introduced and to all political and industrial progress. * * * * Evidence has been adduced to show that in certain places the ordinary law is inadequate and this evidence we are not prepared to reject."

Later on they refer once more to the Act :

"We feel that we should not, under present conditions, be justified in advising the immediate repeal of these two Acts"

that is to say, the Seditious Meetings Act and the Act now under consideration.....

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : What happened in Ireland ?

The Honourable Mr. J. Crerar :

...."We may also point out that their provisions are not of a drastic character. * * Though seldom applied these two enactments have recently in the present situation been found necessary for the preservation of law and order. Further, an obvious objection to a more complete acceptance of this principle is that in allowing proof of the necessity for legislation to accumulate, even stronger measures than those now under consideration might eventually be required for the suppression of disorder."

Then, Sir, I invite special attention to the following passage which seems to me to show a remarkable foresight on the part of the signatories to this Report :

"As we have already seen, there is definite evidence of certain organisations encouraging acts of violence or resorting to intimidation. Recently in Delhi it has been necessary to declare certain Associations of Volunteers unlawful under section 16 of this Act. We have carefully examined the circumstances which led to this action. The Volunteer movement began with 'social service', but the adherents soon developed a definite tendency to interfere with the duties of the Police and the liberty of the public. They then began to intimidate and terrorise the general body of the population. There was a tendency towards hooliganism. It has been proved that some of these Associations resorted to violence, that their behaviour at railway stations and public meetings was objectionable and rowdy, that they obstructed the funeral of an honoured citizen and held a most undesirable demonstration at the house of another. They actively interfered with the elections by threats and picketing. There was every reason to believe that their activities, if left unchecked, would lead to serious disorder. The conclusion we have arrived at is that some of these Volunteer Associations in Delhi were seditious organisations, formed for the purpose of intimidating loyal citizens, and interfering illegally with the administration of the province * * * * We have received information of a possible recrudescence of secret associations in another part of India. It has also been stated in evidence that Bolshevik emissaries have entered India, and we cannot overlook the possibility of illegal associations promoted by them terrorising the population, and engaging in a campaign of crime and terrorism. Actually Part II of this Act has been sparingly used. Its object is not only to break down existing unlawful associations, but to deter young and comparatively guiltless persons from joining these bodies and to discourage the supply of pecuniary assistance. We regret that we cannot at this juncture recommend the immediate repeal of Part II of this Act."

Now, Sir, the Honourable Member has appealed to the authority of this Committee which he naturally, as he himself was a member of it, places very high and I agree with him, having regard to the important contents of the Report, that it deserves a very high authority. If the Honourable Member desires to have the controversies which he raises determined in the light of the views expressed by the Committee, of the recommendations they made, and in particular of the concluding and crucial sentences of their Report, I should myself be perfectly willing that the issue should be

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tried in that manner. And the concluding sentences of that Report were as follows :

" We advise that the repeal of Part II of the Indian Criminal Law Amendment Act, 1908, should be deferred for the present....."

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : How long ago was that ? They said " deferred ".

The Honourable Mr. J. Crerar :

...." Their retention is necessary in view of recent occurrences and possible developments, which we cannot but regard with the gravest apprehension."

Sir, we have now to consider, with reference to that final pronouncement of the Committee, what were the " recent occurrences and possible development ". Before the Committee had actually framed their conclusions there occurred at Malegaon, a town in the Bombay Presidency, a very serious riot which resulted in the murder of four police officers and the burning of a Hindu temple. It has been judicially found that the proximate causes of that outbreak were the activities of local volunteer associations precisely of the kind referred to in the Committee's Report and which they prophesied might in the future be a serious danger to public security. I mention the case of Malegaon because I have myself to a certain degree responsibility in the matter. The Government of Bombay.....

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : Will the Honourable Member give the date of that occurrence ?

The Honourable Mr. J. Crerar : That occurred on the 25th and 26th April, 1921. I mention this because I had to some extent special knowledge of the circumstances and some special responsibility in the matter. During these years, 1921 and 1922, the Government of Bombay were enabled to deal with the situation without any resort to Part II of the Criminal Law Amendment Act and I myself was consistently opposed to the use of that Act so long as conditions remained as they then were. But, in view of the judicial finding I have mentioned, it might have been alleged, and alleged perhaps with justice, that the Bombay Government were wrong. It might be alleged that if they had at an earlier stage and with greater promptitude applied this Act, those disastrous events at Malegaon could have been averted. I do not think myself that that is the case, but, at any rate, it is a reasonable attitude to take. I mention that merely to impress on the House, as the strongest instance that I can command, that the Local Governments do not resort to the provisions of this Act except under pressure of the gravest necessity.....

Mr. K. Ahmed : And what have they been doing since 1921 ?

The Honourable Mr. J. Crerar : I will continue the recital if the Honourable Member will permit. Shortly after the Committee had signed their Report, many of their prognostications were signally proved to be true, and during the months of November and December that immediately followed the signature of the Report, this Act was employed to a larger degree than it has ever been employed before or since. It was employed in respect of volunteer associations in the United Provinces, in Bengal, the Punjab, Assam, the North-West Frontier Province and Bihar and Orissa. Let me take only one out of the various instances set forth to explain

briefly the circumstances under which this Act was resorted to. In the United Provinces alone, in the early part of 1922, there were no less than 110,000 enrolled volunteers. Very extensive and very serious disturbances took place, and they culminated in the affair, that melancholy and tragic affair of Chauri Chaura.

Mr. T. C. Goswami (Calcutta Suburbs : Non-Muhammadan Urban) : Were they armed volunteers ?

The Honourable Mr. J. Crerar : The affair which took place at Chauri Chaura, I may remind the House, was an assault upon 23 police officers by a large crowd which was headed, according to the judicial decision in the matter, by several hundred volunteers. 23 police officers were done to death. On the following day there occurred a disturbance at Rae-Bareilly which unfortunately also involved blood-shed, but fortunately on not so extensive a scale. These are two most serious instances perhaps in that all deplorable time, and as I read through the records, it is really a matter of great surprise to me that the Local Government were able to pass through that critical and dangerous time without resort to more drastic expedients than the restricted and limited expedients of this Act, and it is largely because they had the Act as a weapon in their hands that it was possible for them to do so.

What followed next ? Even before the Committee had signed their Report, the first black clouds had already appeared on the horizon in Malabar, which in a few short weeks descended in the catastrophe of the Malabar rebellion. Must I remind Honourable Members of some of the occurrences in the Malabar rebellion ? Must I remind them of the fact that many prosperous and peaceful villages were destroyed, that murders of the most atrocious character were committed, and that many of those village communities were subjected in other ways to the grossest oppression and humiliation ? Must I remind them also of the retribution which fell upon the persons who were engaged in that rebellion ? The retribution which ultimately overtook them was almost as tragic as that they themselves inflicted upon their victims.

Mr. K. Ahmed : What about the 100 Moplah under-trial prisoners suffocated in the luggage van at Podanur station ?

The Honourable Mr. J. Crerar : Here it might be pertinently pointed out to me that the Malabar rebellion was indeed a very serious and a very tragic occurrence, but it is not a very apposite argument in favour of my case inasmuch as the second part of the Criminal Law Amendment Act was not employed. But the only reason was that the catastrophe was so extensive, so sudden and so widespread that much more drastic powers were necessary to enable it to be brought under control. The powers that had ultimately to be employed for that purpose comprised and went a great deal beyond anything that can possibly be extracted from the second part of the Criminal Law Amendment Act. A few months later several districts in the Punjab were terrorised by a series of murderous outrages committed by an organisation calling itself the Babar Akali Jatha. The state of affairs was so extremely serious that there were times when it appeared almost inevitable that peace and order could not be restored without resort to something in the nature of martial law. However, the Local Government held their hand and with the aid of the application of Part II of the Criminal Law Amendment Act they were eventually able to restore law and order without resort to any more drastic expedients.

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Now, Sir, I should like to pause here and consider, on a reasonable construction of what the apprehensions the Committee themselves had expressed and of the recommendations they made—I should like to pause and speculate for one moment as to what might have been their conclusions if they could have foreseen the actual occurrences which followed so soon upon the promulgation of their Report. My own opinion is that so far from making any recommendation, even a provisional recommendation, for the repeal now or hereafter of the second part of the Criminal Law Amendment Act, they would have positively supported its permanent retention on the Statute-book.

Now, Sir, I have not unfortunately completed my recital, because very shortly after the affair of the Babar Akali Jathas a state of affairs arose in the Punjab which again necessitated resort to the Part II of the Criminal Law Amendment Act. I do not propose to go into the details of that use of the Act because matters have fortunately improved so much since in the Punjab that it would merely recall unhappy memories if I dealt with them in greater detail. I merely record the fact that the resort to the second part of the Criminal Law Amendment Act was again in that instance of the greatest value to the Local Government in restoring peace and order.

Lala Lajpat Rai : What year ?

The Honourable Mr. J. Crerar : October, 1923. Then followed the Cawnpore conspiracy case. It was judicially proved in the course of the Cawnpore conspiracy case that there existed an organisation, largely supported by inspiration and funds from abroad, for the promotion of a communist revolutionary movement in India. I am not asking the House to believe that on the assertion of any executive authority, but on the deliberate judgment of two Judges of a High Court. That was in the beginning of 1924. Later, disturbances unfortunately occurred in Burma and once more a prompt and early resort—there were very few prosecutions but a certain number of declarations—to the second part of the Criminal Law Amendment Act was again of the greatest value to the Local Government. Lastly I must refer to a case which culminated only yesterday. I refer to the Kakori conspiracy case, the trial of which has now been concluded in the Chief Court of Oudh.

Pandit Hirday Nath Kunzru (Agra Division : Non-Muhammadan Rural) : May I ask the Honourable Member whether it has been dealt with under the Criminal Law Amendment Act ?

The Honourable Mr. J. Crerar : No, Sir. That case was not dealt with under the Criminal Law Amendment Act.

Lala Lajpat Rai : Was the Bolshevik case tried under that Act ?

The Honourable Mr. J. Crerar : I have not suggested that it was. My point in referring to that case was this that the course of the judicial inquiry has undoubtedly proved the existence of one or more associations which were of a revolutionary character and that, if the prosecution in this particular case had not been successful, conditions might very well have arisen in which a resort to the second part of the Criminal Law Amendment Act would have been necessary as a preventive measure in the hands of the Local Government.

Well, Sir, I do not propose to continue the recital of this gloomy tale, nor to overload it with details, though it would be very easy for me to do so. What I wish to point out is this—that the Honourable the Mover in supporting his case to the House has singularly neglected two factors which I should have imagined ought to have been of the very greatest importance to his case. He has ignored them perhaps wisely from the point of view of his own case. He has ignored entirely the state of affairs which in the past required the application of the Act and the recurrence of which might necessitate the application of the Act in the future. Nor has he instanced a single case of the abuse of these powers. If the Honourable Member had a practical as well as an academic case against this Act, surely he would have been able, out of the considerable number of cases in which the Act has been applied, to cite some cases in which the Act has been abused. The Honourable Member did not instance one single case of the abuse of the powers under this Act.

Now, Sir, I must revert very briefly to the Bill itself. I pointed out that the criticisms which were made by Mr. Tonkinson have not been answered. An Honourable and learned gentleman from Madras proceeded on the assumption that the Honourable the Mover had been working on an old copy of the Act and that with a few slight and inconsiderable amendments the Bill would be a fit Bill to be enacted. I have no wish myself to stand upon any mere question of drafting. I must try, and I confess I do so with some considerable embarrassment in view of the actual condition of the Bill, to meet fairly what are the Honourable Member's objects and intentions. I take it that his principal motives are that the jurisdiction of the High Courts should be amplified and that the liberty of the subject should be enlarged and also that the powers of the Executive Government should be restricted. Now, Sir, as far as the amplification of the jurisdiction of the High Courts is concerned, any proposal which is conducive to the better administration of justice and to the better maintenance of the King's peace would have my warmest sympathy and I do not yield to the Honourable and learned gentleman in his solicitude for the liberty of the subject. As regards the restrictions on the powers of the Executive Government that is a matter on which we might very naturally differ. But taking the first two of these objects I am compelled to note that the Honourable Member proposes to give to the High Court an appellate power in respect of an order which cannot be passed under the Act as it stands, which could not be passed under the Act as he proposes to amend it, nor under any other Act on the Statute-book. With the best will in the world, therefore, I cannot see how, when we enact that part of the Bill, we should be doing anything likely either to amplify the jurisdiction of the High Court or to enlarge the liberties of the subject. However I pass from that point to one which has caused me even greater difficulties. The part of the Bill which is really effective is that which proposes to repeal section 15, clause (2) (*b*) of the Act. Now, to do so would completely eviscerate the Act. I have very carefully examined the records dealing with the use which has been made of this Act and I find that the cases in which action has been taken under section 15 (2) (*a*) were very rare. In at least 90 per cent. of the cases action was taken under the section which the Honourable Member proposes to repeal and for very obvious reasons. It was the simplest, it was the most convenient and in many cases the most appropriate

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method of taking action. The effect of the Bill would be merely to make the whole Act ineffective and, personally, if I were offered the sole option between an amendment of the Act in this sense, which would really come to the Statute-book as a dusty and unintelligible piece of legislation, and a repeal of the Act, I should honestly prefer repeal.

Now, Sir, the difficulties presented by the Bill as it stands have caused me very great and, as I have said, very real embarrassment. I have seen recently stated in this House a certain doctrine with regard to the care which this House should exercise in examining the provisions of Bills which are brought before it. It is in the following terms :

" Now, I submit, Sir, that this Legislature must be extremely careful in selecting its language and not use one word, one comma or colon, the meaning and extent of which it does not appreciate and understand ".

That doctrine was laid down with such admirable precision and correctness by the Honourable and learned Mover in speaking on another Honourable Member's Bill, and I should certainly be glad to invite the House to join me and the Honourable the learned Mover in applying that doctrine to the present Bill. However, Sir, I have no desire to rely for a moment on any technical points or on any points which might reasonably be construed as technical. My case substantially is this. Past history has shown the necessity for a measure of this character. We should be extremely sanguine, and there is very little to justify us in assuming that such conditions would not possibly recur again. I contend that no abuse of this Act in the past has been proved—that has not even been alleged. If, Sir, the Honourable Member really insists that what I contend are the very limited provisions of this Act really amount to repression, may I invite his attention to an Act which, according to Press accounts, has recently been passed by the Legislature of the Irish Free State ? If the Press account is correct—and I cannot vouch for it—it may perhaps enable the Honourable Member to form a somewhat more accurate perspective of Acts which are repressive and Acts which are not repressive :

" The Senate has finally passed the Public Safety Bill.....Provision has been made declaring certain Associations unlawful and making persons continuing membership of such Associations liable to a maximum sentence of 5 years' penal servitude."

Lala Lajpat Rai : That is only a Bill and not an Act.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : What is the duration of the Act ?

The Honourable Mr. J. Crerar :

" Persons associated with the activities of these organisations will be liable to expulsion from the Free State. Special courts may be established to include military officers as well as judges, and there shall be no appeal from them. The death penalty may be extended for possession of fire arms without authority if the Government so notified."

Now, Sir, I express no opinion either on the accuracy of that statement, or upon the propriety of such a piece of legislation or upon the circumstances which have been held to justify it. I merely suggest that if the Honourable Member classifies the second part of the Criminal Law Amendment Act as a repressive law, he should correct his perspective.

Perhaps, before I conclude, I should say a few words with reference to a provision of the Honourable Member's Bill to which I have not so far made any reference, and that is the provision relating to *habeas corpus*. That provision, as was noted earlier in the debate, has been tacked on to the Honourable Member's measure My reason in not dealing with it is firstly that I have already detained the House for a somewhat longer period and I do not wish to detain it unduly, and secondly that this question of *habeas corpus* is so lacking in anything that can connect it with the other matter contained in the Bill that, it is impossible for us now to debate it effectively. It is a separate issue altogether, and therefore I do not propose to enter upon it. I conclude, then, with what is my substantial plea to the House, and it is this. When disorders occur, when the peace is broken, critics of Government emphasise the responsibility of the Executive Government in the matter. Sir, they are perfectly justified in doing so, and I make no complaint of it. Indeed, when widespread disorders occur, if the Legislature were not prepared to act upon their rights in holding the Executive Government to account in the matter, they would be failing in their duty. But surely they have a reciprocal responsibility in the matter. If Government are to be held responsible—and I do not deny that they should be held responsible for the maintenance of law and order—is the Legislature justified in taking away from us powers which have been proved in the past to be very valuable instruments for the preservation of law and order the necessity for the further exercise of which in future is still a matter of a strong probability ? Would the Legislature be justified, I ask, in depriving the Executive Government of those powers and then insisting on enforcing their responsibility ? I say, Sir, that that is not a reasonable proposition. If the Honourable Member wishes to decide the matter on legal grounds, I suggest that the legal maxim which ought to apply is *durante ratione, duret ipsa lex.*

Sir Hari Singh Gour : Sir, I wish very briefly to reply to the Honourable the Home Member. When I heard his speech I was wondering to myself whether the Honourable Member was not referring to matters which we had discussed and disposed of already, when I had introduced a Bill for the total repeal of Part II of the Criminal Law Amendment Act and which this House passed in spite of the opposition of Government. At that time, Sir, Honourable Members on this side of the House, nominated Members and Members who had held responsible positions as Executive Councillors like my friends Sir Chimanlal Setalvad and Sir Sivaswamy Aiyer, appealed to the Government that Part II of the Criminal Law Amendment Act was far too drastic and that they could not possibly support Government in that matter, but they were prepared to go half way if the Government would accede to their wishes to give some jurisdiction to the High Courts to revise and rectify the errors of the Executive. Upon that the Honourable Member said that that is entirely a different matter, and when it came up, it would be disposed of upon its own merits. I understood, Sir, that, while the Government then were not prepared to accede to the total repeal of Part II of the Criminal Law Amendment Act, they were not wholly undisposed to compromise the position by giving the High Courts jurisdiction to revise the orders of the Executive. And, Sir, impelled by that implication I redrafted my Bill, and the Bill that you see before you is a much diluted Bill, and, as I stated in the opening speech while introducing the Bill and asking the House to consider it, further,

[Sir Hari Singh Gour.]

I have toned it down to these matters. I did not want the total repeal of Part II of the Criminal Law Amendment Act. I merely wanted the repeal, and I do want, Sir, the repeal of section 15, clause (*2*), sub-clause (*b*), and as for the rest I give the High Court jurisdiction, as in all criminal matters the High Court have and must have jurisdiction, to revise and control the action of the Executive. This is all I want, and this is all that my Bill implies. Now, I fail to understand what the Honourable the Home Member means by recounting those acts of 1921, 1922, 1923 and 1924, if it is not intended to prejudice this House against my measure which does not seek to repeal Part II of the Criminal Law Amendment Act, but the substantive object of it is to delete section 15, clause (*2*), sub-clause (*b*) and to give the High Court jurisdiction to revise the orders passed by the Executive. That is, so far as the Criminal Law Amendment Act is concerned. Now, Sir, what is the reply of the Honourable the Home Member on this part of my case? His reply is that " if you repeal section 15, clause (*2*) (*b*), you might just as well repeal the whole of Part II of the Criminal Law Amendment Act ". Now, does the Honourable the Home Member justify the retention of section 15, clause (*2*) (*b*) on any ground? What is the section? The section says—and I am leaving out the other words,—I am reading only that part of section 15 which I wish to be repealed :

" In this Part ' association ' means any combination or body of persons, whether the same be known by any distinctive name or not, and which has been declared to be unlawful by the Governor General in Council under the powers hereby conferred."

Now, Sir.....

The Honourable Mr. J. Crerar : Sir, the Honourable Member is not quite correct in reading the Act.

Sir Hari Singh Gour : I am reading, Sir, from a copy which the Legislative Department has supplied to the Honourable Members of this part of the House, and if it is not the correct copy, they are responsible for it, not ourselves ; it is the official copy supplied to us in the Library. I know the Devolution Act and the section in question, but probably the Honourable the Home Member's Department do not yet know, because the copy has not yet been corrected. I will deal with that part of the case later on. Now, Sir, what is my objection? My objection is that under this Act the Governor General, and now of course under the Devolution Act the Local Government, have the power to declare any association to be an unlawful association without giving any reason, without calling upon that association to show cause why it should not be declared unlawful, but merely because the executive say that it is an unlawful association, it becomes an unlawful association. But if that were all, that would be bad enough. What is the result? Will the Honourable Member kindly give me a corrected copy? (The Honourable Mr. J. Crerar handed one to the Honourable Member.) Now, Sir, what is the result of this declaration? The result of that declaration is that whoever is a member of an unlawful association or takes part in meetings of any such association or contributes or receives or solicits any contribution for the purpose of any such association, shall be punished with imprisonment for a term which may extend to six months. Now how does this Act work? The Executive Government says, " You are a member of an unlawful association ". That cannot be revised by the High Court. After that, they send him up to the High Court for the purpose of awarding

punishment ; and as Sir Lawrence Jenkins in the case reported in Indian Law Reports which I cited on the last occasion pointed out, the High Courts have no jurisdiction to inquire into the legality, sufficiency, propriety or otherwise of the order passed by the Executive Government. They are merely to act as the sentencing court. Now, is this just ? Is this right ? Is this British justice ? That is the question I had put to the Honourable occupants of the Treasury Benches. Do they justify this procedure that the Executive sends up a man and says, " Here is a man ; I hand him over to the High Court to award the punishment. You, the Judges of the High Court, have no jurisdiction to go into the question whether this man is guilty or not : all that you have to do is to award the punishment ". And the High Court, if that is the procedure, may well ask " Why send it up to the High Court at all ? " Why do the Executive then not take upon themselves the power of also sentencing the man to imprisonment in accordance with some amendment which they may make to Part II of the Criminal Law Amendment Act ? That, I submit, is the point which we raised on this side of the House and it was on that ground that we carried the Resolution for the total repeal of Part II of the Criminal Law Amendment Act. Now, Sir, the Honourable the Home Member has said, " Can you give me any instance where we have misused section 15, clause (*b*) of the Act ? " My answer is, Sir, " How have you prescribed any procedure under this Act under which the judicial authority could have inquired whether the man who has been declared to be a member of an unlawful assembly has been rightly or wrongly so declared ? " If you had prescribed that procedure, then the High Court would have jurisdiction to say whether the man who has been sent up to the High Court for punishment is innocent or guilty. The jurisdiction of the High Court has been taken away. All that the High Court has to do is to sentence the man,—and the Judges may well say : " We regret we have not got the power to inquire whether you are innocent or guilty : the power that we have is to sentence you : therefore, you go to jail ". And for how long ? What is to be the measure of punishment if the Court is not to go into the measure of the offence ? That, Sir, is the position in which you place the High Court, and I wish to ask in what part of the civilized world have you got such a Statute on the permanent Statute-book. I have made some little study of the subject and I venture to submit that there is no part of the British Empire where such a drastic provision of law finds a place upon the permanent Statute-book of the country. Now, Sir. my Honourable friend, the Home Member, says, " If you are to take away clause (*b*) of section 15, then the whole of Part II of the Act might just as well be repealed ". I submit, that is not the case. Section 15, clause (*a*), says :

" An unlawful association is an association which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts."

The cases which the Honourable the Home Member has cited are cases which could have come and will come under clause (*4*), sub-clause (*2*) (*a*), Part II of the Criminal Law Amendment Act. But as my friend has just now pointed out, it is very easy for the Local Government : why should it inquire whether you are a dangerous man or not ? Why should it inquire whether you commit acts of violence or not when they have got the arbitrary, the uncontrolled, the undisciplined power under clause (*b*) of saying that you are a guilty man ? Why should it give reasons for it ?

Mr. H. Tonkinson (Burma : Nominated Official) : On a point of order, I should like to point out, Sir, with regard to the statement of my Honourable friend.....

Sir Hari Singh Gour : I cannot hear you.

Mr. H. Tonkinson : I should like to point out, Sir.....

Mr. President : It is not a point of order.

Sir Hari Singh Gour : I wish therefore to ask " Is this provision of section 15, sub-clause (*a*), not sufficient for all the purposes and in respect of all the cases to which you have adverted in the opening part of your speech ? " I therefore submit, Sir, that in asking for the repeal of clause (*b*), I am asking this House to remove and purge from the Statute-book a most obnoxious provision of law for which there is no precedent in any known law of which I am aware in the British Empire. Now, Sir, the next thing I ask this House is, where a man has been declared to be guilty and he has appeared before the High Court, is the High Court merely to act as the hangman, or is the High Court to act judicially and inquire whether the man is guilty or not ? That is the short question I ask any Honourable Member in this House to answer. The jurisdiction of the High Court to inquire whether a man sent up to the High Court for punishment is innocent or guilty—I give the High Court that jurisdiction. That is the second thing that I wish to do. Now, Sir, that finishes the first part of my Bill.

The second part of my Bill deals with a congnate matter. It was the subject of the Report of the Repressive Laws Committee, from which, I am afraid, my Honourable friend has cited from wrong places. I shall conclude my speech by citing from the passage upon which I rely, which the Honourable the Home Member will see was the cardinal note struck by the majority of the non-official members when they agreed to sign their Report. The second part of my Bill is to add a few words as regards British subjects. And let me remind Honourable Members of this House as to what is the effect of the second part of my Bill. It is this. There are a very large number of Regulations and Acts and miscellaneous Ordinances and so forth under which there is power of arresting and detaining and keeping people in jail without any trial. I think one Honourable Member of this House was a victim of one of those Regulations. Now, what do I want ? I want to give them reasonable liberty. It was said in the course of the last debate that if you were to place everybody before the High Court and give the High Court jurisdiction either to release that man or to place him upon trial, what would become of non-British subjects that come from across the Frontier, marauders, Communists and persons who owe no allegiance to the British Crown ? These people come in large numbers into this country and may come in large numbers into this country and stir up riots and acts of lawlessness with which the Government will have no power to deal. Well, Sir, I have acceded to that objection, and what I have done is to add the words which qualify the jurisdiction of the High Court only to protect British subjects. Now, Sir, is that not a reasonable protection ? I venture to submit that the Honourable the Home Member feels himself in his conscience that it is reasonable. We are protecting the British people and placing them under the jurisdiction of the High Court and giving them that protection to which they are entitled. That is the meaning of my *habeas corpus* provision. The Honourable Member says " You have tacked on in one Bill

2 Bills of a different character ". Surely, Sir, those who live in glass houses must not pelt stones at others. Have we not seen in the last Assembly the Repealing and Amending Act running into six pages amending the Penal Code, Transfer of Property Act, Specific Relief Act, Limitation Act and, what not ? Have not you done that ? Do not you do that every year, and you who amend a dozen Acts by one Act come up and tell me that I amend in one Bill two provisions of inconsistent Acts. Are they inconsistent ? They are of a most cognate character. Let me explain to the House. The Repressive Laws Committee were dealing not only with this question but also with the *habeas corpus* question, and in consequence of their recommendation certain High Courts were given jurisdiction in matters of *habeas corpus*. But persons arrested under the Regulations and other repressive laws were left out of the consideration of the High Court in the section dealing with *habeas corpus*. Our position then was, as our position now is, that so far as British subjects are concerned, no repressive laws should touch them without giving them the right of having recourse to a judicial tribunal before whom they should be tried and by whom they should be judged. Is that an unreasonable request ? These two provisions of my Bill, therefore, are the direct outcome of one report dealing with a series of acts relating to one question.

1 P.M.

Lastly, Sir, the Honourable the Home Member says that I have misread and misrepresented the recommendations of the Repressive Laws Committee and he took some little time in reading passages from the Report of the Repressive Laws Committee. Now, if the Honourable the Home Member had paid me the compliment of reading the speech when I introduced this Bill, he would not have compelled me to read the passage upon which I relied and which I cited to the House in justification of my Bill. That passage is contained in paragraph 25, page 11, of the Report and it is said there :

" Many of us hope that it may be possible for the Government to undertake the necessary legislation during the Delhi Session."

They recommended the total repeal of the Repressive Laws and hoped that the Government would introduce a measure during the ensuing Delhi Session for their absolute and total repeal. And what is the date of this Report ? The date of this Report is the 2nd September, 1921. Consequently, the non-official members signed this Report in the hope that the Government would introduce in the winter Delhi Session of 1922 the measure for the repeal of all these Repressive Laws. Has that hope been fulfilled ? I have been after the Government ever since the cold weather Session of 1922 reminding them of the promise and the understanding embodied in paragraph 25 of this Report. And what reply have I got ? " The time is not yet ". And now the Honourable the Home Member takes a different line altogether. In 1922 and onwards the apologia of the Government was : " Yes, we will do it, but the time is not yet. There is this disturbance going on and that disturbance going on, a woman has cracked somebody's head, and so on ". But now when I ask what objection have you to repealing these laws and giving to the High Court the jurisdiction which it should possess, the reply is : " Oh, well, look at what took place in 1921, 1922 and 1923 ". Is that any answer to the recommendation of the Repressive Laws Committee ? And have I, Sir, misrepresented any portion of the Repressive Laws Committee ?

The Honourable Mr. J. Crerar : Yes.

Sir Hari Singh Gour : I have given the *ipsissima verba* of the Report of the Repressive Laws Committee, and I can assure the House, speaking for myself and I am afraid I am the only Member now in this House who sat in the Repressive Laws Committee, that I certainly would not have signed that Report if this paragraph had not been inserted. And I assure you, Sir, that there are many of my friends who would never have subscribed to that Report if that passage had not been inserted. I feel, therefore, in duty bound to carry out the promise which I gave to my constituents and to the country at large that these Repressive Laws would be removed from the Statute-book as soon as possible.

In asking this House, therefore, to carry this motion, I am carrying out a duty which I submit, Sir, it was incumbent upon the Government which had accepted the Report *en bloc* to carry out in fulfilment of the hope which we then expressed and in discharge of the obligation which it had undertaken.

Now, Sir, one more word and I have done. The Honourable the Home Member has criticised the draft of my Bill. I know that the drafting requires amendments. But I will only ask the Honourable the Home Member to ask his official draftsman to move the necessary verbal amendments which are required for the purpose of putting clause 3 in order. That, of course, is the work of the Legislative Department, and I, therefore, submit that that is a work in which we expect the assistance of the Government. The Act supplied to us on the basis of which this Bill was drawn up unfortunately was an incorrect copy and even to-day the Honourable Members of this House have been given only those incorrect copies. It is upon those incorrect copies that this Bill has been drafted. I therefore consider the question of amendment as a pure drafting amendment. If my motion for the consideration of this Bill is passed, I request the Honourable the Home Member to help us by putting the draft in order.

Sir, I move that the Bill be taken into consideration.

(Lala Lajpat Rai then rose to speak.)

Mr. President : The Honourable Member is too late. He must himself protect his own right.

Lala Lajpat Rai : Was the Honourable Member, (Sir H. S. Gour) replying to the debate ?

Mr. President : Of course.

The Honourable Mr. J. Crerar : Mr. President, I have already trespassed so long on the patience and indulgence of the House that I do not propose to do so again at any great length. I note as a preliminary point that the Honourable and learned gentleman referred in tone almost of indignation specially directed at me, to the fact that he is in possession of an uncorrected copy of the Act. The Honourable and learned Member is perfectly well aware that it is not the business of the Home Department to supply Honourable gentlemen with copies of Acts. I feel, Sir, that when he directed the vials of his wrath on me on that particular point he must have felt that his case in other respects was singularly defective.

Now, Sir, the first point I wish to take in reply is his further contention as to what the Committee actually did recommend. I am surprised

that, after I had laid before the House in very great detail actual recommendations of the Committee, that the Honourable and learned gentleman should have had the temerity to return to that point. It is perfectly true that the Committee recorded that many of its members expressed the hope which was referred to and quoted by the Honourable and learned gentleman, in moving his original motion, I observe that he quoted only a line and a half of the Committee's Report. He refrained with meticulous care from reproducing any part of the Report which dealt with the specific recommendations of the Committee. The Honourable Member went further. He has referred to a promise which has not been fulfilled. Now, Sir, what was the promise ? If the Committee had made a specific recommendation for the repeal of this Act, if the Government of India had specifically approved and endorsed that recommendation and announced their intention to act upon it, that would have been a promise, and any failure to carry it out would have been a breach of promise. The facts, as I have already explained at great length to the House, are contrary. The Committee did express the hope of certain of its members in a line and a half, that it would be possible to repeal this Act. But in several passages in the course of its Report, and more particularly in what I called the crucial and concluding sentences, their express and definite recommendation was that that Act should not then be repealed. Yet in spite of all that, in spite of the care and detail I took to inform the House of what the recommendations of the Committee actually were, the Honourable and learned gentleman still says the Committee recommended the repeal of the Act and the Government, by not having repealed it, has been guilty of a breach of faith. If the Honourable and learned gentleman is compelled to rely upon arguments of that kind in substantiation of his case, I submit he ought not to convince a reasonable House.

Now, Sir, I go on to another point. I suggest—in fact, I venture to assert—that the Honourable and learned gentleman has not only misrepresented the attitude and recommendations of the Committee and the attitude of Government on those points ; he has, as a matter of fact, misrepresented the Act itself. I hope that Honourable gentlemen who are in possession of a correct copy of the Act will look at it. The Honourable Member said the Local Governments do nothing except issue a declaration that a particular association is unlawful.

Sir Hari Singh Gour : That is not a correct statement. I never said the Local Governments do nothing. I said under that law the Government have the power of declaring an association unlawful though they may not give the accused a chance to show cause against it.

The Honourable Mr. J. Crerar : Then I take it the Honourable Member is once more raising a merely theoretical objection to the Act which he is incapable of supporting by any practical instances. He went on to say that the courts of justice as a matter of fact have no power in the matter at all, that once a decree of proscription has been issued by the Local Government, all that is open to the judicial courts to do is to endorse their decree and to inflict the penalty. Now, Sir, is that actually the case ? It is perfectly true that the Local Government are given an executive discretion by section 16, but the section very clearly lays upon them the obligation and necessity of coming on reasonable grounds to the conclusion that such an association is an

[Mr. J. Crerar.]

association within the terms of that section. That is sufficient to constitute the association unlawful ; but in order that a conviction may be obtained under the Act it is necessary to prove that the accused person was a member of such an association, and the other ingredients of clause (*1*) or clause (*2*) of section 17. On those points the Courts have got an absolute discretion. And moreover they have an absolute discretion with regard to the penalty they can inflict. It may be presumed that when this Act was in active operation unless the courts had some good reason for believing that these activities of the persons before them were of a dangerous character they would not inflict a very serious penalty. But in truth the operation of the Act had not much to do with prosecutions at all. As I have already pointed out, its use was almost entirely preventive and its use in performing that function of prevention was extremely efficacious.

Now, Sir, I pass on to another point on which I strongly based my case and which the Honourable and learned gentleman, with somewhat less than his usual agility, has attempted to evade. I said it ought to be possible for him, if he really had a good case, to show at least one instance in which there had been some notorious abuse of the powers conferred by this Act. What did the Honourable Member reply ? He did not instance any such cases.

Lala Lajpat Rai : There are many such instances.

The Honourable Mr. J. Crerar : " How could I instance such cases," he said ; " the discretion granted to the courts is so nugatory, so absurd, that it would be quite impossible for me to instance such cases."

That is to say, his argument was that he could not instance a case or abuse unless he had a judicial decision to that effect. Now, Sir, I submit that if there had been any numerous cases of abuse or even a single case of notorious abuse, what would be the effect ? What would be the effect if a certain association were to be declared very unreasonably and very improperly by a Local Government to be unlawful ? Would not the fact be well known without any judicial decision ?

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Take the case of the Congress Committees.

Lala Lajpat Rai : Or the Volunteer Associations.

The Honourable Mr. J. Crerar : I was replying to the Honourable gentleman's argument, when he said he could instance no such case unless he had a judicial decision before him. I claim, therefore, that on that point he has entirely failed to meet my case.

Then, Sir, there is a second part of my case which was conspicuously absent from my Honourable and learned friend's original case but which occupied a conspicuous part in my case, and that also has not been dealt with by him effectively. I referred to the justification, which the year or two immediately following the signature of the Report, gave to the apprehensions of the Committee of which the Honourable Member was a member. I recited at some length the disastrous and catastrophic occurrences in Malabar and elsewhere.....

Lala Lajpat Rai : This Act had nothing to do with these events.

The Honourable Mr. J. Crerar : I think I explained sufficiently the reasons why occurrences of that nature could reasonably be brought into the case which I made against the repeal of the amendment which the Honourable Member proposes to repeal. I recited cases which I should have thought would have been sufficiently convincing, but to which the Honourable and learned gentleman referred, I think, in a tone hardly adequate to the importance and gravity of the occasion or to the circumstances to which he was referring. He spoke, I think, of some quarrel in which a woman was cracked on the head. Sir, the Honourable and learned gentleman is notoriously interested in measures for the protection of women and children, and I should think that his instance of a woman being cracked on the head was not an extremely happy one. However, I do not propose to pursue that. My point is that the Honourable Member knows perfectly well that that part of my case was an important part of the case, a case which, whether you agreed with it or not, was one to be dealt with seriously, one which required a serious and considered reply. The Honourable gentleman has found himself unable to give it. Now, Sir, I have no doubt he congratulated himself on having in advance provided himself with a useful side issue—he dealt at some length with the question of *habeas corpus*. I do not myself propose to deal with it—for the reasons which I have already given. We have already a grave and specific issue before the House in the question of the proposal to repeal the seccond part of the Criminal Law Amendment Act. To deal with a matter which really has, as I have already said, no direct nexus with the considerations which arise on the repeal of the second part of the Criminal Law Amendment Act is really to divert the issue which ought to be the issue before the House. I therefore do not propose to deal with it.

Lastly, I will only say this. He first of all referred in tones of some indignation to the fact that he had not been provided with an accurate copy of the Act, and he said it was the duty of the Legislative Department to come to his assistance. But really I must point out that in February of this year the Honourable and learned Member received the most express notice from these benches of the inaccuracy into which he had fallen.

Sir Hari Singh Gour : Sir, I immediately pointed out that the official draftsman might oblige me by correcting the copy and giving it over to me for that purpose.

The Honourable Mr. J. Crerar : My point, Sir, is this that the Honourable Member had copies several months ago. It is not merely a question of a defect in the drafting but it is a serious defect in the frame and structure of his Bill, which as I have already said caused very grave embarrassment. But the Honourable Member has taken no steps to correct it, which he could quite well have done, and he is now, among other things, inviting this House to confer upon High Courts a power which they could not conceivably exercise. On the Honourable and learned gentleman's own doctrine as to the care which should be exercised in legislation, which I have already quoted to the House, I submit that he is not justified in asking the House to pass his Bill.

Sir, I oppose the motion.

Pandat Madan Mohan Malaviya : Sir, may I submit a point of order for your consideration ? In view of what the Honourable the Home Member has said regarding the two points being taken up together, is it open to us to request you, Sir, to put the two propositions separately, and is it open to this part of the House to ask the Honourable the Home Member, as he had notice of this matter this morning, to express the view of Government as to whether they are in favour of accepting the provision of the proposed *habeas corpus* or not ?

Mr. President : The question is :

"That the Bill to repeal and amend certain provisions of the Indian Criminal Law Amendment Act, 1908, and the Code of Criminal Procedure, 1898, be taken into consideration."

The Assembly divided :

AYES—54.

Abdoola Haroon, Haji.
Abdul Matin Chaudhury, Maulvi.
Abdullah Haji Kasim, Khan Bahadur Haji.
Ahmed, Mr. K.
Aiyangar, Mr. C. Duraiswamy.
Aney, Mr. M. S.
Ayyangar, Mr. M. S. Sesha.
Belvi, Mr. D. V.
Chaman Lall, Diwan.
Chetty, Mr. R. K. Shanmukham.
Dakhan, Mr. W. M. P. Ghulam Kadir Khan.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Ghazanfar Ali Khan, Raja.
Goswami, Mr. T. C.
Gour, Sir Hari Singh.
Haji, Mr. Sarabhai Nemchand.
Ismail Khan, Mr.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jayakar, Mr. M. R.
Jinnah, Mr. M. A.
Jogiah, Mr. Varagiri Venkata.
Joshi, Mr. N. M.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath.
Lahiri Chaudhury, Mr. Dhirendra Kanta
Lajpat Rai, Lala.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Mitra, Mr. Satyendra Chandra.
Moonjee, Dr. B. S.
Mukhtar Singh, Mr.
Naidu, Mr. B. P.
Neogy, Mr. K. C.
Pandya, Mr. Vidya Sagar.
Phookun, Srijut Tarun Ram.
Rang Behari Lal, Lala.
Roy, Mr. Bhabendra Chandra.
Sarda, Rai Sahib Harbilas.
Shafee, Maulvi Mohammad.
Shervani, Mr. T. A. K.
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Mr. Ganganand.
Sinha, Mr. R. P.
Sinha, Mr. Siddheswar.
Tok Kyi, U.
Yakub, Maulvi Muhammad.

NOES—41.

Abdul Qaiyum, Nawab Sir Sahibzada.	Irving, Mr. Miles.
Ahmad, Khan Bahadur Nasir-ud-din.	Jowahir Singh, Sardar Bahadur Sardar.
Alexander, Mr. William.	Kabul Singh Bahadur, Captain.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.	Keane, Mr. M.
	Kirk, Mr. R. T. F.
Ayangar, Mr. V. K. Aravamudha.	Lamb, Mr. W. S.
Ayyangar, Rao Bahadur Narasimha Gopalaswami.	Mitra, The Honourable Sir Bhupendra Nath.
Bajpai, Mr. G. S.	Moore, Mr. Arthur.
Blackett, The Honourable Sir Basil.	Muhammad Nawaz Khan, Lieut. Sardar.
Bray, Sir Denys.	Mukherjee, Mr. S. C.
Coatman, Mr. J.	Parsons, Mr. A. A. L.
Cocke, Mr. H. G.	Rainy, The Honourable Sir George.
Cosgrave, Mr. W. A.	Rajah, Rao Bahadur M. C.
Courtenay, Mr. R. H.	Roy, Mr. K. C.
Crerar, The Honourable Mr. J.	Sams, Mr. H. A.
Crofton, Mr. R. M.	Sassoon, Sir Victor.
Dalal, Mr. A. R.	Singh, Rai Bahadur S. N.
Dalal, Sardar Sir Bomanji.	Tonkinson, Mr. H.
Donovan, Mr. J. T.	Wright, Mr. W. T. M.
Dunnett, Mr. J. M.	Yamin Khan, Mr. Muhammad.
Haigh, Mr. P. B.	Young, Mr. G. M.

The motion was adopted.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. President : The House will now proceed to consider Sir Hari Singh Gour's Bill, clause by clause. The question is :

"That clause 2 do stand part of the Bill."

Mr. W. A. Cosgrave (Assam : Nominated Official) : Sir, I oppose this motion on several grounds. In the first place I would like to point out that this clause is a vital clause in the Bill. If this clause is carried, the Act as it stands at present will be eviscerated, as the Honourable the Home Member has said. This clause 2 reads as follows :

"Sub-clause (*b*) of clause (*2*) of section 15 of the Indian Criminal Law Amendment Act, 1908, (hereinafter referred to as the said Act) is hereby repealed."

In other words section 15 of Act XIV of 1908 will be shorn of its important sub-clause (*b*) which reads :

"has been declared to be unlawful by the Local Government under the powers hereby conferred".

[Mr. W. A. Cosgrave.]

Sir, the Honourable Mover has not been able to adduce any evidence whatever as to the abuse of this Act, although he was challenged to do so, and with all difference to him as one of the recognised legal authorities in India, if not in the world, I feel bound to state that he has somewhat misrepresented the procedure under this Act. The Honourable Member has spoken as if this Act proclaimed individuals. The real point is that it only proclaims associations, and under section 17 of the Act it is incumbent on the Crown or the prosecuting officer to prove that the accused person is a member of the association which has been declared to be an unlawful association. I think, Sir, many of us who have read Sir Hari Singh Gour's Bills with interest and pleasure were somewhat surprised at his talking about the executive dragging up people before the High Court which was only to be treated as a hangman. I am surprised at Sir Hari Singh Gour's speaking in this tone of levity about the High Court. I have tried several cases under this Act and I know that it is incumbent on the Crown to prove that a person is a member of an unlawful association and that also there is an appeal at the present time under section 17 in the ordinary way. The High Court is of course the second court of appeal. Well, another reason for opposing this motion which as I have already said cuts at the body of the present Act is that the Honourable the Home Member has given in my humble opinion most cogent reasons for retaining this Act on the Statute-book. He is in possession of information which is not at the disposal of an ordinary back-bencher like myself. He has told us on how many occasions, in all the cases which have arisen from Peshawar to Tuticorin, this Act has been used with advantage, and I think that Sir Hari Singh Gour is not doing a service to his country if he does anything to take away the strength of the Central Government in maintaining peace and order.

Sir, much has been said this morning about the Report of the Repressive Laws Committee. Well, the Honourable the Home Member has read certain paragraphs. The Honourable the Mover has also read certain paragraphs. I would also like to quote one or two lines from this Report to which my friend Sir Hari Singh Gour has appended his signature. I mention this fact, because Sir Hari Singh Gour has laid stress on the fact that he is the only member of the Repressive Laws Committee still sitting in this House. Now, Sir, what do I read? I see that Sir Hari Singh Gour put his signature to this Report which says :

"We recognise our responsibility in the maintenance of peace and order. We believe that the executive will use any exceptional powers with the utmost caution and discretion."

Sir, the Honourable the Home Member has mentioned a press communiqué showing that even in other parts of the Empire legislation of what is known as a repressive nature is considered necessary. Well, Sir, I would not bring this in again except to say that I spent part of my last leave in that part of the Empire. I have listened to debates in the Dail, I have spoken to people, I have been introduced to people who have a reputation for being champions of liberty like the Honourable gentlemen opposite, such as my friend Lala Lajpat Rai, and yet I say this, that when they have got to rule a country containing less than

four millions of people they consider it necessary to have a special Bill to proscribe unlawful associations. I have seen the press communiqué, and I cannot see anything in it that would seem to show that that Bill is only of a temporary nature. That point was raised, I think, by my Honourable friend Sir Hari Singh Gour. I mention this point to emphasise the fact that, however much a man may be in favour of liberty, as an ideal, when he is on the opposition Benches, when he gets into power, he sometimes has to undertake legislation which he would not have liked in previous years. Sir, I would only repeat my argument that this section cuts at the root of the whole of the present Act, and therefore, in the interests of peace and order for which Sir Hari Singh Gour took responsibility in 1921, I beg to oppose the motion.

Lala Lajpat Rai : Sir, the first speech of the Honourable the Home Member had raised expectations in my mind that he was going to be generous in dealing with the merits of the case and that he would not rely at all on the technical defects of the Bill before us. I am sorry to say that those expectations were not realised later on. After having said that he was not going to rely on the technicalities, time and again, he referred to the defects in the drafting of the Bill. It was not necessary to do so if he wanted to confine himself to the merits of the case. I am perfectly at one with him in holding that the drafting of the Bill is not perfect—it is defective—and I also plead guilty to the charge that the interval between the first debate and now has not been properly used to remove the defects of drafting. But all the same, it must be remembered that Members on this side of the House have not got at their disposal the services of a highly paid Legislative Department which is paid from the public exchequer for the purpose of drafting Bills and correcting these mistakes of drafting. In this respect, I should have expected a generous treatment from the Government side. I should have expected that if they saw palpable defects in the drafting of this Bill, they would have suggested the amendments themselves. The arguments on the merits, of course, stand aside. The Government have every right to oppose the Bill on the merits as they have done, and as they might always do—that is a different thing—but to base arguments on defects in the drafting of the Bill, and not to suggest amendments to put the drafting right, does not show a very generous and statesmanlike attitude on the part of a Government which of course, though we do not admit it to be national, claims to be national. So I submit that the complaint on the part of the Honourable the Home Member was not quite consistent with the spirit of the opening sentence of his remarks. Secondly, Sir, it must not be overlooked that the Honourable Sir Hari Singh Gour is not the only person who is interested in this Bill, as the Honourable the Home Member seemed to think when he was giving his final reply. I will readily admit that Sir Hari Singh Gour has been well punished for having at all appended his signature to that Report which deferred the repeal of this Act at the time when it was under the consideration of the Repressive Laws Committee : This was a measure which was obnoxious and vicious in principle, and he should not have agreed to the deferring of the repeal of the Act under any circumstances. and if he finds now that the fact that he agreed to have the repeal of this Act deferred is thrust at him, by Benches opposite, he has only himself to thank for it. Therefore, I have no sympathy with him on that account ; I want to proceed entirely on the merits of the legislative measure before us, and

[Lala Lajpat Rai.]

am prepared to say that the whole of this measure was conceived in a wrong spirit, carried out in a wrong spirit, and is being maintained on the Statute-book in a wrong spirit. It cannot be justified on any possible grounds. Sir, taking the Act as it is, it is admitted that it was an exceptional measure, meant for exceptional times and extraordinary conditions. If the issue is narrowed down to this that having been enacted in a time of supposed disorder, confined to one province—I do not admit that it was justified even then—but assuming that it was...

Mr. President : I do not desire to interrupt the Honourable Member, but would it not be better if he reserved his general observations for the last stage of the Bill ? We are now dealing with clause 2 only.

Lala Lajpat Rai : I think, Sir, it will be more convenient for me and save time to place the whole of my argument about this Act before the House.

Mr. President : The Chair has merely made a suggestion which the Honourable Member need not accept if he does not wish to.

Lala Lajpat Rai : I have no objection to defer to the ruling or advice of the Chair, but I find that the speakers on the other side have been attacking the whole Bill all the time.

Mr. President : There was only one speech so far.

Lala Lajpat Rai : Sir, the position which the other side has taken is that it is necessary to retain this Act on the Statute-book.

Mr. President : The Chair has absolutely no objection to the Honourable Members making general observations at this stage, but on the distinct understanding that, when the final stage is reached, Honourable Members will not be allowed to make long speeches.

Lala Lajpat Rai : I do not propose, Sir, to make a second speech. So, with the permission of the Honourable the President, I might go on and finish what I have to say.

Mr. President : Lala Lajpat Rai.

Lala Lajpat Rai : I was saying, Sir, that under any circumstances it was admitted that this was an exceptional measure meant for exceptional times and extraordinary conditions. We are not enacting a new measure. We are just proposing to repeal a measure which is already on the Statute-book but which, I said, was admitted to have been enacted in special circumstances for extraordinary conditions. The issue then is whether it is desirable to retain this measure any longer or for all time to come on the Statute-book. That is practically the issue. Now, Sir, I know that the Governments generally are very fond of taking extraordinary powers and they never part with powers that they have once taken unless they are compelled to do so. Sir, I am not at all surprised at the attitude of the Honourable Members on the other side that they do not want to part with the powers that they have taken under this Act. Their anxiety for the liberties of the subject seems to be too superficial to be taken seriously. They do not care for the liberties of the subject as long as they can keep their hold tight on them by executive measures. No one objects to their exercise of their powers for maintaining peace or for checking disorders, or for doing anything which is permissible to them

to protect law and order, under the ordinary laws of the country. Exception is being taken to this exceptional measure being retained on the Statute-book as if it was an ordinary law of the land. We have to see whether any such exceptional measure is needed in the present circumstances to be retained on the Statute-book for the purpose for which it might have been needed at any particular time in the past. That is the real point, Sir. I might say that to my mind the whole of this measure beginning from the Preamble was a grave violation of the liberties of the subject and (subject to correction), I have been unable to find any parallel in the history of any country for such wide and general powers being given to the executive at any time. In order to satisfy myself on this point, I have just consulted the Coalition Acts of Ireland which were passed by the British Imperial Government in those times when there were disorders in Ireland, probably about the time when the Phoenix Park murders took place. There also I find that they were very careful to specify the particular circumstances which had necessitated such a legislation in the Act itself (in the Preamble), and did not use such general terms as have been used in this Act. The Preamble of this Act says that one of the objects of the law is " the prohibition of associations dangerous to the public peace." Such a phrase is very extensive and very drastic : it can cover anything. Looking at the general lines of progress, everything turns on public peace. Any progressive movement may be considered by the powers that be as dangerous to public peace. Ordinarily they do not need special measures of this kind to protect public peace. They have ample powers under the general criminal laws of the country to maintain public peace and order without resorting to special legislation, unless special circumstances justify such legislation. Are we to suppose that these special circumstances exist in the country at the present time ? I submit, they do not. Is this law going to be a permanent feature of the law of the country ? Are the powers that were given to the executive for exceptional circumstances going to be maintained for ever ? I submit they should not.

The case on the merits which has been argued by the Honourable the Home Member is so extraordinarily weak that I do not think many arguments are needed to demolish it. I will divide his arguments into two parts. He has given you certain cases of disorder in the Presidencies of Madras and Bombay. He has said that he himself was connected with the Presidency of Bombay and he has also stated that in those Presidencies no need or occasion arose to apply the law or at least the Local Governments did not apply it in these Presidencies. Is not that conclusive evidence to the effect that the Government can carry on its administration and check such disorders and punish the people concerned in such disorders without the help of this special law ?

The Honourable Mr. J. Crerar : I rise to a point of personal explanation, Sir. I think I pointed out quite clearly that so far at any rate as Madras was concerned, the condition of affairs that arose was so extensive and so dangerous that so limited and restricted a measure as the second part of the Criminal Law Amendment Act could not have been effective ; I never contended for a moment that circumstances had not arisen which, if they had been less extensive and less dangerous, might not have been effectively dealt with by this Act.

Lala Lajpat Rai : I am not concerned at all with the opinions of the Honourable the Home Member as to the circumstances that existed. I am merely concerned with the fact that the law was not extended, and was not applied, to those Presidencies. That is the outstanding fact on which I rely and we know that the Government of the Bombay Presidency was given credit at that time that they practically suppressed the non-co-operation movement or at least they professed to have suppressed it, without the help of this law. They punished all disorders without having recourse to these repressive laws, *i.e.*, without the extension of the Seditious Meetings Act or the Criminal Law Amendment Act. Credit was taken by that Government and that credit was extensively given to the then Governor of the Bombay Presidency, for this, though in those Presidencies, the non-co-operation movement was not a bit less strong than in Northern India. The disorders that are being relied upon in support of the contention that this law ought to be retained on the Statute-book were not very many. Instances of such disorders in the south and the west were in no way less than those which took place in the Northern parts of India. But still the Governors of those Presidencies did not consider it at all necessary for the preservation of the public peace and for the maintenance of law and order to extend the provisions of this law to their parts of the country. I submit this is conclusive evidence of the fact that the Government has ample powers in the ordinary criminal law of the country to punish all breaches of the peace and all breaches of order without having recourse to this extraordinary law and also to prevent disorder. That argument, instead of helping the Honourable the Home Member in opposing this Bill, practically demolishes the whole of his case. The fact is that when Governments become nervous and panicky, they do not want to have recourse to the ordinary provisions of the law and to the ordinary Criminal Procedure Code. They want executive summary powers to declare so and so, so that the presumptive evidence will be in their favour. That is what has been given to them under this Act. What was done in Northern India ? This Act was originally enacted to suppress the alleged secret societies in Bengal, but when the non-co-operation movement came on and became strong in Northern India with an open volunteer movement, with its avowed legal objects, it was used to suppress it. Of course, all movements are liable to be abused and occasionally there is bound to be some violation of the original objects. People are liable to exceed their legitimate purposes and be carried away by their enthusiasm, but the ordinary law of the land ought to be sufficient for that purpose. But Governments are not satisfied with that ; they do not want to adopt the ordinary course of proving their cases. They want a provision to declare by an executive order in the exercise of a summary secret power, like the one given by Regulation III of 1818, that such and such association is illegal, unlawful, and therefore it ought to be suppressed and persons who are members of that association ought to be punished. I submit there can be absolutely no justification for such a position. I submit that there was no justification whatsoever for declaring that the Volunteers movement of the Congress was an unlawful association at all, even assuming for the sake of argument that there were here and there such disorders and such breaches of the peace as might have been punishable under the ordinary criminal law of the land. The very fact that the Congress Volunteers Association was declared an unlawful association and that

people were punished under the provisions of this special law establishes a clear and flagrant case of the abuse of the powers given under this Act and no more instances are required to prove that the power should not be retained by the executive any longer.

I submit, Sir, that one of the complaints made by my Honourable friend Sir Hari Singh Gour was that he was not supplied with a correct copy of the Act on which this Bill is based. In that connection, just by way of a remark, I wish to say that we on this side of the House are in a very unfortunate position. We cannot be expected to bring all our library and up-to-date corrected copies of all Acts with us every time we come to the Assembly. We have to depend upon the library which is provided for the Legislative Assembly, and if in that Legislative Assembly Library, Government does not care to keep corrected copies and up-to-date amended copies of Acts, I submit the Government are to blame and not ourselves. It is very easy for the Government Members to get up and say to our face : " Oh, this is not based on a corrected copy of the Act ". Here, I want to remind Honourable Members that this complaint was made by us even in the last Session, when the Steel Industry (Protection) Bill was introduced, that correct copies of Acts were not available in the Library for the use of Honourable Members f the House Complaints were also made that no adequate literature was available in the Library so that Members could consult it. Nothing has been done till now to improve the state of the Library. All the copies that are available in the Library are those which are said to be unamended and uncorrected. Yet when we use the copies supplied to us by the Library, the fact of the copy on which we rely being incorrect is thrown at us and used as an argument against our case We cannot carry the whole law in our brains. When we are supplied with such uncorrected copies, I submit, Sir, it is the Government that is to be blamed and not we. I hope the Government will take care and keep the Library up-to-date so that we can be supplied with corrected and amended copies of all Acts when required.

But, Sir, I think the amendment pointed out by the Honourable the Home Member has made the case worse so far as open associations are concerned. The original Act gave power only to the Governor General in Council, but the amended Act gives that power to the Local Governments. So that the slight check which the Governor General in Council might have exercised over Local Governments and in this connection the little care and caution which the Government of India might have exercised in applying the provisions of the Act, have also been impossible under the so-called amended Act, as it stands now. Any Local Government can take it into its head to apply the provisions of this Act and declare *any* association unlawful.

The Honourable Mr. J. Crerar : Not *any* association.

Lala Lajpat Rai : Every Local Government, if it takes it into its head to suppress any association, may declare it unlawful, as they did in the case of the Congress Volunteers Associations on the ground that they considered it dangerous to public peace. My Honourable friend wanted us to give instances of the abuse of such powers by Local Governments. It may not be strictly relevant to this case, but I will give you

[Lala Rajpat Rai.]

an instance of the legal acumen and the legal understanding generally shown by Local Governments in applying this kind of laws to particular cases. The Punjab Government with all its legal machinery at its back declared the private meetings of the Provincial Congress Committee and the City Congress Committee of Lahore to be public meetings liable to be prohibited under the Seditious Meetings Act (Shame). Having proceeded to interpret the law in that high-handed fashion, they prosecuted four honourable citizens, got them convicted and sent to jail. Then the Government of India had to come to the rescue and order the release of those people who had been convicted under that law at the instance of the Punjab Government. I do not say that all Local Governments do that ; I do not believe that all do so. But here is one concrete instance of a Local Government with all its machinery going entirely wrong and abusing the powers given to it by the law and declaring private committee meetings of a public body which had not been declared unlawful liable to be prohibited under the Seditious Meetings Act. I see an honourable member representing that Local Government adorning the opposite benches and he might justify the action and the conduct of the legal machinery of that Local Government. Having perpetrated that wrong, that outrageous wrong, the Government has not up to this time apologised for that mistake by which they sent four respectable citizens of the province to jail. They had to rot in jail for seven weeks and then the Local Government without any apology whatsoever and without any excuse simply said : "the Governor General has held that this is a mistake and that this is a wrong conviction and we therefore release these people ". The conviction still hangs against their heads. I may also tell the Honourable the Home Member that it was not the virtuous and magic powers of this Act that caused the Volunteer movement, as he thinks perhaps, to collapse. We all went to jail, not because this Act existed, but because we did not want to defend ourselves. (Hear, hear.) We did not want to use the ordinary machinery of the law for the purpose of proving that we were innocent. It was not they who sent us to jail under the powers given under this Act. We voluntarily went to jail to vindicate what we considered to be our position. We might have been right, or we might have been wrong. But the Honourable the Home Member cannot take the credit of that result for this Bill, and say it helped the Government in maintaining law and order and restoring normal conditions.

Sir, the unlawful associations contemplated by this Act might be of two kinds—secret bodies or open associations. If they are secret bodies, and if they commit crimes of this nature—crimes of violence and intimidation—there is enough provision in the Indian Penal Code to punish them. We all know, and the Honourable the Home Member must know, that there is provision in the Indian Penal Code under which any member of an unlawful assembly can be proceeded against for the acts of other members done in pursuance of their common object and punished. If any member is proved guilty of violence or intimidation, surely all the members who took part in it in pursuance of that common object can be punished. Where is then the necessity for providing a special Act or to keep section 15 (*b*) on the Statute book ?

3 P.M.

The justification for such a law that was given at the time the Bill was passed was that Bengal was then in a condition of anarchy and the Government could not bring the offenders to punishment by the ordinary processes of law. According to their own statement, that necessity having ceased to exist or having been provided by still more drastic laws, such as the Bengal Ordinance and Regulation III of 1818, this Act has become useless and has no *liason detre* to remain on the Statute-book. It is merely irritating and annoying, and the Government ought to have come forward itself to repeal this Act and to show that they do not intend to maintain these powers, which were taken for exceptional purposes, for all time to come. I submit that their not having come forward in this way shows that they are not prepared to allow the progress of the country to proceed on normal lines, that they must continue to irritate and annoy people who have the progress of the country at heart and who do not want to make a fetish of peace. Peace is a very good thing in itself, but sometimes in order to make progress peace has to be disturbed, and there are the ordinary laws of the country to meet such a situation. Every Government must maintain peace ; that is perfectly justifiable ; and we have laws for that purpose Special laws are only needed on special occasions and at particular times. Therefore, I consider that every non-official Indian who consents to the general application and unlimited duration of such laws is practically guilty of being an enemy of the progress of his own country—when he consents to the continuance of such laws or when he signs a report like that of the Repressive Laws Committee. I think this is nothing but a slur on our good sense and not only a slur but a handicap to progress to let a Local Government say : " Such and such an association or body of people are very annoying, they are very inconvenient, they cause trouble " and thereupon let us declare them an unlawful association. Of course it is said on the other side, that the Heads of Local Governments or the Members of the Executive Councils are not going to be so unreasonable as that ; but we know what " reasonable " and " unreasonable " mean. The words reasonable and unreasonable practically have no meaning in the dictionary of Governments and much less so in the dictionary of foreign Governments. It is the exigencies of the times that practically determine the reasonableness or unreasonableness of an action. If a Government thinks that the maintenance of their prestige demands the exercise of such extraordinary power, they feel no hesitation in doing so. When they take that power and exercise that power, how can they talk of being reasonable or unreasonable ? Those words do not exist in their dictionary, or have a different meaning. If a law can provide for the prohibition of all institutions and societies that may tend even remotely to disturb the public peace then good-bye to all progress. If that were the correct view then all sorts of political associations and bodies in England, in France, must be declared to be unlawful by executive orders of the Governments. My friends talk of other parts of the Empire. But who can compare the case of Ireland with that of India ? Is there any comparison, I ask, between the two countries ? Absolutely none. My friend over there is laughing. He is an Irishman who is very proud of the stand made by his people in getting Home Rule for Ireland. I congratulate him in taking that pride, but is there absolutely any comparison between the present condition of Ireland

[Lala Lajpat Rai.]

and this country ? I admit that Governments do sometimes need special provisions of law ; and if the Cosgrave Government wants to maintain its power by passing certain laws, is that any justification why in a country like this of 300 million people where sometimes and very occasionally disorder occurs, you should say that you are never going to let us alone except by the propagation and maintenance of these laws ? I submit that is not honourable nor reasonable. Hit at us straight. There is the ordinary law. If we are guilty of any violence, if we are guilty of any intimidation, try us in the ordinary courts of justice and punish us if you will ; we have no cause to complain. If we defy your laws we shall deserve punishment. But do not take this back-handed power to declare associations unlawful, to declare people guilty in your secret chambers and convict them upon no evidence but by the fact of the association to which they belong having been declared unlawful by the Governor General in Council or by the Local Government.

By that I submit you are pursuing what I would call a cowardly process which no respectable and civilised Government ought to pursue. We warn you, therefore, in your own interests ; we want you to show yourself a brave Government, a civilised Government, depending upon the ordinary laws of the country and not on exceptional legislation of this kind to maintain peace and public order in this country. If you really cannot maintain peace and public order under the ordinary laws of the land, then you condemn yourself ; you condemn yourself very severely of your own incapacity and your unfitness to govern. This Act is not needed. Why should you need these executive powers to declare associations unlawful and to declare committee meetings of public bodies to be seditious ? In the case of secret societies such as you allege to have found in the Kakori case and the Bolshevik trial at Cawnpore, you cannot reach them except by the ordinary laws of the land. Did you at all use this Act in order to trace the Kakori dacoity or to prevent the spread of communist feeling or communist propaganda in this country ? You cannot touch them in that way. You can only touch them under the ordinary laws of the land. You have not yet declared any associations unlawful under that heading. What is the use then of bringing forward an argument based on such cases ? You only use the powers under this Act in the case of open bodies like the Congress Volunteers and you make improper use of this Act to declare such a high-minded association to be unlawful and to punish its members simply on presumptions and assumptions without giving the necessary proof in the court of law against them. I submit that is unworthy of a civilised Government. There is absolutely no need at the present moment—you yourself admit it—for such a law. The Under-Secretary of State says that the political situation in India has vastly improved, that the non-co-operation movement is dead and there is absolutely no resistance to your authority. These occasional outbursts, like the Kakori case or the Bolshevik trial at Cawnpore, do they justify your keeping this law ? If on your own admission the country is at the present moment in a normal condition and the political situation has vastly improved as the Secretary of State says, where then is the necessity for your opposing the repeal of this Act ? You should have generously come forward and said : " Yes, the political situation has

completely improved ; there is absolutely no need of any repressive laws at the present moment, and we shall readily agree to the repeal of this Act." But your opposition shows one of two things : either those statements are false, absolutely false, and the political situation has not improved, or it has really improved ; (though I think from our point of view it has deteriorated, not improved) but from your point of view it has improved and we are at the present moment considering your point of view. Well, if it has really improved and if you really boast of having improved it by your administrative measures, by your diplomacy and your policy, then why oppose the repeal of this Act ? Why do you not generously come forward and say : " We do not require this exceptional legislation now ; you have become good boys." Well, either we are good or we are bad. If we are good boys or have become good boys, then this Act is no longer needed. If we are still bad boys, then you are not right in saying that we have become good boys and have turned over a new leaf. One of these two statements must be wrong. I submit the Government are not properly advised in opposing the passing of this measure. In all countries which are progressive, where there is life, there will be occasional outbursts of disorder, there will be occasionally cases like the Kakori case, there will be occasionally cases like the Bolshevik trial at Cawnpore ; you cannot keep this kind of law for those occasional cases. If there is a widespread secret agency that is undermining the peace and progress of the country, then you may be justified in providing special legislation. But when you yourself admit that there is no widespread conspiracy—perhaps you may try to make out an exception in the case of Bengal—I do not know of any reason why you should still insist on having this law.

Mr. President : The Honourable Member is perfectly within his rights in speaking at this great length ; but I understand Honourable Members are very anxious to get through all the stages of this Bill to-day and they should not find fault with the Chair or with the Government if they are disappointed.

Lala Lajpat Rai : I am not going to prolong this argument ; but, Sir, you will pardon my saying that after the rhetorical speech of the Honourable the Home Member it was necessary to point out the flaws in his argument.....

Mr. President : Which is the more important from the Honourable Member's point of view ?

Lala Lajpat Rai : Under these circumstances, I appeal to this House that they should unanimously vote for the passing of this Bill. If there are any defects in the drafting of the Bill, I think those defects can be remedied by agreeing to verbal alterations in the Bill. I quite agree with the other side that the real vital part of the Bill is clause (*b*) of section 15. It is that we are attacking and it is that we want to get rid of.

The Honourable Mr. J. Crerar : Sir, I do not propose to follow the Honourable Member who has just resumed his seat after a very eloquent speech in the whole course of his argument, firstly, because I have already delivered my own case on the general merits and I do not wish to be guilty of vain repetitions, and secondly, because I frankly do not hope, expect or intend to compete with the Honourable Member in eloquence. I have, however, something to say on the question of his reasoning.

[Mr. J. Crerar.]

The Honourable gentleman complained that I had spoken of disturbances which arose in Madras and in Bombay and he contended that because those disturbances had not been brought under the application of this Act, that was a conclusive case against the merits of the Act. Now, Sir, I think I have already explained why I adduced those two cases. They were neither, I submit, irrelevant nor were they without cogency with regard to the general lines of my case. I will not, however, go over that ground. The particular point I wish to make in regard to the Honourable Member's speech is this. I have repeatedly challenged Honourable gentlemen on the other side of the House to adduce instances of any conspicuous abuse of the powers under this Act. Now, Sir, what did the Honourable gentleman reply ? He adduced no instance whatsoever of the abuse of the second part of the Criminal Law Amendment Act, but he made one allegation of an abuse of the Seditious Meetings Act. Now, it appears to me that the argument is this : the Honourable gentleman adduced an instance of what he alleged was an instance of the abuse of the Seditious Meetings Act. Now that is a totally different Act.

An Honourable Member : This was also abuse.

The Honourable Mr. J. Crerar : The Honourable gentleman will excuse me, but it is as if a person should be accused of, let us say, criminal breach of trust and the prosecution, being unable to adduce a scintilla of evidence on that charge, adduced evidence alleging that on some other occasion he was guilty of, say, criminal trespass and on that plea he proposes that the accused person should be convicted of criminal breach of trust. That, Sir, so far as I understand, is the argument, and if that, Sir, is the kind of argument that is to be adduced against this Act as a whole or in favour of this particular clause, then I say it is an extremely faulty argument and the cause which it supports is not one to which the House ought to lend its support.

Mr. Muhammad Yamin Khan (United Provinces : Nominated Non-official) : Sir, I sympathise and I have got every sympathy with the Mover in his political aspirations on the grounds of which he has introduced his Bill. (*An Honourable Member*: "Many thanks.") All of us who live in India can share the sentiments of the Honourable the Mover of the present Bill. Nobody who is connected with the legal profession can in any way think it advisable that recourse should be had often to special laws or that special laws of that nature which give very extraordinary powers or are ambiguously worded should remain on the Statute-book for long. But here we are faced with one problem only. We are not to deal with the sentiments, we are not concerned with what ought to have been done or what should be done, but here we are faced only with one question—what the Bill is, whether it is desirable to pass clause 2 of the present Bill or not.

We have to judge it only on legal grounds. To my mind, Sir, if clause 2 of the Bill is passed, it will amend the existing law in such a way as to make it more ambiguous than it is at present. It will not remedy the disease which the Honourable Mover desires to cure. What will be the effect of passing clause 2 of the Bill ? It will only take away one of the definitions from clause 15 of the Criminal Law Amendment

Act, and the definition of an " unlawful association " in clause (*a*) will remain as it is. An " unlawful association " has been defined in clause (*b*) as follows :

" which has been declared to be unlawful by the Local Government under the powers hereby conferred."

If this definition is removed but section 16 of the Criminal Law Amendment Act is allowed to remain on the Statute book, the effect will be that an " unlawful association " will be defined in two ways, one as it is defined in clause (*a*) which reads as follows :

" which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts."

or—because the word " or " is not sought to be repealed—as defined in section 16 which says :

" If the Local Government is of opinion that any association interferes or has for its object the interference with the administration of the law or with the maintenance of law and order or that it constitutes a danger to the public peace, the Local Government may, by notification in the official Gazette, declare such association to be unlawful."

This means, Sir, that we will have two definitions of " unlawful associations " still in the same Act, namely, as defined in section 15 (*2*) (*a*) and as defined in section 16. Repealing the definition in 15 (*2*) (*b*), which has to be read with section 16, has got no sense to my mind unless section 16 is also repealed. If Government are of opinion that certain associations are unlawful and declare them as such, and prosecute them, what will be the effect ? Section 17 does not want that any association, which has been declared to be unlawful, should be proved to be such by any evidence. If Government finds that any person belongs to an association which has been declared to be unlawful under section 16, they can at once arrest him and put him on his trial. All that they have got to prove is only that the man belongs to such-and-such an association or is still connected with such-and-such an association, and that man can only plead whether he belongs to that association or not.

The effect of this Act will still remain the same even if this Bill be passed and sub-clause (*b*) of clause (*2*) of section 15 be removed. The Honourable and learned Member is so well known for his books on criminal law and is supposed to be an authority on criminal law so far as books are concerned, that I do not know how it escaped his attention that this Bill will only make it the more ambiguous. It will make the law more intricate and more ambiguous, and the Honourable Member did not care to remove the real thing which is so obvious that anybody who reads the Act will understand it. The grievances which the people could have, have been pointed out by the Honourable Lala Lajpat Rai who has made a long speech, but even he did not point out where the remedy lies. The only remedy which he should have suggested was not the removal of sub-clause (*b*) of clause (*2*) of section 15, but the amendment of the words " the Local Government is of opinion." These words make everything so ambiguous that even if sub-clause (*b*) of clause (*2*) of section 15 were cut out it would not make any difference. I do not see therefore any advisability of passing this Bill. Of course, we deplore that the Legislature in 1908 passed a Bill like this giving extensive powers which they never should have done to the executive by putting in the words " is of opinion ", and the Indian Members at that time did not care to think of this and put in a more suitable phrase. Even on the

[Mr. Muhammad Yamin Khan.]

last debate which took place about two years ago it was pointed out by me that the only remedy which they ought to have put forward was to replace these words by some more suitable words. By not doing so you still leave the same weapon in the hands of the Government and go about the thing in a roundabout manner. Though the Legislature in 1908 did not notice it, is it befitting that a Legislature of this kind, where it is adorned by men like Sir Hari Singh Gour, should pass a Bill which will require further amendment in future Legislatures ? We should have expected that experienced people as they are, they should have brought in a measure which will be good for a long time to come. But here we have a measure which speaks for itself. I am not going to beat about the bush by arguing whether the words are " Governor General in Council " or " Local Government ". This might be a defect in drafting the Bill, this might have been ignored by Sir Hari Singh Gour because he had a copy which contained the words " Governor General in Council ". But what about section 16 ? He read carefully section 16 and he still wants another clause to be added to section 16 as 16-A. But it does not remedy the matter at all. I am not going to comment on that section because we are dealing only with clause 2 at present. When the time comes, I will show that the addition of the new clause does not remedy matters at all. You will only leave an intricacy and the High Courts will be bothered and probably some of those who are in the legal profession may be benefited by an ambiguous provision like this, but the public as a whole will not benefit by it. On this legal ground I oppose the insertion of this clause. I have got several other grounds besides this. I will just give the Honourable Members of this House one instance. We hear the Honourable Dr. Gour say : " We gave a pledge to our constituencies. Here we are to please them ". But, Sir, we are here to see that our country does not get a law which might be more abused than the present law.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : What is your constituency ?

Mr. A. Rangaswami Iyengar : The Government.

Mr. Muhammad Yamin Khan : Is it not a fact that in 1921 the Congress did not want any violence ? It wanted everything to go on peacefully. Is it not a fact that most of the people who acted in the name of the Congress and the Khilafat committed violence ? Is it not a fact that those who disagreed with the Congress and the Khilafat were threatened, ridiculed and jeered at simply because they did not agree with the Congress and the Khilafat people ? I will give you the instance of Maulvi Abdul Ahad who died in Delhi and whose corpse was returned from the cemetery. It was only taken back after certain assurances were given by the descendants of the deceased that he shared the same views as the Khilafat people. Don't you think that certain measures are necessary to check people of that kind ? I do not refer to the real persons of the Congress and the Khilafat and the real followers of Mahatma Gandhi, but those who pretended to act in the name of those bodies. Is not a measure necessary to stop people from repeating those incidents, which took place only five or six years ago ? It may be a justification to say that no such thing is happening to-day. But law is not

made for a day or two. Unless some time elapses which justifies your saying that these things have stopped and there is no likelihood of those things being repeated, you cannot ask for the removal of this Act from the Statute-book. You ought to bring in an amendment to section 16 instead of removing a clause which says : " has been declared to be unlawful by the Government under the powers hereby conferred."

Now, to limit those powers ought to have been your remedy, and not to repeal this clause and sub-section and retain section 16. Now, Honourable gentlemen opposite on the Swarajist benches may say here that they did not share the views of the United Provinces Ministers at that time, but I might tell the Nationalists that they did share their views. I know personally that in 1921 the head of the Government in the United Provinces, Sir Harcourt Butler, was not willing to have recourse to this Act, but action was taken under this Act only with the full concurrence and full approval of people of very nationalistic views like the Maharaja Sahib of Mahmudabad, Mr. Chintamani and Pandit Jagat Narain, who then formed the majority in the Cabinet in the United Provinces, and all the cases under this Act were tried with the full concurrence and support of these Ministers who, as I said, then formed the majority in the Government. (*Cries of* ' No, no ' from the Swarajist Benches.)

Lala Lajpat Rai and **Pandit Madan Mohan Malaviya** : That statement is not correct.

Mr. Muhammad Yamin Khan : Nobody can deny it.

My friends Pandit Malaviya and Lala Lajpat Rai may cry " No " now, but these very gentlemen had several times accused the members of the Cabinet in the United Provinces for giving their concurrence to try cases under this Act.

Mr. M. S. Aney (Berar representative) : On a point of order, Sir. Is the Honourable gentleman in order in making a public statement here with regard to the proceedings which were of a confidential nature ? The Honourable Member evidently refers to the meetings of the Executive Council of the United Provinces Government.

Mr. Muhammad Yamin Khan : I make my statement from what appeared in the Press at that time, from the accusations that were levelled at the Ministers in the United Provinces at that time and the reticence which these gentlemen observed, and these things justify me in saying what I say to-day. There is no denying the fact that all these cases were tried under this clause with the full concurrence of the Ministers who formed a majority at that time in the United Provinces Government. But if that is not a fact, then it is an open convention that if a Member of the Government thinks that he cannot agree with the views of the majority of the Government and the Government is bent upon proceeding with a measure which he thinks is injurious to the country, the only course left to him is to resign from the Government. But as these Honourable gentlemen did not choose to do so, the only conclusion that the public can arrive at is that they gave their full concurrence and approval to Government's action.

Mr. N. M. Joshi (Nominated : Labour Interests) : May I ask the Honourable Member a question, Sir ? Does he not know that the

[Mr. N. M. Joshi.]

Ministers are bound by oath not to divulge the proceedings which take place in confidence in the Cabinet ? (*Several voices from the Swarajist Benches* : " He knows all that.")

Mr. Muhammad Yamin Khan : Sir, I cannot go on replying to all these questions if Honourable Members do not know the ordinary conventions existing in all constitutional Governments. (Ironical cheers from the Swarajist Benches). As I have pointed out, the only course open to the Ministers or members of the Cabinet, if they cannot agree with the views of the Government, is to resign and come out honourably to show that they will have nothing to do with such a Government. As, however, they did not choose to do so, the only inference the outside public could draw was that they were in full agreement with the views held by the Government at that time on this question.

Mr. Rafi Ahmad Kidwai (Lucknow and Fyzabad Divisions : Muhammadan Rural) : May I ask a question, Sir ? Is the Honourable Member sure that the Ministers were consulted in the matter ?

Mr. Muhammad Yamin Khan : I have shown that clause 2, on account of legal difficulties, cannot be retained.

I have shown that politically it is not desirable at present. The challenge has been thrown out to Honourable Members to show that it had ever been abused. Talking of sentiment, what sentiment is there ? (Laughter.) Yes, some Members might please themselves by shouting or by loudly making a demonstration of a kind which befits them only, but they cannot influence the judgment of people who want with cool heads to go into matters (Laughter) which benefit the people. Legislation can never be improved by bluffing or getting emotional or simply by laughing. (Laughter.)

Several Honourable Members : I move that the question be now put.

Mr. T. A. K. Shervani (Cities of the United Provinces : Muhammadan Urban) : Sir, the only question before the House is whether the clause which is sought to be repealed should be retained in the Act or not. There could have been only two justifications, for the retention of the clause, one that there are times when the Government require certain special measures to protect society from certain political organisations. I assure the Honourable the Home Member that so far as that function is concerned, you have tried the measure not only once but several times and it has proved ineffectual. Instead of stopping or suppressing those associations, this clause, Sir, has served as an incentive to violate the Act. It has been tried in the past ; and try it again in future, the result will be the same. Another justification, however, for the retention of this clause in the Act would have been—and I had been anxiously waiting these two years and had been looking to the Government to do it—to make use of this Act in suppressing certain communal organisations. But I am sorry to say that the Government lost that opportunity. For the last two years certain communal associations are playing havoc in the whole country. There is more disorder created by these associations than by any other association which the Government wants to suppress by means of the Act, but Government would not apply

this Act, and I do not think Government are in a mood to apply this Act to them in future ; and therefore the Government have got no justification whatsoever for retaining the clause in the Act.

Sir, so far as the misuse of this Act is concerned, at least I can give the House one instance. In 1921 I believe 55 members of the United Provinces Congress Committee were arrested under this Act. I am not certain, but I think that 55 members of the Congress were arrested under this Act. Was there any justification for the Government of the United Provinces to apply the Act and arrest 55 Congress members and to apply this Act to an association like the United Provinces Congress Committee ? (*An Honourable Member* : Including Pandit Motilal Nehru). Now, Sir, I beg to submit that the Act is ineffectual in suppressing those associations which they want to suppress by it, and the Government do not apply the Act for suppressing those associations which they ought to suppress, therefore there is no justification whatsoever for the retention of this whole Act, still less of this clause.

As regards the arguments advanced by the learned gentleman who preceded me I am sorry to say that, so far as the legal aspect of the question is concerned, I could not follow him, though I tried my level best to do so ; so far as the logic and the argument were concerned, I was unable to appreciate them, and so far as sentiment was concerned, he had none. So, as a matter of fact, there was nothing in the argument which calls for a reply.

Now, as regards the arguments that Government do require some special Act, to meet special circumstances, no doubt certain things do occur in a country which require the help of special laws, but as to that I assure the Government that there is one section which fulfils the function of this Act as well as a hundred others which the Government might have enacted. That section is S.-144 of the Criminal Procedure Code. So long as section 144 is in the Criminal Procedure Code, Government do not require any special law. It is an all-sufficient and all pervading section. It has been used (*An Honourable Member* : " And abused ") and abused as my Honourable friend says in all sorts of cases and that gives all the powers to the Government which they need ; especially when there is another section also in the same Code, I mean section 108, I do not think Government require any special law to suppress individuals, to suppress associations and to suppress any and every measure which the people think fit to adopt As the time is very short, I will not take up any more time of the House. The whole case which the speakers on the side opposite tried to make out referred to the period before the last two years. There may have been special circumstances then; but the condition in which we are at present, the state of affairs and the conditions which are prevailing in the country to-day are such that they do not require any special law. We are sufficiently cowed down, and therefore, I submit that this is the most fit and proper time for repealing the clause which is sought to be repealed.

(Several Honourable Members moved that the question be put.)

Mr. President : The question is that the question be now put.

The motion was adopted.

Mr. President : The question is :

" That clause 2 do stand part of the Bill."

(A division was called for.)

Mr. President : The bell is not ringing ; the electricity has gone off. I would therefore ask the Whips of the Parties, if they choose, to call their members in.

(After the lapse of the usual interval the question was again put and the Assembly divided :)

AYES—52.

Abdul Matin Chaudhury, Maulvi.
Abdullah Haji Kasim, Khan Bahadur Haji.
Aiyangar, Mr. C. Duraiswamy.
Aney, Mr. M. S.
Ayyangar, Mr. M. S. Sesha.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Chetty, Mr. R. K. Shanmukham.
Dakhan, Mr. W. M. P. Ghulam Kadir Khan.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Farookhi, Mr. Abdul Latif Saheb.
Ghazanfar Ali Khan, Raja.
Gour, Sir Hari Singh.
Haji, Mr. Sarabhai Nemchand.
Ismail Khan, Mr.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jayakar, Mr. M. R.
Jinnah, Mr. M. A.
Jogiah, Mr. Varahagiri Venkata.
Joshi, Mr. N. M.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath.
Lahiri Chaudhury, Mr. Dhirendra Kanta.
Lajpat Rai, Lala.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Mitra, Mr. Satyendra Chandra.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Naidu, Mr. B. P.
Neogy, Mr. K. C.
Pandya, Mr. Vidya Sagar.
Phookun, Srijut Tarun Ram.
Rang Behari Lal, Lala.
Roy, Mr. Bhabendra Chandra.
Sarda, Rai Sahib Harbilas.
Shafee, Maulvi Mohammad.
Shervani, Mr. T. A. K.
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. R. P.
Sinha, Mr. Siddheswar.
Tok Kyi, U.
Vishindas, Mr. Harchandrai.
Yakub, Maulvi Muhammad.

NOES—40.

Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmad, Khan Bahadur Nasir-ud-din.
Alexander, Mr. William.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.
Ayangar, Mr. V. K. Aravamudha.
Ayyangar, Rao Bahadur Narasimha Gopalaswami.
Bajpai, Mr. G. S.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Coatman, Mr. J.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Courtenay, Mr. R. H.
Crerar, The Honourable Mr. J.
Crofton, Mr. R. M.
Dalal, Mr. A. R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr. J. T.
Dunnett, Mr. J. M.
Haigh, Mr. P. B.
Irving, Mr. Miles.
Jowahir Singh, Sardar Bahadur Sardar.
Kabul Singh Bahadur, Captain.
Keane, Mr. M.
Kirk, Mr. R. T. F.
Lamb, Mr. W. S.
Mitra, The Honourable Sir Bhupendra Nath.
Moore, Mr. Arthur.
Mukherjee, Mr. S. C.
Parsons, Mr. A. A. L.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Sams, Mr. H. A.
Sassoon, Sir Victor.
Singh, Rai Bahadur S. N.
Tonkinson, Mr. H.
Wright, Mr. W. T. M.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President : The question is :

" That clause 3 do stand part of the Bill."

Pandit Madan Mohan Malaviya : Sir, I beg to move :

" That in clause 3 the following amendment be made :

' For the word ' after ', the word ' for ' be substituted '; and

' For the word ' inserted ', the word ' substituted ' be substituted."

That is my first amendment. We are grateful to the Honourable Mr. Wright for having put these amendments in proper form.

Mr. H. Tonkinson : Might I suggest, Sir, that it would be for the convenience of the House if the Honourable Member moves all his amendments together because they will leave one clause which can then be discussed as a whole.

Sir Hari Singh Gour and Pandit Madan Mohan Malaviya : We are quite prepared to do that.

Pandit Madan Mohan Malaviya : With your leave, Sir, I will do it.

Mr. President : Are they all connected amendments ?

Pandit Madan Mohan Malaviya : Yes, Sir

Mr. President : In that case you can move all the amendments together, and I will treat them as one amendment.

Pandit Madan Mohan Malaviya : Sir, I propose :

" That in clause 3 of the Bill the following amendment be made, namely :

(*i*) for the word ' after ' the word ' for ' and for the word ' inserted ' the word ' substituted ' be substituted ;

(*ii*) for the figures and letter ' 16-A ' the figures ' 16 ' be substituted ;

(*iii*) the words beginning with ' any person deeming himself ' and ending with ' to be unlawful and ' be omitted, and for the words ' the declaration should never have been made ' the following be substituted, namely, ' the association in respect of which he was convicted was not an unlawful association '."

To make the matter clear, Sir, this is how the section will stand with the amendments which I have suggested :

" For section 16 of the said Act the following section shall be substituted, namely :—

' 16. Any person convicted under the provisions of section 17 may appeal to the High Court on the ground that the association in respect of which he was convicted was not an unlawful association '."

Mr. H. Tonkinson : Sir, in regard to this amendment, I merely wish to point out that if it is carried, it will leave us with a Bill which is entirely different in its effect from the one which my Honourable friend asked for leave to introduce.

Mr. President : If that were so, it was the duty of the Government to object to the moving of these amendments without notice. The very fact that the Government did not do so shows that they regarded them as merely formal and not of substance. The Chair had certainly been all along under the impression that by common consent they were to be treated merely as formal amendments. I am therefore surprised at the line now taken by the Honourable Member.

Mr. H. Tonkinson : Sir, I regret that you should have had cause to object to the action which has been taken in this matter. It was only a few minutes ago that I saw and realised the purport of the amendment that has been moved by the Honourable Pandit. I said, Sir, that the effect of these amendments would be to substitute an entirely different Bill from the Bill which has been before us hitherto. Hitherto my Honourable friend has suggested that he intended by this Bill to give effect to the suggestion which was thrown out by Sir Chiman Lal Setalvad during the discussion of his Bill in 1924. According to that suggestion.....

Mr. President : I should like to hear the Honourable the Home Member on the question, whether, on behalf of the Government, he regards these amendments as merely formal amendments or as amendments of substance which would change the whole character of the Bill. All along the Chair understood that by common consent the amendments were to be treated as of a formal character, and therefore the Government did not make any objection to the moving of them at this stage without notice. Now an important Member, on behalf of the Government, rises in his seat and tells the House that these amendments are not merely formal but are of such a character that, if they are carried, it would leave us with a Bill entirely different in its effect from the original Bill.

The Honourable Mr. J. Crerar : Sir, my position in the matter is this : some objection was raised to the attitude of Government with respect to this Bill both by the Honourable the Mover and by the Honourable Lala Lajpat Rai on the ground that we stand on technical objections. I do not take any objection to the Honourable Pandit moving this amendment largely because I do not wish to give any ground for a reproach of that character. I do as a matter of fact think that the amendment does change very materially both the intention and the construction of the Bill that has hitherto been before us. However, I do not propose to stand on the ground of notice, but I shall at a later stage, if necessary, submit for your consideration an objection under Standing Order 49, if it is proposed on this occasion to move any further motion in connection with the Bill.

Mr. President : The Chair regrets the attitude of the Government in this matter. If it was the intention of the Government to object to the further passage of the Bill to-day under Standing Order 49, their clear duty was to object to the moving of these amendments at this stage without notice. If in their judgment these amendments were of substance and not merely of form, they should have asked the Chair to rule them out on the ground of want of notice. The Chair, and I am sure the House, were under the impression that these amendments were to be treated as formal amendments. The Chair is therefore surprised to find that Government had a mental reservation.

The Honourable Sir Basil Blackett (Leader of the House) : May I say a word, Sir ? Objection was taken by more than one speaker to what was supposed to be the attitude of the Government in not assisting the private Member who had introduced this Bill in getting it drafted into a shape in which it was intelligible. It was said that we were standing on formal objections in not giving that assistance which it was in our power to give from our draftsman. The draftsman immediately approached the Mover and asked him whether it was his desire that amendments that would put the Bill into a shape in which it was in formal order should

be given to him in order that he might move them. I understand that the Mover accepted that suggestion and it is in consequence of that that these amendments have been handed to the Honourable Pandit Malaviya and he has moved them. It was explained at an earlier stage that any amendment, in the view of the Government, to the drafting of this Bill was something more than a mere formality, that it was not merely a question of incorrect drafting, but that the form and structure of the Bill—I think those are the words used by the Honourable the Home Member—would require amendment, and it is only by such an alteration, which is more than an alteration of form and becomes an alteration of substance, that the Bill could be put into a shape in which it is technically correct. But, in view of the objection that you have raised, and after this explanation which shows that Government have done nothing more than try to be helpful with their draftsman, in view of your objection to the Government raising an objection under Standing Order 49 to the further passage of this Bill, I am sure that my Honourable friend, the Home Member, will have no objection to not pressing his right to make an objection under that Standing Order.

Mr. President : The Chair is much obliged to the Leader of the House for coming to its rescue in this somewhat difficult situation.

Mr. H. Tonkinson : Sir, as I was observing, my Honourable and learned friend, Sir Hari Singh Gour, has up to the present brought forward this Bill in the view that it gave effect to a suggestion thrown out by Sir Chimanlal Setalvad during the discussion of his Bill of 1924. On that suggestion, Sir, the Local Government would have been allowed to make a declaration. For the purposes of that suggestion, therefore, it was absolutely essential that clause (*b*) of section 15 of the Act should have been retained.

That clause has already gone. After the Local Government had made this declaration, Sir Chimanlal Setalvad suggested that there should be the possibility of a reference to the High Court in regard to the declaration of a Local Government. That was, I understand, the intention of the Honourable Member in bringing forward this Bill. With the clause as amended by the Honourable Pandit what we shall have will be another section for section 16 of the present Act, and under that section any person convicted under section 17 will be allowed to appeal to the High Court on the ground that the association in respect of which he has been convicted of being a member is not unlawful. That makes the Bill one of an entirely different character from the Bill which was introduced originally. That is the only point I have to submit, Sir.

Mr. President : The question is :

"That in clause 3 of the Criminal Law Amendment Bill the following amendment be made :

(1) For the word 'after' the word 'for' and for the word 'inserted' the word 'substituted' be substituted.

(2) For the figures and letter '16-A.' the figures '16' be substituted.

(3) The words beginning with 'any person deeming himself' and ending with 'to be unlawful and' be omitted, and for the words 'the declaration should never have been made' the following be substituted, namely :

'the association in respect of which he was convicted was not an unlawful association'."

The motion was adopted.

[Mr. President.]

Clause 3, as amended, was added to the Bill.

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The title and preamble were added to the Bill.

Sir Hari Singh Gour : Sir, I move that the Bill, as amended, be passed.

Mr. President : Does the Home Member wish to speak on this motion ?

The Honourable Mr. J. Crerar : No, Sir, I have no remarks to offer on this motion. I fear I have already detained the House at length.

Mr. President : The question is :

"That the Bill, as amended, be passed."

(A division was called for.)

(When the division bells were rung, it was noticed that they were out of order.)

Mr. President : I hope the Whips of the Parties will take the place of the bell.

(After an interval.)

Mr. President : I think I have given sufficient time for Honourable Members to come in.

The question is :

"That the Bill, as amended, be passed."

The Assembly divided :

AYES—52.

Abdul Matin Chaudhury, Maulvi.
Abdullah Haji Kasim, Khan Bahadur Haji.
Aiyangar, Mr. C. Duraiswamy.
Aney, Mr. M. S.
Ayyangar, Mr. M. S. Sesha.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Chetty, Mr. R. K. Shanmukham.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Farookhi, Mr. Abdul Latif Saheb.
Ghazanfar Ali Khan, Raja.
Gour, Sir Hari Singh.
Haji, Mr. Sarabhai Nemchand.
Ismail Khan, Mr.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jayakar, Mr. M. R.
Jinnah, Mr. M. A.
Jogiah, Mr. Varahagiri Venkata.
Joshi, Mr. N. M.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath.
Lahiri Chaudhury, Mr. Dhirendra Kanta.
Lajpat Rai, Lala.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Mitra, Mr. Satyendra Chandra.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Naidu, Mr. B. P.
Neogy, Mr. K. C.
Pandya, Mr. Vidya Sagar.
Phookun, Srijut Tarun Ram.
Rang Behari Lal, Lala.
Roy, Mr. Bhabendra Chandra.
Sarda, Rai Sahib Harbilas.
Shafee, Maulvi Mohammad.
Shervani, Mr. T. A. K.
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Singh, Kumar Ganganand.
Sinha, Mr. R. P.
Sinha, Mr. Siddheswar.
Tok Kyi, U.
Vishindas, Mr. Harchandrai.
Yakub, Maulvi Muhammad.

NOES—39.

Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmad, Khan Bahadur Nasir-ud-din.
Alexander, Mr. William.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.
Ayangar, Mr. V. K. Aravamudha.
Ayyangar, Rao Bahadur Narasimha Gopalaswami.
Bajpai, Mr. G. S.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Coatman, Mr. J.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Courtenay, Mr. R. H.
Crerar, The Honourable Mr. J.
Crofton, Mr. R. M.
Dalal, Mr. A. R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr. J. T.
Dunnett, Mr. J. M.
Haigh, Mr. P. B.
Irving, Mr. Miles.
Jowahir Singh, Sardar Bahadur Sardar.
Kabul Singh Bahadur, Captain.
Keane, Mr. M.
Kirk, Mr. R. T. P.
Lamb, Mr. W. S.
Mitra, The Honourable Sir Bhupendra Nath.
Moore, Mr. Arthur.
Mukherjee, Mr. S. C.
Parsons, Mr. A. A. L.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Sams, Mr. H. A.
Sassoon, Sir Victor.
Tonkinson, Mr. H.
Wright, Mr. W. T. M.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 24th August, 1927.

ERRATA.

In Legislative Assembly Debates, Volume IV, No. 46, page 3082, in the Division List for "Noes", *delete* "Lamb, Mr. W. S." and *after* "Singh, Mr. Ram Narayan" *insert* "Sinha, Kumar Ganganand".

LEGISLATIVE ASSEMBLY.

Wednesday, 24th August, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

PROSECUTIONS IN ORISSA FOR THE ILLICIT MANUFACTURE OF SALT FOR DOMESTIC USE.

168 ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that sixteen persons of Marichpur, a flood-distressed part of Puri (Orissa) have been fined for illicit manufacture of salt for domestic use ; and for inability to pay the fines, some of the accused are now in jail ?

(*b*) Are Government aware that in reply to a question in the Bihar and Orissa Legislative Council, on the 21st February last, the Local Government stated that :

" to meet the situation caused by the general rise in prices during the War, the Government of India agreed in 1918 to instructions being given to the excise authorities in the Districts of Cuttack, Balasore, and Puri to ignore cases of the manufacture of salt on a small scale for domestic use. Owing to distress in those districts, the orders remained in force till 1923. They were revived in 1926 with reference to the Puri District only, and the Local Government are consulting the Government of India on the subject of their remaining in force until the next rains, with effect in the three districts of Cuttack, Balasore and Puri " ?

(*c*) In the face of this declaration, will Government kindly explain why proceedings were instituted in this case, and how much manufactured salt was found in the possession of the accused ?

The Honourable Sir Basil Blackett : (*a*) No. 14 persons of village Narahana were find : one of them in default of fine was imprisoned for 15 days.

(*b*) Yes.

(*c*) The temporary instructions issued in March 1927 by the Local Government to its officers suggesting leniency in the punishment of the offences of illicitly manufacturing salt in the districts of Balasore, Cuttack and Puri apply only to cases in which the offender is a person suffering from distress owing to the floods and the manufacture is on a small scale only for purely domestic consumption These criteria are not satisfied in the present case and there was no necessity for lenient treatment. The offenders belong to the village of Narahana. This village was not affected by floods and the accused were not in a distressed condition and when convicted paid their fines promptly with one exception.

20 offenders were detected : 4 were discharged on account of age, 1 was acquitted and 1 absconded. 14 were convicted and received sentences varying from detention till the rising of the court up to a fine of

Rs. 15. The quantity of salt seized was 1 maund 35 seers, but this is believed to be only a portion of the quantity manufactured.

Mr. Gaya Prasad Singh : In view of the acute distress prevailing in parts of Orissa on account of the floods, do Government consider it desirable to extend this period of grace ?

The Honourable Sir Basil Blackett : I have nothing to add to the long answer I have given.

Mr. Gaya Prasad Singh : I am speaking for the future, Sir.

PROVINCIAL SHARE OF THE INCOME-TAX ON COMPANIES OPERATING IN BIHAR AND ORISSA BUT REGISTERED ELSEWHERE.

169. ***Mr. Gaya Prasad Singh** : (*a*) Has the attention of the Government been drawn to the following remark made by the Honourable Maharaja Bahadur Keshav Prasad Singh, Finance Member, in the Bihar and Orissa Legislative Council on the 25th February last :

" the provincial share of the income-tax on companies operating in Bihar and Orissa, but registered elsewhere goes not to us but to the Province of registration. Bengal, of their courtesy allow us 85 per cent. of the Provincial share. None of the other Provinces allow us anything. This is a point which we have often pressed and will continue to press upon the Government of India " ?

(*b*) Are Government aware that this arrangement operates inequitably for the Province of Bihar and Orissa, and will they kindly state what decision, if any, has been arrived at in this matter ?

The Honourable Sir Basil Blackett : (*a*) The Government of India have now read the statement in the Legislative Council which the Honourable Member has quoted. Since the arrangement between the Governments of Bengal and Bihar and Orissa was arrived at the Government of India have received no further representations on the subject from the Government of Bihar and Orissa.

(*b*) It is a matter of opinion what basis for the allocation of income-tax with reference to such factors as residence or origin is equitable. The present arrangement is that when a dispute arises between two Provinces in regard to a case of this sort they may refer it to the Government of India for arbitration. The Government are considering the whole question of the assignment of a share of the revenue from Taxes on Income to the Provinces.

AMALGAMATION OF THE ORIYA-SPEAKING TRACTS.

170. ***Mr. Gaya Prasad Singh** : Will Government kindly state what progress, if any, has been made in the scheme for the amalgamation of Oriya-speaking tracts with the Orissa Division ?

The Honourable Mr. J. Crerar : The matter is still under the consideration of Government.

RECOMMENDATIONS OF THE INDIAN SANDHURST COMMITTEE.

171. ***Mr. Gaya Prasad Singh** : Do Government propose to give effect to the recommendations of the Indian Sandhurst Committee ? And if so, when ?

Mr. G. M. Young : The attention of the Honourable Member is invited to the reply which I gave to Diwan Chaman Lall's question No. 109.

PERSONNEL OF THE INDIAN DELEGATION TO THE LEAGUE OF NATIONS.

172. ***Mr. Gaya Prasad Singh** : Will Government kindly explain why the personnel of the Indian delegation to the League of Nations has been selected without reference to the Central Legislature ?

Mr. W. T. M. Wright : I have nothing to add to the reply given to question No. 1778 put by Khan Bahadur Sarfaraz Hussain Khan on the 11th September 1924, to which the Honourable Member was referred in the reply to part (*b*) of his question No. 244 on the 31st August 1925

Mr. R. K. Shanmukham Chetty : In choosing the leader of the Indian delegation this year for the League of Nations, did the Government of India give consideration to the opinion given expression to in this House and in the other place that the leader should be an Indian ?

Mr. W. T. M. Wright : Yes, Sir.

Mr. R. K. Shanmukham Chetty : May I know whether Government in their attempt to find a suitable Indian came to the conclusion that they could not find a suitable Indian ?

Mr. A. Rangaswami Iyengar : What is the result of that consideration ?

The Honourable Sir Basil Blackett : The result of the consideration is the delegation that has been chosen.

Mr. A. Rangaswami Iyengar : In other words an Indian was not chosen ?

Mr. R. K. Shanmukham Chetty : Was not a suitable Indian available ?

Pandit Hirday Nath Kunzru : May I ask Government whether it is correct, as stated by Mr. Sastri, that Sir Muhammad Shafi on behalf of the Government gave Sir P. C. Sethna to understand in 1924 that an Indian was likely to be appointed leader of the delegation that year ?

The Honourable Sir Basil Blackett : I am sure that cannot arise out of this question

Pandit Hirday Nath Kunzru : It arises in this way that Government then promised to give consideration to the views of the Assembly and the other House ?

The Honourable Sir Basil Blackett : I do not think it does.

Mr. Gaya Prasad Singh : May I ask whether it is for the Leader of the House to say whether a question arises out of the main question or not ?

Mr. President : The Leader of the House submits it to the Chair.

APPEALS AND APPLICATIONS FOR REVISION FILED BY INCOME-TAX ASSESSEES IN THE VARIOUS PROVINCES.

173. ***Sir Hari Singh Gour** : (1) Will the Government be pleased to lay on the table a comparative statement showing the number of appeals

and applications for revision filed by assessees to the Income-tax Officers in the various Provinces and the percentages of appeals and applications admitted and rejected ?

(2) Will the Government be pleased to state the variation in the assessment made in the Central Provinces during the last 3 years ?

The Honourable Sir Basil Blackett : (1) and (2). The Honourable Member will find the figures that he requires in the All-India Reports and Returns for the years in question.

REJECTION BY INCOME-TAX OFFICERS OF THE STATEMENTS MADE BY THE ASSESSEES AS TO THEIR INCOMES.

174. ***Sir Hari Singh Gour** : Will the Government be pleased to state in how many cases the Income-tax Officer has rejected the statements made by the assessee as to his income and the amount of the income returned and assessed thereafter ?

The Honourable Sir Basil Blackett : The Honourable Member is referred to Return No. VIII in the All-India Income-tax Report for 1925-26 which contains all the information that the Government have on the subject. The concluding part of his Question is not understood

PERCENTAGE OF COST TO THE INCOME-TAX COLLECTED IN THE CENTRAL PROVINCES.

175. ***Sir Hari Singh Gour** : (1) Will the Government be pleased to state the percentage of collecting charges in the Central Provinces upon the income-tax realised ?

The Honourable Sir Basil Blackett : The percentage of cost to tax collected in the year 1925-26 in the Central Provinces and Berar was 9.75 per cent.

EMPLOYMENT OF INFORMERS AND SECRET AGENTS BY THE INCOME-TAX DEPARTMENT.

176. ***Sir Hari Singh Gour** : (1) Will the Government be pleased to state whether the Income-tax Department employ any informers and secret agents and whether they have issued any specific instructions to such informers and secret agents to report the income of the people liable to assessment ?

(2) If so, will Government be pleased to state in what percentage of cases the Income-tax Officers in the Central Provinces have assessed persons to income-tax upon this information ?

The Honourable Sir Basil Blackett : The Government do not employ such informers or secret agents as are suggested in part (1) of the question. Part (2) does not arise.

ALLEGED EXACTIONS OF INCOME-TAX OFFICERS IN THE CENTRAL PROVINCES.

177. ***Sir Hari Singh Gour** : Are the Government aware that there is a widespread discontent in the Central Provinces on account of the exactions of the Income-tax Officers ?

The Honourable Sir Basil Blackett : The Honourable Member has acquainted me with at least one individual case of discontent. Nonetheless I think I am right in replying that the answer is in the negative.

Mr. Gaya Prasad Singh : Are Government aware that there is discontent in the Province of Bihar and Orissa also with regard to the exactions of Income-tax Officers ?

REPORT OF THE INDIAN AUXILIARY AND TERRITORIAL FORCES COMMITTEE.

178. ***Mr. K. C. Roy** : Will the Government be pleased to state whether any decision has been reached by the Secretary of State for India on the Shea Report regarding the Auxiliary and Territorial Forces in India, and if the answer is in the affirmative to place a copy of the order on the table of the House ?

Mr. G. M. Young : The Honourable Member is referred to the Resolution published in the Gazette of India on Saturday, the 20th August.

NUMBER OF INDIAN RESIDENTS IN CHINA.

179. ***Mr. N. C. Kelkar** : Will Government state approximately :

(1) the total number of Indian residents at present in the whole of China ?

(2) the total number of Indian residents in Shanghai, Canton and Hong-Kong ?

(3) the total amount of Indian trade with China, both export and import during the year 1926-27 ?

Sir Denys Bray : (1) If reliance can be placed on a rough estimate made a couple of years ago, the total is in the neighbourhood of 5,000.

(2) 1,400 in Shanghai, 90 in Canton, 1,152 in Hongkong

(3) Trade with China excluding Hongkong, over 14½ crores ; trade with Hongkong just under 4 crores.

PAY OF INCOME-TAX OFFICERS, EXAMINERS, ETC., IN THE DIFFERENT PROVINCES.

180. ***Mr. N. C. Kelkar** : (*a*) Are there different scales of pay for the I. T. O.'s, Examiners, Assistant Examiners, Inspectors and Sub-Inspectors of Income-tax in the different Presidencies ?

(*b*) What is the scale of pay in each Province ?

(*c*) If there is any difference in pay, what is such difference due to ?

The Honourable Sir Basil Blackett : (*a*) The scales are not identical in all Provinces.

(*b*) A statement giving the information desired is laid on the table.

(*c*) The scales have been fixed at different times with reference to local conditions and to the scales fixed by the different Local Governments for their own establishments.

Statement showing the scales of pay of Income-tax Officers, Examiners, Accountants, Inspectors, etc., in the various provinces.

Province.	Income-tax Officers and Assistant Income-tax Officers.	Examiners or Accountants.	Inspectors, Surveyors or Assessors.
	Rs.	Rs.	Rs.
Madras	300—40—500—50—900	Accountants 100—10—250 110—10—260	Surveyors .. 150—5—200—10—300
Bombay	Senior .. 1,000—100—1,500 300—50/2—900	Chief Examiners 550—25—700 Examiners .. 225—25/2—500 175—25/2—325 150—15—225 Asstt. Exrs. .. 115—5—150	Inspectors .. 200—25/2—500 150—25/2—325 150—15—225 Sub-Inspectors 115—5—150
Bengal	500—50/2—900	Examiners .. 175—25/2—450 Selection .. 500	Assessors .. 125—5—150—10—300
United Provinces ..	350—30—800—25—900 Asstt. I.T.Os. 250—25—350	....	....
Punjab	300—40—850 Asstt. I.T.Os. 250—25—350	....	Inspectors .. 20—7½—240
Burma	350—25—750—50—950 Asstt. I.T.Os. 250—25—350	Examiners .. 200—15—500	Inspectors 200—10—300—25/4—325
Bihar and Orissa ..	350—50/2—900 Asstt. I.T.Os. 250—25—350	....	....
Central Provinces ..	300—25—550—580—30—700—40—900	Examiners .. 175—25/2—275	Inspectors .. 80—100—10/2—150

PAY OF INCOME-TAX OFFICERS, EXAMINERS AND INSPECTORS IN BOMBAY AND THE MOFUSSIL.

181. ***Mr. N. C. Kelkar :** (*a*) What are the reasons that necessitate a higher pay for I. T. Os., Examiners and Inspectors in Bombay than what the same officers get in the mofussil, apart from the fact that living in Bombay is dear ?

(*b*) Have the Government considered the question of having one common time scale of pay for all the Examiners and Inspectors, granting compensatory or local allowance to the Bombay officers ?

The Honourable Sir Basil Blackett : (*a*) and (*b*). The arrangement dates from the time when the Income-tax Department was under the control of the Local Government, and was presumably modelled on the system by which the pay of other establishments under the Local Government was regulated The Government are not prepared to express an opinion as to the suitability of the alternative suggested by the Honourable Member without enquiry but they will examine it. I may however mention that with one exception, Income-tax Officers draw the same rate of pay in Bombay and in the mofussil, the officers in Bombay drawing a compensatory allowance.

SELECTION OF BRAHMINS AND MAHRATTAS FROM THE BOMBAY PRESIDENCY FOR MILITARY TRAINING.

182. ***Mr. N. C. Kelkar :** Will Government be pleased to state :

(*a*) what is the total strength of the students in the University Training Corps in the Bombay Presidency ? How many of them are Brahmins and how many Mahrattas ? What was the strength in the Indian Defence Force in the same Presidency ? How many of them are Brahmins and how many Mahrattas ?

(*b*) How many Brahmins and how many Mahrattas were selected during the last five years from the Bombay Presidency for military training, whether at Sandhurst or elsewhere ?

Mr. G. M. Young : (*a*) On the 1st July 1927, the Bombay Battalion, University Training Corps, had an actual enrolled strength of 618 out of a sanctioned establishment of 27 officers and 637 other ranks. The Bombay University companies, Indian Branch of the late Indian Defence Force, had an actual enrolled strength in June 1918 of 485 out of a sanctioned establishment of 8 officers and 492 other ranks.

As regards the composition of the University Corps, the Honourable Member is referred to the reply I gave on the 15th March last to starred question No. 964.

(*b*) Three Mahratta boys have entered the Dehra Dun College during the last five years. One of them went on to Sandhurst. Two Mahratta and two Brahmin boys from the Bombay Presidency, who had not been to Dehra Dun, entered Sandhurst during the same period.

DISBANDMENT OF THE SPECIAL COMPANY OF MAHRATTA BRAHMINS RAISED DURING THE GREAT WAR.

183. *Mr. N. C. Kelkar : (a) Is it a fact that the special Brahmin Company that was established during the Great War, was raised as a permanent measure ? If yes, why is it disbanded ?

(b) What was the opinion submitted by the Adjutant General in 1918 (March-April) about this special Brahmin Company after inspection of the same ? Will Government place the same on the Assembly table ?

(c) Have Government seen the statement in the Ratnagiri District Gazetteer that Mahratta Brahmins were fine soldiers and that there was a Mahratta Brahmin platoon. When was that platoon established ? When was it disbanded and why ?

Mr. G. M. Young : (a) The Special company of Mahratta Brahmins was not raised as a permanent measure, but as a war measure. It was disbanded at the end of the war.

(b) There is no record of an inspection by the Adjutant General in India in March or April, 1918. Reports about this unit were however received from the local military authorities and are on record

(c) I cannot trace the statement quoted by the Honourable Member. The only Mahratta Brahmin unit that I know of was the company to which I have just referred.

ADMISSION OF MAHARS TO OTHER PLATOONS, CONSEQUENT ON THE DISBANDMENT OF THE MAHAR BATTALION.

184. *Mr. N. C. Kelkar : (a) What was the number of the Mahars in the Mahar Battalion established during the Great War ?

(b) Is it a fact that when the Mahar Battalion was closed, the Mahars were promised posts in other platoons ?

(c) If yes, in which platoons were the Mahars admitted ? What was the number when they were disbanded, and what is the number that was re-admitted ?

Mr. G. M. Young : (a) The Mahar Battalion was raised in 1917 and disbanded in 1922. The number of Mahars serving in the Battalion on the 1st of January 1918 was 963 and on the 1st of January 1922, 764.

(b) Yes, some posts were made available.

(c) Two platoons of Mahars were allotted as Machine Gun Platoons with British Infantry battalions, but as recruiting proved unsatisfactory, these two platoons had to be filled by other classes. No Mahars have been readmitted

COMMUNAL REPRESENTATION IN THE PUBLIC SERVICES UNDER THE GOVERNMENTS OF MADRAS, BOMBAY AND THE UNITED PROVINCES.

185. *Mr. N. C. Kelkar : Are Government aware that whilst the Bombay and Madras Governments have fixed the percentage according to which different communities are to be admitted in Government service, the United Provinces Government declare such admission in service on a communal basis is against the Queen's proclamation ? Which of the two courses has been approved by the Government of India ?

The Honourable Mr. J. Crerar : I have ascertained that the Government of the United Provinces have made no such declaration as is suggested. The Government of India have already announced their policy in the matter, which is directed to preventing any undue preponderance of particular communities in the services and establishments under their control.

RATE OF EXCHANGE, AND SALE AND PURCHASE OF GOLD, ETC.

186. ***Mr. N. C. Kelkar** : Will Government lay on the table a statement showing the following for the period of time since the passing of the Currency Act IV of 1927 :

(1) the average rate of exchange in the market,

(2) the amount of gold bullion sold by Government for exchange in England and other gold standard countries, and for other purposes, under section 5 of Act IV of 1927,

(3) the amount of gold purchased by Government under section 5 of Act IV of 1927,

(4) the amount of currency contracted by cancellation of notes or otherwise,

(5) the amount of gold purchased in England by the Secretary of State for India on behalf of the Government of India,

(6) the amount of gold released directly by Government of India on their own account to the Secretary of State for India, or the Bank of England or any other Bank for the State Secretary,

(7) the amount of Council Bills drawn by Secretary of State for India on India ?

The Honourable Sir Basil Blackett : (1) The average rate of exchange for telegraphic transfers from Calcutta on London during the period from 1st April 1927 to 31st July 1927 was 1 shilling 57|8 pence per rupee.

(2), (3) and (6). Nil.

(4) The note circulation on the 31st July 1927 was 6,50 lakhs lower than on the 31st March 1927.

(5) 99,394 fine ounces equivalent of £423,000 were purchased for the Gold Standard Reserve.

(7) Nil. But sterling was purchased in India to the extent of £5,268,000 from 1st April 1927 to the 31st July 1927.

TAX ON EUROPEANS AND ASIATICS IN KENYA FOR EDUCATIONAL PURPOSES.

187. ***Mr. N. C. Kelkar** : (*a*) With reference to my question No. 10 answered on 27th January 1927 during the Delhi Session, has the attention of Government been drawn to the statement of Mr. D. B. Desai of Broach, published in the *Times of India*, page 10, column 6, dated the 6th April 1927, on the subject of the tax on Europeans and the tax on Indians or Asiatics levied in Kenya ?

(*b*) Have Government made any representations to the Kenya Government on the subject ? If so, will Government place on the table a copy of the same ? If they have made no representation, do they propose to make one to point out the inequitable method of taxation as between Europeans and Indian residents of Kenya ?

Mr. G. S. Bajpai : (*a*) Yes.

(*b*) The only fresh development brought to light in the communication referred to by the Honourable Member is the acceptance by the Kenya Government of a motion to appoint a committee of the Legislative Council to consider some more equitable method of taxation in connection with the European Education Cess. As the Honourable Member is probably aware, when these Ordinances were being considered in the Kenya Legislative Council, it was explained, on behalf of the Colonial Government, with reference to the Asiatic poll-tax, that, while this would be in force in 1927, it might be modified later by alternative proposals if reasonable ones could be submitted. It is, therefore, open to the Indian Members of the Legislative Council to take steps to submit alternatives in the same manner as their European colleagues have done. The Government of India have made inquiries as to whether any move in this direction by the Indian Members of Council has either already been made or is contemplated. They regret that this correspondence, which is still proceeding, cannot now be made public.

SEGREGATION OF INDIAN RESIDENTS OF MOMBASA.

188. ***Mr. N. C. Kelkar** : (*a*) Has the attention of Government been drawn to the grievance of segregation of Indian residents of Mombasa, as reported in the *Times of India*, dated the 8th April, page 10, column 7 ?

(*b*) Will Government state the full facts about the position as they understand them ?

(*c*) Have Government received any representation from the East African Indian National Congress on this subject ? If so will Government disclose to this House the reply given to the representation ?

Mr. G. S. Bajpai : (*a*) Yes.

(*b*) The Honourable Member is referred to the reply given by me to part (*c*) of Mr. Gaya Prasad Singh's question No. 55 on the 22nd August.

(*c*) A representation which deals with this matter among others was received from the East African Indian National Congress on the 8th August and is under consideration.

RETURN TO INDIA OF DR. AND MRS. TARAKNATH DAS.

189. ***Mr. N. C. Kelkar** : Have the Government of India any charges against Dr. Taraknath Das which may prevent his returning to India ? Are the Government of India prepared to *visa* his papers to enable him and his wife to visit his relatives in India ?

The Honourable Mr. J. Crerar : Government will take these questions into consideration in the event of Dr. Taraknath Das applying for facilities to return to India. They have so far received no application of this character.

REDUCTION OF STORES BALANCES (RAILWAYS).

190. *Mr. N. C. Kelkar : With reference to paragraph 44 of the Explanatory Memorandum of the Railway Budget for 1927-28, will Government give details of the reduction of stores balances amounting to Rs. 32 lakhs obtained by miscellaneous adjustments ?

Mr. A. A. L. Parsons : The miscellaneous adjustments referred to represent the difference between the balances at the beginning and end of the year of certain heads of accounts which, under our existing system of accounting, are maintained as sub-heads of the General Stores Suspense Account. The details are as follows :

(*a*)	Purchases account	7 lakhs.
(*b*)	Sales account	9 lakhs.
(*c*)	Workshop Suspense account	12 lakhs.
(*d*)	Manufacture Suspense account	4 lakhs.

The question whether the existing procedure should be revised will be examined when the recommendations in Sir Arthur Dickinson's Report are considered.

OMISSION OF THE SOR COLLIERY FROM THE STATEMENT OF RAILWAY COLLIERIES ACQUIRED FROM TIME TO TIME.

191. *Mr. N. C. Kelkar : With reference to the statement at page 151 of the Legislative Assembly Debates, Volume IX, showing the railway collieries acquired from time to time with their capital cost up to 31st March 1925, will Government state why the Sor colliery is omitted from the statement ? Have any other collieries been similarly omitted ? What is the original cost of the Sor colliery ?

Mr. A. A. L. Parsons : The Sor colliery was omitted as it was never used for the regular supply of coal for Railways.

No other collieries have been similarly omitted.

The original cost of the Sor colliery was about Rs. 20½ lakhs. For full information regarding this colliery I would refer the Honourable Member to the reply given by Mr. Sim to Mr. K. G. Lohokare's question No. 792 on the 15th February 1926.

HAULAGE CHARGES FOR POSTAL VANS.

192. *Mr. N. C. Kelkar : With reference to page 29 of the Railway Administration Report for 1913-14, will Government kindly lay on the table a statement showing the haulage charges for postal vans then in force and the increased haulage charges now in force ?

Mr. A. A. L. Parsons : Prior to 1st April 1913 the haulage charges were 18 pies per mile per four-wheeled vehicle on railways of all gauges. On the 1st April 1913 they were raised to 24 pies per mile on broad gauge railways, and they are now 36 pies per mile on broad gauge railways, and 24 pies per mile on metre and other gauge railways.

INTRODUCTION OF ALL-STEEL COACHES ON THE SOUTH INDIAN RAILWAY.

193. *Mr. N. C. Kelkar : Is it a fact that the South Indian Railway Company are averse to the introduction of all-steel coaches on the South Indian Railway ? If so, will Government lay on the table a copy of their objections ?

Mr. A. A. L. Parsons : In 1914 the South Indian Railway obtained one steel coach for experimental purposes at a cost of about Rs. 3,000 in excess of that of a third class coach of normal construction. In 1923, without expressing any definite aversion to all steel coaches in general, and in reply to a request for information on the subject, the Agent informed the Railway Board that the main disadvantages of the steel coach were, first, that the unloaded weight exceeded that of a wooden-body vehicle on a standard underframe by 3 tons, and secondly that especially in areas such as those traversed by the South Indian Railway, where the humidity is high, the steel is subject to corrosion.

COST OF THE ESTABLISHMENT OF THE MINING ENGINEER (RAILWAYS).

194. *Mr. N. C. Kelkar : With reference to page 6 of the proceedings of the Standing Finance Committee for Railways, Volume II, No. 6, will Government state whether the question of the distribution or the cost of the establishment of the Mining Engineer has been discussed with Sir Arthur Dickinson; and if so, what is the decision arrived at ?

Mr. A. A. L. Parsons : The matter was mentioned to Sir Arthur Dickinson at an informal discussion and in the official terms of reference he has been asked to report and make recommendations on the system of accounting for the expenditure and outturn of railway collieries with detailed proposals for the pricing of their output Government do not propose to take any action in the matter until Sir Arthur Dickinson's report is received.

REPORTS OF THE COMMITTEE APPOINTED TO INQUIRE INTO THE WORKING OF THE STAFF SELECTION BOARD.

195. *Mr. N. C. Kelkar : Will Government kindly place in the Library of the Assembly a copy of the Report of the Staff Selection Board Committee ?

The Honourable Mr. J. Crerar : Copies of the preliminary and final reports of the Staff Selection Board Committee of 1922-23, to which I assume that the Honourable Member refers, have been placed in the Library.

COST OF ALTERING THE EXISTING FIXED STRUCTURES ON THE 5'—6" GAUGE RAILWAYS.

196. *Mr. N. C. Kelkar : With reference to paragraph 68 of the Railway Administration Report for 1922-23, will Government kindly state whether the Railway Board have yet completed the investigation into the cost of altering the existing fixed structures on the 5'—6" gauge railways, so as to permit of the use of engines and rolling stock with increased width and height ; and if so what is the total cost of the alterations and what is the plan adopted for carrying them out ?

Mr. A. A. L. Parsons : The investigation is by no means completed. It is first of all necessary to decide the design, and particularly the width and height of rolling stock which it would be economical to adopt for future use, and the Railway Board are at present engaged on this problem. Until it has been settled it is impossible to say what alterations will be necessary to permanent structures, more especially platforms, on the various Railways, or to give any estimate of the cost of such alterations which would have the slightest pretension to accuracy. The cost of necessary alterations will of course be a most material factor in deciding whether to introduce new designs of rolling stock. If the Honourable Member desires more detailed information on the subject, which it is impossible to give within the limits of a reply to a question, I shall be very glad to supply it to him if he will see me in my office.

ABOLITION OF THE PROVINCIAL SERVICES ON RAILWAYS.

197. ***Mr. N. C. Kelkar** : With reference to the answer given on 8th March 1926, to starred question No. 1097, will Government kindly state what decision has been arrived at on the question of the abolition of the provincial services on Railways ?

Mr. A. A. L. Parsons : The matter is still under consideration. As it involves some intricate questions of reorganisation of the railway services, it is likely to take a considerable time to settle.

SLEEPING ACCOMMODATION FOR INTERMEDIATE AND THIRD CLASS PASSENGERS ON RAILWAYS.

198. ***Mr. N. C. Kelkar** : With reference to the statement occurring in the answer given on 27th January 1927 to starred question No. 6, that "seating accommodation is provided for intermediate and third class passengers, while sleeping accommodation is provided for first and second class", will Government state the ground for this differentiation ?

Mr. A. A. L. Parsons : The intermediate and third class fares charged would not cover the cost of lying down accommodation.

RESERVATION OF FIRST AND SECOND CLASS COMPARTMENTS FROM HOWRAH TO STATIONS ON THE EAST INDIAN RAILWAY.

199. ***Mr. N. C. Kelkar** : With reference to the answer given on 27th January to starred question No. 5, relating to the experiment of reservation from Howrah to stations on the East Indian Railway of first and second class compartments on payment of one fare less than the marked sleeping capacity, have Government obtained from the Agent, East Indian Railway, any report showing whether this experiment has succeeded in increasing the railway earnings; and if so, will they lay a copy of it on the table ?

Mr. A. A. L. Parsons : A report from the East Indian Railway received in August last year showed that the average number of reservations per mensem had been as follows :

First class	3
Second class	12

No further report has been received and, as the matter is within the competence of the Agent, no further report is being called for.

EDUCATIONAL FACILITIES FOR THE CHILDREN OF RAILWAY EMPLOYEES.

200. *Mr. N. C. Kelkar : With reference to the answer given on 28th March 1927 to starred question No. 1273, relating to the deputation of Mr. C. E. W. Jones, C.I.E., of the Indian Educational Service, will Government kindly state what efforts, if any, were made to obtain a loan of the services of an Indian for the investigation of the question of educational facilities for the children of railway employees ?

Mr. A. A. L. Parsons : The Railway Board asked the Educational Commissioner to suggest the name of a suitable officer, and on his advice asked the Government of the Central Provinces for Mr. Jones' services. No racial considerations arose.

SURPLUS LOCOMOTIVES ON THE NORTH WESTERN RAILWAY AND OTHER RAILWAYS.

201. *Mr. N. C. Kelkar : With reference to pages 2912-3 of the Legislative Assembly Debates, Vol. IX, will Government :

(*a*) indicate the extent to which the North Western Railway is still overstocked in respect of locomotives; and

(*b*) state what other railways have been found to have excess of locomotives owing to improved methods of working ?

Mr. A. A. L. Parsons : (*a*) The stock of locomotives on the North-Western Railway at the end of June 1927 was, according to the latest information in the possession of Government, 1,345 ; while the latest examination by the Railway Board made about a month ago, I think, Sir, shows that 1,328 locomotives should probably be sufficient for the traffic which, on present indications, may be expected in 1928-29. These figures show that the Railway is no longer overstocked, if it is overstocked at all.

(*b*) Judged by the latest figures—those for May 1927—no Railways are, according to the criteria imposed by the Railway Board, overstocked with locomotives for the haulage of the present volume of traffic ; but to prevent any future misunderstanding I should like to explain the position on the Great Indian Peninsula Railway. On this Railway the improvement in methods of working has been very marked, and an extension of electrification is proceeding. As a result it is hoped that it will be possible to scrap this year, and next, between 90 and 100 locomotives of obsolete types not suitable for conversion to superheat, which would otherwise have to be replaced. I should further explain that it is never possible to place a precise figure on the number of locomotives required by a railway on any specific date ; the requirements depend on a number of constantly varying factors, of which the two most important are the possibility of improved methods of working, leading to a smaller number of locomotives being required for a similar volume of traffic, and the possibility of a development of traffic leading to a growth of locomotive requirements. Consequently it should not be assumed that because there is no evidence that the stock of locomotives is at present in excess of the requirements, excesses will not on occasion arise from the operation of the causes I have mentioned, enabling railways to scrap without replacement locomotives which would otherwise have to be replaced. For the same reasons during

the slack season, when experience shows that the volume of traffic in India may be as much as 30 or 40 per cent. below that of the busy season, there is likely to be an excess of tractive power on most of the Indian Railways.

STIPULATION IN RAILWAY CONTRACTS GIVEN TO FIRMS AS REGARDS THE EMPLOYMENT OF INDIANS ON THE WORKS IN QUESTION.

202. *Mr. N. C. Kelkar : Will Government state whether in the contracts given to firms for important railway works any stipulation is made as regards the employment of Indians on the works in question ?

Mr. A. A. L. Parsons : The answer is in the negative.

CONSTRUCTION OF CHEAPER AGRICULTURAL LINES OF RAILWAY.

203. *Mr. N. C. Kelkar : With reference to the construction of cheaper agricultural lines of railway, will Government state the normal life fixed for the different classes of wasting assets for the purpose of ascertaining the payments to be made into the Depreciation Fund ?

Mr. A. A. L. Parsons : The Honourable Member will find the information that he requires in Appendix D to the Report by the Railway Board on Indian Railways for 1924-25, Volume I, a copy of which is in the Library.

NAMES OF FIRMS ENTRUSTED WITH IMPORTANT RAILWAY WORKS.

204. *Mr. N. C. Kelkar : With reference to paragraph 11 of the speech of the Railway Member introducing the Railway Budget for 1927-28, will Government lay on the table a statement showing the names of the firms of contractors entrusted with important railway works, the description of the works so entrusted and the works for which tenders were called for ?

Mr. A. A. L. Parsons : A statement giving the information asked for is laid on the table.

Statement showing important railway works entrusted to contractors.

Serial No.	Contracting firms.	Name of work.	Railway Administration.	Whether tenders were called for or not.
1	Braithwaite and Company (Engineers), Limited.	Villupuram-Trichinopoly Railway 8 Screw pile bridges.	South Indian Railway	No.
2	Ditto	Freelandganj Loco. Shops Erecting Unit and Yard Gantry.	Bombay, Baroda and Central India Railway.	Yes.
3	Ditto	Reconstruction of Nerbudda Bridge ..	Great Indian Peninsula Railway ..	No.
4	Ditto	Reconstruction of Sher and Anjan Bridges.	Ditto	Yes.
5	Sections I and II, Messrs. The Tata Construction Company, Section No. III, Messrs. Dattoo Narayan and Brothers.	Bhore Ghat Re-alignment Scheme ..	Ditto	Yes.
6	Messrs. Mackenzie and Company ..	Lyallpur-Jaranwala Railway Construction.	North Western Railway	Yes.
7	Messrs. Mackenzie and Company, Contractors, Bombay.	Road overbridge at Mahalakshmi, exclusive of the steel girders.	Bombay, Baroda and Central India Railway.	Yes.

NUMBER OF PASSENGERS DETECTED TRAVELLING WITHOUT TICKETS ON RAILWAYS DURING 1925-26.

205. *Mr. N. C. Kelkar : Will Government lay on the table a statement showing by classes (first, second, intermediate and third) the number of passengers detected travelling without tickets and the amounts collected from them during the year 1925-26 ?

Mr. A. A. L. Parsons : Information has been called for from the Railways, and a statement will be furnished to the Honourable Member when it is received.

ALLOCATION OF EXPENDITURE BETWEEN PASSENGER AND GOODS WORKING.

206. *Mr. N. C. Kelkar : With reference to the answer given on 27th January 1927 to starred question No. 8, will Government state whether the question of allocation of expenditure between passenger and goods working has since been looked into ; and, if so, what is the decision arrived at ?

Mr. A. A. L. Parsons : We have just received the report of the officer deputed to examine American methods, and shall look into the question as quickly as possible as soon as the report is ready in print.

CATERING BY MESSRS. BRANDON AND COMPANY ON THE GREAT INDIAN PENINSULA RAILWAY.

207. *Mr. N. C. Kelkar : (*a*) Is it a fact that Brandon and Company is in charge of about twenty refreshment rooms on different railway stations on the Great Indian Peninsula Railway, catering for both European and Indian customers ?

(*b*) What is the period during which Brandon and Company has been thus favoured with their choice by the Great Indian Peninsula Railway ?

(*c*) Is it a fact that Brandon and Company are given a monopoly of dining cars and ice and aerated waters on the whole of the Great Indian Peninsula Railway line, and, if so, for how many years ?

(*d*) What are the terms and conditions on which this allotment of refreshment rooms and the grant of monopoly of dining cars, etc., is made to this Company ?

RULES REGARDING CATERING ON RAILWAYS.

208. *Mr. N. C. Kelkar : (*a*) Is it a fact that in 1924-25, new rules were enacted, providing that not more than one refreshment stall should be given to any single contractor ?

(*b*) Will Government state whether these rules cover the case of Brandon & Co., or whether it is governed by any other set of rules ? If so, will Government place a copy of those rules on the table ?

CATERING ARRANGEMENTS ON THE GREAT INDIAN PENINSULA RAILWAY.

209 *Mr. N. C. Kelkar : (*a*) Is it a fact that it is the intention of the railway companies to give Hindu refreshment stalls to Hindus and Muhammadan stalls to Muhammadan contractors ?

(*b*) Is it a fact that the refreshment rooms at Dhond, Kurudwadi and Ahmednagar, intended to cater for Hindus as well as Muhammadans, are given to a Parsee contractor ? Will Government state whether any applications from local Hindu or Muhammadan contractors were received offering to take up these stalls ?

(*c*) Will Government state the number of old contractors who have been allowed to continue their stalls and the number of new contractors who have displaced old ones on the Great Indian Peninsula Railway ?

(*d*) Is it a fact that some of the new contractors have been fined during the last year or two owing to their inefficiency ?

Mr. A. A. L. Parsons : With your permission, Sir, I should like to reply to questions Nos. 207 to 209 together. I would refer the Honourable Member to the replies given to the questions asked by him on the 3rd February 1925 and by the late Dr. Lohokare on the 19th August 1926. Government have no information on the subject which is one which they leave to Agents to deal with. But if there is any ground for thinking that present arrangements are unsatisfactory, the matter is one which the Local Advisory Committee might well ask the Agent to discuss with them. It was, I understand, discussed with them when new rules were framed rather over two years ago.

SUPPLY OF RAW HIDES TO THE CAWNPORE HARNESS FACTORY.

210. ***Mr. T. A. K. Shervani** : 1. Is it a fact that in previous years the raw hides in the Cawnpore Harness Factory used to be supplied by means of lowest tenders on lime weights rates ?

2. Will the Government be pleased to state if this system is abolished from the last two years ?

3. If so, (*a*) Why ?

(*b*) In whose favour ?

(*c*) On what terms ?

(*d*) On whose risk ?

and (*e*) For what period ?

4. Will the Government be pleased to state if the supply of hides under the new system guarantees good quality and weight and is in accordance with the schedule, and are the hides supplied at the risk of the Harness Factory ?

5. Do the Government intend to stick to the new system after the expiry of the term or to revert to the old system ?

6. If the answer to question No. 5 is in the affirmative, will the Government be pleased to lay all the papers and reports concerning the matter on the table to enable the House to appreciate the advantages of the new system in comparison with the old one ?

7. Is it a fact that the Government have entered into an agreement with the British India Corporation, Ltd, to buy through one Mr. Corbett on a commission basis, at the open market rate with all the risk of lime rejections and market fluctuations ?

8. Is it not a fact that under the new system full scheduled quantity has never been delivered ?

Mr. G. M. Young : Parts 1—7. I have nothing to add to the answer which I gave on the 26th March to the Honourable Member's starred question No. 1226, except that the Audit Report on the accounts for the year 1926-27 shows the results of the joint purchase system to be satisfactory. The actual cost of hides to Government is less than that paid under the old tender system.

Part 8. The answer is in the negative.

INSTALLATION BY THE MADRAS AND SOUTHERN MAHRATTA RAILWAY OF A PUMPING STATION AT THE RIVER PALAR.

211. ***Mr. C. Duraiswamy Aiyangar** : 1. Is it a fact that the Madras and Southern Mahratta Railway Company has been trying to instal a pumping station at the river Palar for supplying water to Jolarpet station ?

2. Are Government aware that the agriculturists have been protesting against the installation in various ways ?

3. Are Government aware of the memorials submitted by the agriculturists as also of the deputation to the Local Government led by the Members of the Madras Legislative Council representing the district of North Arcot ?

4. Will the Government be pleased to state what redress has been accorded to the agriculturists who have been expressing their grievances?

5. Is it a fact that now proceedings under the Land Acquisition Act have been commenced to acquire a piece of zemindari land for the pumping station without heeding the complaints of the zemindari ryots ?

Mr. A. A. L. Parsons : (1) Yes.

(2) & (3). Yes.

(4) A number of sites were investigated in consultation with the Public Works and revenue authorities. The site finally chosen has been carefully selected and it is considered that it will not affect agricultural interests.

(5) Land acquisition proceedings have commenced after carefully considering the objections which were known to have been made.

212.†

APPOINTMENT OF A EUROPEAN AS JUNIOR INSPECTOR OF MINES.

213. ***Mr. K. C. Neogy** : (*a*) Will Government be pleased to state if a post of Junior Inspector of Mines was advertised in this country last year ?

(*b*) If so, how were the applications dealt with and the appointment eventually made ?

(*c*) Is it a fact that a British candidate who had no previous experience of Indian mines was recruited in England for the post ?

† Not put as the Honourable Member (Sardar Gulab Singh) had not taken the oath of office.

(*d*) If the reply to (*c*) is in the affirmative, will the Government be pleased to state what opportunities the Public Service Commission or any other authority in India had of examining the candidate personally ?

(*e*) How many Indian applicants were there for the post ? How many of them were interviewed by the Public Service Commission or any other authority in India ? On what grounds were the candidatures of all the Indian applicants rejected ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) The applications received in this country were considered by the Public Service Commission. The vacancy was also advertised in England by the High Commissioner for India and the applications received there were considered by a Selection Committee under the presidency of the High Commissioner. One of the candidates recommended by the Selection Committee in England was appointed.

(*c*) Yes.

(*d*) It is not the function of the Public Service Commission to interview candidates for a post which is to be filled by selection in England. The candidates were interviewed by the Committee appointed by the High Commissioner, which included the Chief Inspector of Mines.

(*e*) 30 persons, of whom about two-thirds were Indians applied in India. Five candidates who were considered by the Public Service Commission as likely to be suitable and who were all Indians, were interviewed by the Commission. The candidates were rejected because the Commission considered that none of them was suitable for appointment.

Mr. N. M. Joshi : May I ask if the Public Service Commission has a majority of Europeans as members ?

The Honourable Sir Bhupendra Nath Mitra : The Honourable Member knows full well what the constitution of the Public Service Commission is.

Mr. K. C. Neogy : Has the Honourable Member satisfied himself that the standard of qualification which was laid down by the Selection Committee in England was the same as that laid down by the Public Service Commission ?

The Honourable Sir Bhupendra Nath Mitra : The standard of qualification was the same, Sir.

TERMINAL CHARGE ON COKE AND PATENT FUEL ARRIVING IN CALCUTTA.

214. ***Mr. K. C. Neogy** : (*a*) Is it a fact a reduction of as. 4-6 per ton was effected in June this year in the terminal charge levied on all railway consignments of coke and patent fuel arriving in Calcutta stations ?

(*b*) Is it a fact that an additional terminal of as. 4-6 per ton on coke and patent fuel traffic arriving in Calcutta, over and above the terminals which all coal traffic is generally subject to, have been in force for a number of years ?

(*c*) If the reply to (*b*) be in the affirmative, will Government state when this additional terminal was first imposed and with what object in view ?

Mr. A. A. L. Parsons : (*a*) and (*b*). Yes.

(*c*) I would refer the Honourable Member to the reply given to question No. 172 asked by Kumar Ganganand Sinha in this Assembly on the 1st February 1927.

The Howrah Bridge toll was imposed under the Howrah Bridge Act of 1871 which came into force on the 5th July 1871.

BALANCE SHEETS OF RAILWAY-OWNED COLLIERIES, ETC.

215. ***Mr. K. C. Neogy** : (*a*) When are the balance sheets of railway-owned collieries expected to be prepared on commercial principles ?

(*b*) Will Government be pleased to lay on the table a chemical analysis of the average sample of coal mines in various railway collieries developed since 1919 ?

(*c*) Will Government be pleased to furnish a statement showing the rates at which surface rent and royalty are paid on account of the railway collieries opened since 1919, and the names of the parties to whom such rent and royalty are payable, stating in the latter case the exact nature of interest of the parties in their respective land or minerals ?

Mr. A. A. L. Parsons : (*a*) The form of accounts to be adopted for railway-owned collieries was discussed with Sir Arthur Dickinson and will be settled on receipt of his report. I hope it will be possible to introduce any changes needed by the beginning of next financial year.

(*b*) and (*c*). I am sending the Honourable Member the information he requires.

SCHEME OF THE INDIAN MINING FEDERATION OF CALCUTTA FOR POPULARISING THE USE OF COAL AS A DOMESTIC FUEL.

216. ***Mr. K. C. Neogy** : Did Government receive from the Indian Mining Federation of Calcutta a representation outlining a scheme for popularising the use of coal as a domestic fuel ? If so, will Government state what action they propose to take on the proposal ?

The Honourable Sir George Rainy : Yes. The proposal is under consideration.

REDUCTION OF RAILWAY FREIGHT ON (1) COKE AND PATENT COAL AND (2) COAL.

217. ***Mr. K. C. Neogy** : Have Government under their consideration further reduction of railway freight on (1) coke and patent coal and (2) coal ? Have Government received a representation from the Bombay Millowners' Association on the subject ? If so, will the Government be pleased to indicate generally the lines and extent of the reduction now being considered ?

Mr. A. A. L. Parsons : Government are not at present considering any further reduction of railway freight on coal. The question of a

reduction of railway freight on coke is under consideration. A representation was received from the Bombay Millowners' Association on the subject of reduction of railway freights on coal to Bombay and they were informed that no further reductions could at present be made.

COAL PURCHASE POLICY OF THE GOVERNMENT OF INDIA.

218. *Mr. K. C. Neogy : Did Government receive a representation from the Indian Mining Federation of Calcutta suggesting the appointment of a Committee including the representatives of the Legislature and the coal trade to formulate, among other things, recommendations bearing on the coal purchase policy of the Government ? If so, what action do Government propose to take on the representation ?

The Honourable Sir George Rainy : Yes.

The Government do not propose to appoint a Committee of the composition suggested by the Indian Mining Federation to formulate their coal purchase policy to be adopted by Government, but the policy is under the consideration of the Government.

DEPTHS OF COAL MINES IN THE JHARIA AND RANEEGUNJ COALFIELDS.

219. *Mr. K. C. Neogy : Will Government be pleased to lay on the table a statement showing the number of coal mines in the Jharia and Raneegunj fields mining coal at a depth (*a*) not exceeding 100 feet from the surface, (*b*) between 100 to 250 feet from the surface, (*c*) between 250 to 500 feet from the surface, (*d*) between 500 to 750 feet from the surface, (*e*) over 750 feet ?

The Honourable Sir Bhupendra Nath Mitra : I lay on the table a statement giving the required particulars in respect of coal mines in operation in July 1927.

Statement showing maximum depths of coal mines in operation in July 1927 in the Jharia and Raneegunj coalfields.

Depths.	Number in Jharia.	Number in Raneegunj.
Not exceeding 100 feet	54	58
Between 100 and 250 feet	100	106
Between 250 and 500 feet	63	45
Between 500 and 750 feet	20	12
Over 750 feet	1	14

NUMBER OF COAL MINES CLOSED DURING CERTAIN SPECIFIED PERIODS.

220. *Mr. K. C. Neogy : Will Government be pleased to state how many coal mines were closed in each year from 1924 to 1926 and from January 1927 to June 1927 ?

The Honourable Sir Bhupendra Nath Mitra : I lay on the table a statement showing the number of coal mines closed, the numbers opened or re-opened and the net reduction in each period.

Statement showing the number of coal mines in British India closed and the number opened or re-opened since 1st January 1924.

Year.	Number of Coal Mines.		
	Closed.	Opened or re-opened.	Net reduction.
1924	102	81	—21
1925	118	65	—53
1926	122	48	—74
1927 .. .. (January to June).	71	26	—45 (for half year).
Total ..	413	220	—193

MANAGEMENT OF THE WESTERN HOSTEL, NEW DELHI.

221. ***Mr. Harchandrai Vishindas** : (*a*) Will the Government be pleased to state what action, if any, they propose to take for the future management of the Western Hostel, Raisina ?

(*b*) Will the Government be pleased to state whether they have any intention of selling or transferring this property for purposes other than its use by the Members of the Central Legislature ?

(*c*) Will the Government be pleased to state whether they have considered the advisability of handing over management of the hostel to the House Committee of the Legislature whose appointment was foreshadowed by the Honourable the President of the Legislative Assembly ?

(*d*) Will Government consider the advisability of appointing a Committee to go into the whole question of residence and accommodation for Members including the use of the Western Hostel ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) For the forthcoming season it is proposed to continue the same arrangements as were adopted for the 1927 season.

(*b*) Government have no intention at present of selling or transferring the property, but they are investigating the possibilities of so doing, as the establishment of a hotel in New Delhi is one of considerable importance.

(*c*) The answer is in the negative.

(*d*) Government would welcome the appointment of a Committee for the purpose, if this is the wish of the Members of the Legislature. As a matter of fact, I have already tabled a Resolution in regard to a Committee.

APPOINTMENT OF RETIRED GOVERNMENT SERVANTS ON THE ASSAM BENGAL RAILWAY.

222. *Mr. Anwar-ul-Azim : Will the Government in the Department of Railways be pleased to state whether the Assam Bengal Railway has the absolute monopoly of appointing retired servants of Government in filling up vacancies, which require technical skill and knowledge ?

Mr. A. A. L. Parsons : There are no restrictions on the discretion of the authorities of the Assam Bengal Railway in this matter.

GOVERNMENT EXAMINERS OF ACCOUNTS ON THE ASSAM BENGAL RAILWAY.

223. *Mr. Anwar-ul-Azim : Will the Government be pleased to state who is responsible for the appointment of the Examiners of Accounts in the various railway systems in India ? Who is the present incumbent at Chittagong ? Will he have a chance of stepping into the services of the Assam Bengal Railway Company after he reaches his 60th year, and exhausts all extensions as a Government servant like Babu J. R Guha, Assistant Auditor ?

The Honourable Sir Basil Blackett : The postings of Government Examiners of Accounts who are members of the Indian Audit and Accounts Service are made by the Auditor General. The Accountant General, Railways, is responsible for the posting of Assistant Audit Officers as Government Examiners. The post of Examiner at Chittagong is held by Mr. P. C. Nandi. The appointments in the office of Chief Auditor, Assam Bengal Railway, are, as on other Company-worked lines, made by the Home Board of the Company and not by Government. With regard to Rai Sahib J. R. Guha, I may point out that he has not yet reached his 55th year.

APPOINTMENT OF MUSSLAMANS AS HOSPITAL ASSISTANTS, COMPOUNDERS AND SANITARY INSPECTORS ON THE ASSAM BENGAL RAILWAY.

224. *Mr. Anwar-ul-Azim : Will the Government be pleased to state what are the reasons for not appointing any hospital assistants, compounders and Sanitary Inspectors by the Assam Bengal Railway Company from the ranks of Mussalmans ?

Mr. A. A. L. Parsons : There are no reasons why Mussalmans should not be appointed to the posts mentioned, provided they have the necessary qualifications.

NUMBER OF TICKET COLLECTORS ON THE ASSAM BENGAL RAILWAY.

225. *Mr. Anwar-ul-Azim : How many ticket collectors are there in the Assam Bengal Railway ? What are their grades ?

Mr. A. A. L. Parsons : There are 131 ticket collectors on the Assam Bengal Railway. The grades are as follows :

A.	.. .. ..	Rs. 20—2—25
B.	.. .. ..	Rs. 27—2—39
C.	.. .. ..	Rs. 40—2½—50
D.	.. .. ..	Rs. 53—3—74
E.	.. .. ..	Rs. 76—4—100

Mr. Anwar-ul-Azim : May I inquire whether those scales have any similarity to the scales fixed by the State-managed Railways ?

Mr. A. A. L. Parsons : I will obtain the information for the Honourable Member. I am afraid I have not got it here.

METHOD OF RECRUITMENT OF ASSISTANT TRAFFIC SUPERINTENDENTS ON THE ASSAM BENGAL RAILWAY.

226. ***Mr. Anwar-ul-Azim** : How do the Assam Bengal Railway recruits their Assistant Traffic Superintendents ? How many are they now ? What are their qualifications ? How many of them have been appointed by this Company from the ranks of Chief Clerks, and have they been required to pass any examinations like others appointed from outside ?

Mr. A. A. L. Parsons : Assistant Traffic Superintendents have hitherto been recruited by selection. There are 7 now. They have all passed the necessary examinations in traffic working except one or two who by reason of their long service in the subordinate grade have qualified themselves by practical experience. Two have been promoted from the rank of Chief Clerks, and they have not been required to pass any examinations for the reason I have explained.

RECRUITMENT OF APPRENTICE MECHANICS ON THE ASSAM BENGAL RAILWAY.

227. ***Mr. Anwar-ul-Azim** : Will the Member in charge of Railways be pleased to state :

(*a*) What are the rules for recruitment of apprentice mechanics in the Assam Bengal Railway ?

(*b*) What is the present number of mechanical apprentices ? How many of them are Mussalmans ? Is there any provision for reservation of posts for qualified Moslem candidates ?

(*c*) What remuneration is paid to apprentice mechanics ? Is it a fact that the apprentices are treated like ordinary labourers and are paid for the hours they work in the workshop and are not paid anything for Sundays and other public holidays ?

(*d*) What is the rate of remuneration of mechanical apprentices in the State-managed Railways ?

(*e*) Is it a fact that there is no separate Shop Instructor for the apprentices ? Do the Government propose to improve the present arrangements made by the Assam Bengal Railway for training the mechanical apprentices ?

Mr. A. A. L. Parsons : (*a*) A copy of the rules will be supplied to the Honourable Member.

(*b*) The present number of mechanical apprentices is 35, of which 7 are Mussalmans. No posts are reserved for Muslim candidates. Apprentices are engaged on the results of a competitive examination.

(*c*) The rates of remuneration range between 8 annas per day for the first year to Rs. 1-4 per day for the 5th year of training.

Payment is made only for the days the apprentices work.

(*d*) I place on the table a statement showing the rates of remuneration of mechanical apprentices on State-worked Railways.

(*e*) There are 3 Instructors for the apprentices. Government have no reason to believe that the arrangements for training the apprentices are unsatisfactory.

Statement showing the rates of remuneration of mechanical apprentices on State-worked Railways.

The rates of remuneration on the East Indian Railway range between Rs. 10 per month for the first year to Rs. 30 in the 5th year, and on the Eastern Bengal Railway between Rs. 15 per month in the first year to Rs. 40 in the 6th year. Free board (or an allowance in lieu) is allowed to the apprentices on these Railways. On the North-Western and Great Indian Peninsula Railways the stipend includes an allowance for board and the rates are :

North-Western Railway.

Moghalpura—

Rs. 50 in the first year rising to Rs. 90 in the 5th year.

Other Stations—

Rs. 40 in the first year rising to Rs. 80 in the 5th year.

Great Indian Peninsula Railway.

Parel and Matunga—

B. Class apprentices—Rs. 32 in the first year rising to Rs. 72 in the 4th year.

A. Class apprentices—Rs. 45 in the first year rising to Rs. 91 in the 4th year.

Jhansi—

B. Class apprentices—Rs. 23 in the first year rising to Rs. 68 in the 4th year.

A. Class apprentices—Rs. 42 in the first year rising to Rs. 83 in the 4th year.

NUMBER OF MUHAMMADANS AND NON-MUHAMMADANS EMPLOYED ON THE GREAT INDIAN PENINSULA RAILWAY.

228. ***Maulvi Muhammad Yakub** : (*a*) Will the Government be pleased to say how many Muhammadans and non-Muhammadans are serving in the Great Indian Peninsula Railway in different grades and establishments both in the higher and lower appointments ?

(*b*) Will the Government be pleased to say what is the proportion of appointments in different establishments within the last three years ?

Mr. A. A. L. Parsons : I would refer the Honourable Member to the information contained in the following issues of the Report by the Railway Board on Indian Railways :

1924-25, Volume I, Appendix G.

1925-26, Volume I, Appendix F.

1924-25, Volume II, Appendix C.

1925-26, Volume II, Appendix C.

Similar information will be published for 1926-27.

NUMBER OF MUHAMMADANS DISMISSED SINCE THE AMALGAMATION OF THE EAST INDIAN RAILWAY PORTION (JUBBULPORE TO ALLAHABAD) WITH THE GREAT INDIAN PENINSULA RAILWAY.

229. ***Maulvi Muhammad Yakub** : Will the Government be pleased to say how many Muhammadans have been dismissed since the amalgamation of the East Indian Railway portion (Jubbulpore to Allahabad) with

reference to the past preceding three years and in proportion to other Indians for the same period ?

Mr. A. A. L. Parsons : I presume the Honourable Member refers to discharges. If so, the figures which he wants are not available and could only be obtained, if at all, by a laborious enquiry which Government do not consider it desirable to undertake.

EMPLOYMENT OF MUHAMMADANS ON THE GREAT INDIAN PENINSULA RAILWAY.

230. ***Maulvi Muhammad Yakub** : Will the Government say what measures have been taken and methods adopted to have a fair proportion of Muhammadans on the Great Indian Peninsula Railway, and if no such steps have been taken, do Government propose to take some steps towards this direction as has been done in other Railways ?

Mr. A. A. L. Parsons : The policy of Government in respect of the prevention of the preponderance of any particular community in the Railway Services has been communicated to all Railways, including the Great Indian Peninsula Railway.

Maulvi Muhammad Yakub : Will the Government be pleased to enquire what effect has been given by the different Railways to the directions issued by the Government in this connection ?

Mr. A. A. L. Parsons : I have no reason to believe that they are not following our policy.

DISCHARGE OF ABDUL MAJID, GOODS CLERK, BY THE GREAT INDIAN PENINSULA RAILWAY.

231. ***Maulvi Muhammad Yakub** : (*a*) Will the Government be pleased to give reasons for which the Goods Clerk Abdul Majid, Great Indian Peninsula Railway, was discharged from service in August 1926 by the Chief Traffic Manager, Bombay ?

(*b*) Will the Government further state the charges brought against him, and if there exist no charges, what steps have been taken by the Agent on receipt of notice to the Secretary of State for India in Council and by the Secretary of the Board on receipt of the representation from him in March 1927 ?

Mr. A. A. L. Parsons : (*a*) Government have no information

(*b*) A representation was received from Abdul Majid by the Railway Board which was not entertained as under the conditions of his service he had no right of appeal to the Railway Board against his discharge.

RULES OF THE GREAT INDIAN PENINSULA RAILWAY REGULATING THE APPEALS OF DISCHARGED HANDS.

232. ***Maulvi Muhammad Yakub** : Will the Government be pleased to lay on the table the rules, if any, of the Railway, which prohibit interviews of subordinates by the Chief Traffic Manager and which prohibit the discharged hands from appealing to represent their cases to the authorities ?

Mr. A. A. L. Parsons : There are no such rules.

DEDUCTION OF WAGES OF RAILWAY EMPLOYEES.

233. *Maulvi Muhammad Yakub : Will the Government be pleased to say if there are any rules of the Railway which allow the authorities to deduct well earned wages of subordinates without intimating the fact to the person concerned ?

Mr. A. A. L. Parsons : There is no such rule.

AWARD OF DOUBLE PUNISHMENTS TO RAILWAY EMPLOYEES.

234. *Maulvi Muhammad Yakub : Will the Government be pleased to say if there are such rules by which a railway subordinate is doubly punished for the same clerical error at different times by different officers ?

Mr. A. A. L. Parsons : There is no such rule.

RE-EMPLOYMENT OF DISCHARGED RAILWAY EMPLOYEES.

235. *Maulvi Muhammad Yakub : Will the Government be pleased to say how many discharged hands are being re-employed during the last 10 years, and what were the charges against them justifying dismissal and the reasons for taking them back in service ?

Mr. A. A. L. Parsons : Government have no information, and regret that they cannot offer to undertake to make the laborious and expensive enquiries which would be necessary to obtain it.

AGREEMENTS WITH RAILWAY SERVANTS ON THE GREAT INDIAN PENINSULA RAILWAY.

236. *Maulvi Muhammad Yakub : Will the Government be pleased to say if there was any necessity to have railway servants bound over by agreements since the Great Indian Peninsula Railway became a State Railway ?

Mr. A. A. L. Parsons : All Railways' employees have to execute agreements on appointment, and when the old Great Indian Peninsula Railway staff was taken over by the State, it was necessary that they should enter into agreements with the State.

DISMISSAL OF MR. B. L. DE ROZARIO, LATE DEPÔT STORE KEEPER, ALAMBAGH STORES DEPARTMENT.

237. *Maulvi Muhammad Yakub : (*a*) Under what circumstances was Mr. B. L. De Rozario, late Depôt Store Keeper, Alambagh Stores Department, dismissed from his service ?

(*b*) Was the said Mr. De Rozario arrested by the police and after an investigation discharged by an order of the Special Magistrate of Lucknow on the 28th May 1925 ?

(*c*) Is it a fact that Mr. Lightowler was in direct charge of the Charbagh Stores Department in March 1922, and Mr. Ireland, Sub-Store Keeper, was in charge of the Metal Godown in 1922 and it was he who dealt with the delivery orders and had the handling, weighing and loading of all the brass material in his direct charge ?

(*d*) Were any of the two
to book in connection with the
ment fraud cases ?

(*e*) Is it a fact that under orders G.|8, dated 16th January 1924, and G.|39, dated 15th March 1924, and Order No 19-G dated 27th March 1924 the Depôt Store Keeper had absolutely nothing to do with the delivery of brass material, not even with the weighment of inward and outward wagons in March 1922 ; if so, why was Mr. B. L. De Rozario considered responsible for anything in connection with the Store Department fraud cases ?

(*f*) Was Mr. De Rozario given any suspension allowance, bonus and gratuity ; if not, why not ?

Mr. A. A. L. Parsons : (*a*) and (*b*). In the course of his enquiry in connection with the Oudh and Rohilkhand Railway stores frauds, the special police investigating officer secured proof that Mr. Rozario had been implicated in certain fraudulent transactions. Mr. Rozario was arrested on the 19th September 1924 on a charge of criminal breach of trust. Eventually it was decided to deal with Mr. Rozario departmentally and consequently his bail bonds were cancelled by the Special Magistrate, Lucknow, on the 28th of May 1925. Mr. Rozario was, therefore, called upon to show cause why he should not be dismissed and, as he was unable to give satisfactory replies to the charges framed against him, his services were dispensed with.

(*c*) Mr. Lightowler was officiating District Controller of Stores, District II, Alambagh, and had control over the Charbagh Stores Department, which was under the direct charge of Mr. Rozario. Mr. Ireland was Sub-Storekeeper under Mr. Rozario.

(*d*) Mr. Lightowler was given a severe warning for lack of care, intelligence and energy in the performance of his duties. Mr. Ireland was dismissed.

(*e*) The orders referred to were not in force at the time the frauds, in which Mr. Rozario was implicated, were committed.

(*f*) Mr. Rozario received suspension pay for the full period he was under suspension, but, in view of the circumstances in which he was dismissed, he was not eligible for bonus or gratuity.

SENIOR COMMERCIAL INSPECTOR, GREAT INDIAN PENINSULA RAILWAY.

238. ***Maulvi Muhammad Yakub :** Will the Government be pleased to state from what date the post of Chief Commercial Inspector was created ? Was there such a post ever in existence in the Great Indian Peninsula or any other Railway ? What are the qualifications of the present incumbent ? What was his designation and pay before and after joining the present post ? Will there be a saving of seven thousand rupees by abolishing the post ?

Mr. A. A. L. Parsons : Presumably the Honourable Member refers to the post of Senior Commercial Inspector as there is no post of Chief Commercial Inspector on the Great Indian Peninsula Railway.

The post was created in 1925. Prior to that date, it existed under a different designation.

The present incumbent of the post has the necessary qualifications to discharge his duties efficiently. He has risen from the post of a guard through the ranks of a station master and traffic inspector.

Prior to his appointment as Senior Commercial Inspector he was a Divisional Transportation Inspector on Rs. 500 per mensem and he has since officiated as Assistant Goods Superintendent, Wadi Bunder. His pay as Senior Commercial Inspector is the same as he was drawing as Divisional Transportation Inspector.

There would be no saving by abolishing the post because, if the work that the incumbent of the post performs was left undone, the Railway would lose considerably more than the saving in pay thus effected.

CHIEF GOODS INSPECTORS, GREAT INDIAN PENINSULA RAILWAY.

239. ***Maulvi Muhammad Yakub** : Will the Government be pleased to state if there was any such post as the Chief Goods Inspector on the Great Indian Peninsula Railway or in any other Railways ?

Mr. A. A. L. Parsons : There are two posts of Chief Goods Inspectors on the Great Indian Peninsula Railway on Rs. 450—25—500 per mensem each.

The designation is not used on other Railways, but they have Goods Supervisors or Goods Inspectors.

EMPLOYMENT OF A-GRADE STATION MASTERS AT SUTNA AND KATNI ON THE GREAT INDIAN PENINSULA RAILWAY.

240. ***Maulvi Muhammad Yakub** : Will the Government be pleased to say what is the necessity of having highly paid (A) grade station masters, who have no experience of goods and coaching matters, and of less qualifications at less important stations (such as Sutna and Katni) where sub-assistant station masters and yard inspectors have already been provided ?

Mr. A. A. L. Parsons : It is within the competence of the Agent to post Station Masters of the various grades to the different stations according to requirements, and Government do not interfere in such matters.

THE *Rangila Rasul* CASE.

241. ***Mr. Abdul Haye** : 1. Are the Government aware that in January last one Raj Pal of Lahore was convicted under section 153-A, Indian Penal Code, for having published a highly offensive and scurrilous pamphlet called *Rangila Rasul* against the Prophet of Islam and that his appeal was dismissed by the Sessions Judge, Lahore ?

2. Is it a fact that when the case came before the Lahore High Court on the revision side, Mr. Justice Dalip Singh, while agreeing fully with the concurrent finding of the two lower courts that the pamphlet in question was a scurrilous satire on the founder of the Muslim religion, acquitted the accused on the ground that such writings did not fall within the purview of section 153-A of the Indian Penal Code, and that there was no other provision of law under which Raj Pal could be convicted ?

3. Since the enactment of section 153-A of the Indian Penal Code have there been any previous occasions on which this defect in the existing law was pointed out by any of the High Courts in India ?

4. If the answer to part 3 be in the affirmative, why were no steps taken by the Government to amend the law ?

5. Are the Government aware that since the acquittal of Raj Pal there have been repeated scurrilous attacks against the Prophet of Islam by the Hindu Press and Hindu publishers which have considerably exasperated Muslim public opinion ?

6. Are the Government aware that the Allahabad High Court has recently taken a contrary view and dissented from the judgment of Mr. Dalip Singh ?

7. Are the Government aware that in a similar case on an application filed by one Kali Charan Sharma under section 99 of the Criminal Procedure Code, a Special Bench of the Allahabad High Court, presided over by Justices Walsh, Lindsay and Bannerji, has held that such writings containing wanton attacks on the life of a religious teacher promoted, or were intended to promote, feelings of enmity or hatred between different classes of His Majesty's subjects and came within the purview of law ?

8. Did the Government refer this matter of serious conflict of decision to their law officers for opinion ? If so, will the Government lay that opinion on the table ?

9. Do the Government propose to apply to the Privy Council for special leave to appeal against the order of Mr. Justice Dalip Singh in *re* Raj Pal ?

10. Are the Government aware that the title of this book *Rangila Rasul* being very offensive and scurrilous is greatly resented by the Muslims ? Are the Government prepared to issue instructions that in official correspondence and communications the actual name of the case (Raj Pal *versus* Crown) should be used or it should be referred to as Raj Pal's case and not as the *Rangila Rasul* case ?

11. Are the Government aware that Raj Pal is not the author of the pamphlet *Rangila Rasul* but only its publisher ? Are the Government prepared to direct the Local Government of the Punjab to find out by police investigation or otherwise the real culprit and prosecute him under section 153-A|109, Indian Penal Code ?

The Honourable Mr. J. Crerar : 1 and 2. Yes.

3. Government are not aware that general views of this character have been expressed before by any High Court.

4. Therefore does not arise.

5. Two publications alleged to contain such attacks have come to the notice of Government. Of these one was the subject of legal proceedings, while the other was proscribed by the Government of the Punjab.

6. Mr. Justice Dalal of the Allahabad High Court was unable to agree with some of the general arguments of Mr. Justice Dalip Singh's judgment.

7. The Honourable Judges do not appear to have laid down the exact proposition stated by the Honourable Member. The judgments were concerned with the intention of the writer of the particular book then in question.

8. A Divisional Bench of the Lahore High Court have recently expressed a view of the law, which appears to be substantially in accordance with that held by the Allahabad High Court. The point raised in this question therefore does not arise.

9. No.

10. The title no doubt is objectionable, but it is difficult to avoid all reference to it, and in this connection official correspondence is of much less importance than press notices, which cannot be controlled by the Government.

11. Government do not propose to issue any instructions in the matter to the Government of the Punjab, who are primarily concerned and have throughout handled a very difficult situation with commendable judgment and restraint.

PRECEDENCE OF A MEMBER OF THE LEGISLATIVE ASSEMBLY IN DARBARS.

242. *Mr. Anwar-ul-Azim : Will the Government be pleased to state what is the status of a Member of this Assembly, in matters of precedence, in Imperial, Provincial, and Divisional Darbars in India ?

The Honourable Mr. J. Crerar : The Honourable Member is referred to the reply given by Sir Alexander Muddiman on the 31st January, 1927, to a similar question.

INTERPETATION OF SECTIONS 148 AND 151 OF THE CODE OF CRIMINAL PROCEDURE, 1908, BY THE HIGH COURT, CALCUTTA.

243. *Mr. Anwar-ul-Azim : Will the Government be pleased to state whether the Legislative Department of the Government of India is in touch with all the machinery of administration which puts into execution the various laws promulgated by this House ? If so, will the Department tell us what have been the decisions of the High Court of Calcutta with regard to the interpretation of sections 148 and 151 of the Criminal Procedure Code of 1908, up to now ?

Mr. W. T. M. Wright : I am not sure that I understand the meaning of the first part of the question. The Legislative Department are not in a position to give the Honourable Member any information regarding decisions of the High Courts other than those reported in the Law Reports or referred to in Commentaries, or which may be specially brought to the notice of the Department.

APPOINTMENT OF MEMBERS OF MINORITY COMMUNITIES TO THE SERVICES.

244. *Mr. Anwar-ul-Azim : Will the Government be pleased to state what are the circulars of the Government of India with regard to the appointment of people from the minority communities of this country ?

Which are the Departments of Government to which no circulars have so far been issued and the Departments where they have proved ineffectual ?

The Honourable Mr. J. Crerar : General instructions on the subject have been issued by the Home Department. The principles laid down are applicable to the Government of India as a whole, and Departments do not ordinarily issue independent orders on the subject, but confine themselves to bringing the general orders, where necessary, to the notice of subordinate authorities. I know of no case in which the orders have proved ineffectual.

METHOD OF RECRUITMENT TO THE SERVICES IN INDIA.

245. ***Mr. Anwar-ul-Azim** : (*a*) Will the Government be pleased to state whether it is a fact that the services in this country are mostly recruited from the relations of officers who have served Government in some capacity or other ?

(*b*) If the answer is in the affirmative, will the Government be pleased to state if they are prepared to keep a certain percentage of Government appointments for people who answer the necessary qualifications, but are not relations of a Government servant, past or present ?

(*c*) What is the percentage of officers in the Government of India, who are relations of somebody in the service of the Government of India ?

The Honourable Mr. J. Crerar : (*a*) It is no doubt the case that there is a tendency for the relatives of Government officers to seek Government service, but Government could not admit the accuracy of the general statement suggested in the question.

(*b*) Does not arise.

(*c*) The statistics are not available, and as a large proportion of the officers in question are recruited by examination, the results of collecting them could hardly justify the great expenditure of time and labour that would be involved.

PREFERENTIAL CLAIMS OF MUSSALMANS TO APPOINTMENTS IN THE STATE MANAGED RAILWAYS.

246. ***Mr. Anwar-ul-Azim** : Will the Government be pleased to state whether in the State-managed Railways Mussalmans have any preferential claims by virtue of their importance as a community ?

Mr. A. A. L. Parsons : I would refer the Honourable Member to the Resolution passed in the Assembly on 10th March, 1923. The policy of Government is to avoid a preponderance of any particular community in the services and not to see that all the various communities are represented according to their numerical strength.

THE MANIHARI RAJ ESTATE IN THE SANTHAL PARGANAS.

247. ***Kumar Ganganand Sinha** : (a) Are the Government aware of the fact that (*i*) by order, dated the 24th January 1805 the Governor General in Council sanctioned Raja Gajraj Singh to continue in posses-

sion of the lands and jagir held by him in the district of the Santhal Parganas free of assessment and not subject to payment of any revenue, (*ii*) that by a letter dated the 3rd October, 1837 regarding the filing of the redemption suit for that estate, the supreme Government observed that a compromise might unquestionably be made with the heirs of Raja Gajraj Singh ?

(*b*) Is it a fact that in spite of these directions, the local authorities instituted redemption proceedings under one plea or other ?

(*c*) Are the Government aware of the fact that the supreme Government by their letter, dated the 15th July, 1839, directed that if the redemption proceedings be decided in favour of the Government, the fact must be reported to the Government before the assessment of the land would begin and as a result of which the collection, which the local authorities had commenced to make over the jagirs of the Manihari Raj, was stopped ?

(*d*) Will the Government be pleased to state whether the result of the redemption proceedings was reported to the supreme Government for necessary orders, if so, when and what instructions were issued by the supreme Government in this connection ?

(*e*) Did the Government receive any report with regard to the amicable settlement suggested by them ? If so, did the supreme Government verify the same or not ?

(*f*) Will the Government be pleased to lay on the table a copy of the letter it received from the local authorities on this point and state how the report was verified, and if it was not verified, why ?

(*g*) Will the Government be pleased to state whether or not it has ascertained if their direction to definitely ascertain the value of the jagir land and the Malkana rights of the Manihari Rajas was carried out by the local authorities or not ; if so, how and when ; if not, what action has been taken in this connection by the Government ?

Mr. A. R. Dalal : The Government of India have ascertained from the Local Government that the matters referred to in the question form the subject of certain civil suits pending in the court of the Settlement Officer, Santhal Parganas. They are, therefore, precluded from answering any portion of this question.

AMALGAMATION OF THE ORIYA-SPEAKING TRACTS.

248. ***Mr. Gaya Prasad Singh** : (*a*) Are Government aware that a Resolution recommending the amalgamation of the Oriya-speaking tracts was carried in the Bihar and Orissa Legislative Council on the 25th November 1921 ?

(*b*) Are Government aware that the Honourable Mr. Madhusudan Das, who was then a Minister, supported the Resolution ?

(*c*) When do Government propose to take steps for the amalgamation of the Oriya-speaking tracts with the Orissa Division of the Province of Bihar and Orissa ?

The Honourable Mr. J. Crerar : (*a*) Yes.

(*b*) Yes.

(*c*) The whole question is still under consideration, and no definite statement can be made at present.

REMOVAL OF THE CAPITAL OF THE UNITED PROVINCES FROM ALLAHABAD TO LUCKNOW.

249. ***Mr. Gaya Prasad Singh** : (*a*) Have Government received any memorial from persons of the United Provinces, protesting against the gradual removal of the capital of the United Provinces from Allahabad to Lucknow ?

(*b*) Will Government kindly state if there is any truth in the report that the area of the United Provinces administration is likely to be separated into two ; or that the permanently settled tracts of the United Provinces are likely to be amalgamated with the Province of Bihar and Orissa, where the system of permanent settlement prevails ?

The Honourable Mr. J. Crerar : (*a*) Yes.

(*b*) Government have not heard of any such report.

ALLEGED EXCESSIVE AND UNFAIR ASSESSMENT OF INCOME-TAX IN BIHAR AND ORISSA.

250. ***Mr. Gaya Prasad Singh** : (*a*) Are Government aware that Mr. W. Johnston, Commissioner of Income-tax, Bihar and Orissa, issued the following Circular, No. A.-334|6, dated Ranchi, the 28th March 1927 to Income-tax Officers :

" As the point on which the legal ruling was communicated in my Circular No. A.-334|4, dated the 9th February 1927 which has since been cancelled, is by no means clear, and as there are contrary rulings on the point at issue, it is impossible to issue a clear laying down policy to be followed in every case. On the other hand you should take the view in any particular case which is favourable to the department, and leave the assessee to press for a decision on a reference to the High Court, if he is so advised " ?

(*b*) Are Government aware that this Circular, by asking the Income-tax Officers to " take the view in any particular case which is favourable " to the Income-tax Department, has led to the harassment of many assessees by excessive and unfair assessment ?

(*c*) Do Government propose to ask Mr. Johnston to withdraw this Circular ?

The Honourable Sir Basil Blackett : The Government have no information on the subject.

As far as I can judge, the Honourable Member seems to be referring to confidential correspondence between the Income-tax Commissioner and his officers. If so I shall be very grateful if he will explain how it came into his possession and why he is making public use of it.

Mr. Gaya Prasad Singh : Are Government aware that the circular to which reference has been made does not bear on the face of it any remark to indicate that it is of a confidential nature ? It was issued in the ordinary course of official business.

The Honourable Sir Basil Blackett : As I said, Government have no information on the subject and judging from the fact that the circular deals with correspondence of a confidential nature, I shall be glad if the Honourable Member will speak to me afterwards if he has made a correct use of it.

Mr. Gaya Prasad Singh : There is nothing to show that it was of a confidential nature. Is it not stated in the Income-tax Manual, Volume I, page 121 that " it is desirable that, with due regard to the fiscal interests of Government, all Income-tax officials should administer the Act in a sympathetic spirit "?

The Honourable Sir Basil Blackett : If the Honourable Member will put the question down, I would verify his quotation from the Manual.

CLAIMS OUTSTANDING AGAINST THE BRITISH WAR OFFICE.

251. ***Mr. Gaya Prasad Singh** : Has there been any expenditure incurred by Government during or on account of the Great War which forms the subject of a claim upon the British War Office ? If so, what is the total amount of the claim, how much of it has already been paid up, and how much is still outstanding ? What is the nature of the claim falling under the last category ?

The Honourable Sir Basil Blackett : The attention of the Honourable Member is invited to the statement placed on the table on 1st February, 1924 dealing with important financial items outstanding between His Majesty's Government and the Government of India, and to my answer on 15th February, 1927 to question No. 425 asked by Mr. Chaman Lall. There has been further progress in the matter, but I am not yet in a position to make a statement.

EXPENDITURE ON TROOPS SENT FROM INDIA TO CHINA.

252. ***Mr. Gaya Prasad Singh** : (*a*) Has any sum been hitherto spent by Government out of India's revenue towards the equipment, despatch, or maintenance of India's troops in China, including arms and ammunitions ? If so, how much ?

(*b*) What is the number of troops sent out of India to China, English and Indian ?

Mr. G. M. Young : (*a*) I would refer the Honourable Member to the statement that I made in the House on the 25th March last.

(*b*) On the 1st May 1927, the effective strength of the Indian contingent of the Shanghai Defence Force was—

British ranks	2,232
Indian ranks	3,305
Followers	722

CONTRIBUTION TO THE AITCHISON COLLEGE, LAHORE.

253. ***Mr. Gaya Prasad Singh** : (*a*) Do Government contribute any sum to the Aitchison College, Lahore ? If so, how much per year ?

(*b*) Is there any Managing Committee of this Institution ? If so, who are the members ?

Sir Denys Bray : (*a*) Rs. 15,000 a year from Central Revenues and Rs. 12,000 a year from provincial revenues.

(*b*) There is a large Committee of Management ; the Honourable Member will find the names in the last annual report of the College, a copy of which is in the Library.

SERIOUS COMPLAINTS MADE BY THE MERCANTILE COMMUNITY OF MEERUT AGAINST THE STATION MASTER OF MEERUT CITY STATION.

254. ***Mr. Ismail Khan** : Is it a fact that the mercantile community of Meerut has made serious complaints against the station master of Meerut City station ? What action have the Government taken against the station master ?

Mr. A. A. L. Parsons : Government are not aware of any such complaints. They have, however, sent a copy of the Honourable Member's question to the Agent, North-Western Railway.

CONSTRUCTION OF THE RAJGHAT-JEHANGIRABAD AND BULANDSHAHR BRANCH RAILWAY.

255. ***Mr. Ismail Khan** : Will the Government be pleased to state what progress has been made in the construction of the Rajghat-Jehangirabad and Bulandshahr Branch ? When is it expected to be completed and whereabouts in Jehangirabad is the railway station to be located ?

Mr. A. A. L. Parsons : A report on the project has just been received, and is under examination.

The location of the railway station in Jehangirabad has not yet been settled.

CUTTING OF TREES IN CANTONMENTS.

256. ***Mr. Ismail Khan** : Are the Government aware that in Cantonments no owner of a bungalow can cut a tree in his compound without the previous sanction of the Executive officer, and that if the Executive Officer refuses his sanction, he is compelled to abide by it under a threat of criminal prosecution ? What law sanctions this interference with the rights of private property ?

Mr. G. M. Young : Government cannot prevent the felling of trees on private land. If the land belongs to Government the right of the lessee or grantee depends on the terms of the lease or grant. There is no question of interference with rights in private property.

COLLECTION OF TAXES IN CANTONMENTS.

257. ***Mr. Ismail Khan** : 1. Are the Government aware that there is a great deal of discontent in the Cantonments about the provision of the Cantonment Act of 1923 which makes it compulsory on the occupiers of houses to go to the cantonment office to pay their taxes ? Are Government aware that it entails serious inconvenience and hardship on poor *purdah-nashin* ladies ?

2. According to the old system was there door to door collection of taxes ? If so, are Government prepared to revert to the old system ?

Mr. G. M. Young : (1) There is no such provision in the Cantonments Act, 1924, nor are the Government aware that any new system of tax collection has been introduced as a result of that Act.

(2) Government have no information on this point. Cantonment Authorities have, however, powers to frame bye-laws on the subject, and I would suggest that if there is any cantonment in which this grievance actually exists, a representation should be made to the Cantonment Authority.

RECOMMENDATIONS OF THE SKEEN COMMITTEE.

258. ***Mr. Ismail Khan** : What action do the Government intend to take on the recommendations of the Skeen Committee with regard to :

(*a*) ten vacancies allotted to Indians at Sandhurst being doubled in 1928,

(*b*) eight vacancies being allotted to Indians at Woolwich and two at Cranwell in 1928 ?

Mr. G. M. Young : The Honourable Member is referred to the reply given to Diwan Chaman Lall's question No. 109.

RECOMMENDATIONS OF THE ECONOMIC ENQUIRY COMMITTEE.

259. ***Mr. M. S. Aney** : (*a*) Will the Government be pleased to state whether the Government of India have by this time finished the consideration of the various recommendations of the Economic Enquiry Committee in so far as they affected them and come to any decisions thereon ?

(*b*) If the answer to the above be in the affirmative, will the Government be pleased to place the same on the table ?

(*c*) If the answer be in the negative, will the Government be pleased to explain the reasons for this delay ?

RECOMMENDATIONS OF THE ECONOMIC ENQUIRY COMMITTEE.

260. ***Mr. M. S. Aney** : (*a*) Will the Government be pleased to say whether they have received replies from all the Provincial Governments to their letter (No. D.|4299-F., Government of India, Finance Department), dated the 23rd of October 1925 ?

(*b*) If not, will Government be pleased to state what Provincial Governments have yet failed to submit their replies ?

(*c*) Will the Government be pleased to state what steps they have taken during the last twenty months to expedite the replies from these Provincial Governments ?

(*d*) With advertence to the reply given by the Honourable Sir Basil Blackett on the 19th of August 1926 on the floor of this House to question No. 105, do Government propose to publish the replies of the Provincial Governments to the above letter received to the beginning of August 1927 without waiting any longer for replies from defaulting Provincial Governments, if any ?

The Honourable Sir George Rainy : With your permission, Sir, I should like to reply to questions Nos. 259 and 260 together.

The replies of all the Local Governments have been received. The last of them was received only in March, 1927, and every endeavour is being made to deal with the Committee's recommendations as expeditiously as possible.

The Government do not propose to publish the replies, but copies have been placed in the Library.

SOCIAL BOYCOTT OF INDIAN STUDENTS IN EDINBURGH.

261. ***Mr. Abdul Haye** : (*a*) Are Government aware that Indian students resident in Edinburgh have been subjected to social boycott ?

(*b*) Are Government aware that most of the landladies at Edinburgh do not take Indians as lodgers ?

(*c*) Is it a fact that in Edinburgh Indian students are refused admittance into places of amusement and entertainment such as restaurants, hotels, dance halls and ball rooms ?

(*d*) Has the attention of the Government been drawn to the reports sent by the Honorary Secretary, Edinburgh Indian Union, and published recently in almost all the Indian papers in which besides the facts mentioned above it is further stated that even the University life is not free from anti-Asiatic manifestations ; that native students stay at arm's length from the coloured students and any social intercourse is out of the question ; that Indians are not admitted to the Royal Medical Society; that they were refused admittance to the annual dance of the University and even the swimming bath of the University is not open to them ?

(*e*) If the answer to part (*d*) be in the affirmative, what steps did the Government take to grant relief to the Indian students in Edinburgh and to safeguard their honour and interests ?

(*f*) Did the Government correspond with the Secretary of State for India in Council on the subject and ask him to use his good offices and prevent this objectionable treatment of Indian students ?

(*g*) Are Government prepared to lay this correspondence (if any) on the table ?

The Honourable Mr. J. Crerar : I invite the Honourable Member's attention to the answer I gave on the 22nd of August to a similar question by Mr. Gaya Prasad Singh. Government understand that Indian students have as a rule no difficulty in getting lodgings.

EXHIBITION OF THE FILM ENTITLED THE " MOON OF ISRAEL " IN DELHI.

262. ***Mr. Abdul Haye** : (*a*) Will the Government please state what procedure is adopted by the Indian Board of Censors before a cinema film is passed ? Are any facilities afforded to the public to examine and take objection to the matter sought to be filmed ?

(*b*) Are Government aware that a film called " Moon of Israel " which was duly passed by the Board of Censors was considered objectionable by the Muslim public of Delhi who demanded its stoppage while it was being filmed at the Elphinstone Picture Palace in July last ?

(*c*) Have Government examined the film since then and what final orders have been passed in this matter ?

The Honourable Mr. J. Crerar : (*a*) There is at present no all-India Board of Censors. Section 7 (*1*) of the Cinematograph Act, 1918, as amended by the Cinematograph (Amendment) Act, 1919, empowers Local Governments authorised in this behalf by the Governor General in Council to constitute certifying authorities, and Boards have been set up in Madras, Bombay, Calcutta and Rangoon. Under the Act at least half of the members of these Boards must be non-officials. Government are at present carefully considering the whole system of cinema censorship.

(*b*) Yes.

(*c*) On receiving a report as to the nature of the film the District Magistrate suspended the certificate under section 7 (*5*) of the Cinematograph Act. The Chief Commissioner of Delhi subsequently discharged this order on obtaining from the Manager of the Picture Palace a written undertaking to the effect that the film would not be exhibited again in Delhi.

ACCOUNTS OF THE POST OFFICE LIFE INSURANCE FUNDS.

263. ***Maulvi Muhammad Yakub** : Will the Government be pleased to state whether the accounts of the Postal Life Insurance Fund have been actually examined for the quinquennium 1922-27, and if so, whether an *ad interim* bonus has been declared or not ? If not, when may such a declaration be expected ?

Mr. H. A. Sams : The accounts of the Post Office Life Insurance Fund for the quinquennium 1922-27 have been made up for the purpose of the actuarial investigation which has been taken in hand. An *ad interim* bonus payable during the quinquennium was declared in January 1925.

EDUCATION OF THE CHILDREN OF INDIAN EMPLOYEES OF RAILWAYS.

264. ***Maulvi Muhammad Yakub** : Will the Government be pleased to state what arrangements have been made by the railway authorities in India to carry out the recommendations of the Indian Public Service Commission of 1912, to provide better educational opportunities at all important railway centres to the children of Indian railway employees as is being given to Europeans and Anglo-Indians ?

Mr. A. A. L. Parsons : The question of assistance to railway employees in the education of their children is under investigation by an officer of the Educational Department.

Maulvi Muhammad Yakub : May I know, Sir, how long has this question been under investigation and how much more time will it take before this investigation is finished ?

Mr. A. A. L. Parsons : I think Mr. Jones has been on duty for about 8 years. I received a copy of his report—whether preliminary or final I am not sure,—yesterday.

OPENING OF RAILWAY INSTITUTES TO INDIANS.

265. *Maulvi Muhammad Yakub : Are the Railway Institutes in India open to the Indian employees ? If not, why not ? Do the Government propose to issue orders that the existing Railway Institutes be opened for common use both by Europeans and Indians in order that a spirit of fellowship be promoted thereby between the two classes of employees ?

Mr. A. A. L. Parsons : The practice varies on different Railways. In some cases the Institutes are open to all employees—European, Anglo-Indian or Indian—and in others separate Institutes are provided for Indian employees. On account of the difference in the mode of living and the consequent difference in the amenities that the Institutes are intended to provide, Indian employees generally prefer to have separate Institutes of their own.

Maulvi Muhammad Yakub : Are there any Institutes established for the Indian employees on any of the Railways ?

Mr. A. A. L. Parsons : Yes, Sir.

DISCHARGE OF MR. NASIRUDDIN AHMAD, *Ex* HEAD ESTABLISHMENT CLERK OF THE COMBINED OFFICES OF GAYA AND DINAPORE, EAST INDIAN RAILWAY.

266. *Maulvi Muhammad Yakub : (*a*) Will the Government be pleased to state under what circumstances the services of Mr. Nasiruddin Ahmad, *ex*-Head Establishment clerk of combined office Dinapur, Gaya Division, were dispensed with ?

(*b*) Was he served with any charge sheet and given an opportunity to tender an explanation ?

(*c*) Is it a fact that in 1924 when the post of the Establishment clerk fell vacant, the District Superintendent, Mr. Fitzpatrick, recommended a Bengali clerk for the post, but the then Chief Superintendent, Mr. F. E. Robertson, and the then General Traffic Manager, Mr. Hayman, selected Mr. Ahmad for the post ?

(*d*) Is it also a fact that the nominee of Mr. Fitzpatrick appealed to the Agent against the order of Mr. Ahmad's appointment which was disallowed by the Agent, Mr. Colvin, under his No. E.-3773|1661-P. I. of 20th December, 1921 ?

(*e*) Is it a fact that when the Divisional system was enforced in September, 1924, Mr. Ahmad was given a *bona fide* " offer " of service which he formally accepted ?

(*f*) Is it a fact that on December 15th, 1924, Mr. Ahmad was taken to Dinapore by Mr. Jacobson to set up a Divisional office which he did ?

(*g*) Is it a fact that on December 16th, 1924, the said Mr. Jacobson gave Mr. Ahmad a letter to the medical officer for his retirement under physical unfitness ?

(*h*) Is it also a fact that on December 17th, 1924, Mr. Ahmad was promoted as in charge of the combined offices of Gaya and Dinapore ?

(*i*) Was Mr. Ahmad abruptly discharged on the 19th December, 1924, purporting to be under the terms of an agreement ?

(*j*) Is it not a fact that according to his new contract Mr. Ahmad had the prospect of serving 11 years more and on account of his abrupt discharge he lost his place, his gratuity for nearly 21 years and the benefits of retirement ?

(*k*) Do the Government propose to take measures in order to do justice to this unfortunate man ?

Mr. A. A. L. Parsons : (*a*), (*b*) and (*i*). In his own interests I am not prepared to give the reasons why Mr. Nasiruddin Ahmad was discharged. The East Indian Railway Company dispensed with his services before the Railway was taken under State management, and since the case was one of discharge and not of dismissal, there was no reason for serving him with a charge sheet.

(*c*) and (*d*). These events took place in 1921 and not in 1924, otherwise the Honourable Member's question substantially represents what occurred.

(*e*) and (*j*). The Honourable Member presumably refers to the offer of employment made to the staff of the East Indian Railway generally in connection with the transfer of the management of that Railway to the State. Mr. Ahmad received that offer, but it automatically lapsed on his discharge by the East Indian Railway Company before the transfer took place.

(*f*) and (*h*). Mr. Ahmad was transferred to Dinapore with all the other clerks in the Gaya District Office and was put in charge of the combined establishment branches of Gaya and Dinapore District offices.

(*g*) There is no record to this effect.

(*k*) Government do not propose to take any action.

RESERVATION OF FIRST AND SECOND CLASS COMPARTMENTS ON THE EAST INDIAN RAILWAY.

Mr. B. P. Naidu : Sir, may I ask the questions standing in the name of Khan Bahadur Sarfaraz Hussain Khan ?

Mr. President : I allow the Honourable Member to ask questions standing in the name of Khan Bahadur Sarfaraz Hussain Khan, but I propose hereafter to discourage the practice of Members giving notice of a large number of questions and not remaining present to put them.

267. ***Mr. B. P. Naidu** (on behalf of Khan Bahadur Sarfaraz Hussain Khan) : With reference to the Government reply on 27th January, 1927, to starred question No. 5, regarding the reservation of first and second class compartments on the East Indian Railway, will Government please state if the experiment has actually been extended to all stations on the East Indian Railway as decided by the Agent ?

Mr. A. A. L. Parsons : The experiment has been extended to all stations on the East Indian Railway in local booking subject to a minimum distance of 100 miles.

METHOD ADOPTED BY RAILWAY COMPANIES IN AMERICA SHOWING EXPENDITURE DISTRIBUTED BETWEEN PASSENGER AND GOODS WORKING.

268. *Mr. B. P. Naidu (on behalf of Khan Bahadur Sarfaraz Hussain Khan) : (*a*) With reference to Government reply on 27th January, 1927 to starred question No. 8, regarding the method adopted by railway companies in America showing expenditure distributed between passenger and goods working, will Government please state if they have received the report of the officer deputed to examine American methods ?

(*b*) If so, will they please lay the report on the table ?

(*c*) If not, by what time do they expect to receive it ?

Mr. A. A. L. Parsons : (*a*), (*b*) and (*c*). The Honourable Member is referred to the reply given to Mr. N. C. Kelkar's question No. 206 on the same subject.

POLL-TAX ON ASIATICS IN KENYA.

269. *Mr. B. P. Naidu (on behalf of Khan Bahadur Sarfaraz Hussain Khan) : (*a*) With reference to Government reply " Government are in communication with the Colonial Government " given in reply to starred question No. 10 on the 27th January, 1927, regarding the poll-tax on Asiatics in Kenya, will Government please state if any final decision has been arrived at on the subject ?

(*b*) If so, will they please communicate the result to the House ?

(*c*) If no decision has been arrived at, will they please state by what time it is likely to be arrived at ?

Mr. G. S. Bajpai : The Honourable Member is referred to the reply given by me to Mr. N. C. Kelkar's question No. 187 on the same subject.

FITTING OF AUTOMATIC CENTRE BUFFER COUPLERS TO ROLLING STOCK ON RAILWAYS.

270. *Mr. B. P. Naidu (on behalf of Khan Bahadur Sarfaraz Hussain Khan) : (*a*) With reference to Government reply to starred question No. 12 on the 27th January, 1927, regarding the fitting of automatic centre buffer couplers to rolling stock on Railways, will Government please state whether the proposed trials to be made at Lahore have been made ?

(*b*) If so, will Government please state if they have come to any decision in the matter ?

(*c*) If not, by what time do they expect trials to be completed and decision arrived at ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) No, because these or similar trials are also being made in other places and the investigation into the financial aspect of the problem will need reconsideration after all the trials are complete.

(*c*) It is not possible yet to name a date.

ARRANGEMENTS FOR THE SECURITY OF INDIAN PILGRIMS BETWEEN JEDDAH AND MECCA.

271. *Mr. B. P. Naidu (on behalf of Khan Bahadur Sarfaraz Hussain Khan) : (*a*) Has the attention of the Government been drawn to the paragraph published in the issue of the *Statesman* of 18th May, 1927, under the heading " Pilgrims to Mecca " ?

(*b*) If so, will they please state whether the reply given in the House of Commons by Earl Winterton as reported is correct ?

(*c*) Will Government please state if the arrangements for the security of Indian pilgrims between Jeddah and Mecca were satisfactory in the present year ?

Sir Denys Bray : The answer to all three parts of the question is ' Yes '.

INTRODUCTION OF THE CREW SYSTEM ON INDIAN RAILWAYS.

272. *Mr. B. P. Naidu (on behalf of Khan Bahadur Sarfaraz Hussain Khan) : (*a*) When was the crew system introduced on Indian Railways ?

(*b*) On which lines has the system been introduced so far ?

(*c*) Will Government please state if the system has proved a success ?

Mr. A. A. L. Parsons : (*a*) On the East Indian Railway in August 1926.

(*b*) On the East Indian Railway.

(*c*) The system is still under trial.

ACQUISITION OF RAILWAY COLLIERIES.

273. *Mr. B. P. Naidu (on behalf of Khan Bahadur Sarfaraz Hussain Khan) : (*a*) Will Government please state if any railway collieries have been acquired after laying on the table the statement in reply to starred question No. 13 on the 27th January, 1927 ?

(*b*) If so, how many ?

Mr. A. A. L. Parsons : The answer is in the negative.

REPORT OF THE TARIFF BOARD REGARDING THE MANUFACTURE IN INDIA OF ARTICLES IN COMMON USE ON RAILWAYS.

274. *Mr. B. P. Naidu (on behalf of Khan Bahadur Sarfaraz Hussain Khan) : (*a*) Will Government please state if they have received the Report of the Tariff Board on the question of manufacture in India of articles in common use on Railways (*vide* starred question No. 14 on the 27th January, 1927) ?

(*b*) If so, will they please communicate the result to the House ?

(*c*) If not, by what time do they expect to receive it ?

The Honourable Sir George Rainy : The Report has been received and is under consideration.

PART II OF THE REPORT OF THE BACK BAY RECLAMATION COMMITTEE.

275. ***Mr. B. P. Naidu** (on behalf of Khan Bahadur Sarfaraz Hussain Khan) : (*a*) Will Government please state if they have received copies of Part II of the Report of the Back Bay Reclamation Committee from England (*vide* Government reply to starred question No. 27 on the 27th January, 1927) ?

(*b*) Have Government decided whether they would give free copies of the Report to the Members of the Assembly (*vide* Government reply to the supplementry question to the above question) ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes ; a copy was placed in the Council House Library last February.

(*b*) The matter was given due consideration and it was found that the supply of the requisite number of copies to Members of the Assembly would necessitate reprinting the Report in India. As the cost of this would have been considerable, and as a copy is available in the Library for the use of Members who wish to consult it (and more can be supplied, if necessary), it was thought unnecessary to incur expenditure in having the Report reprinted.

SUMMARIES OF THE SPEECHES OF REPRESENTATIVES OF INDIA AT THE RECENT IMPERIAL CONFERENCE.

276. ***Mr. B. P. Naidu** (on behalf of Khan Bahadur Sarfaraz Hussain Khan) : (*a*) Will Government please state if they have received copies of the full texts or of official summaries of the speeches of the representatives of India at the recent Imperial Conference ?

(*b*) If not, by what time do they expect to receive them ?

The Honourable Mr. J. Crerar : (*a*) and (*b*). The answer is in the affirmative. A copy of the full texts of the speeches made at the Conference has been placed in the Library of the House.

CANDIDATES FROM BIHAR AND ORISSA AT THE EXAMINATION FOR THE RECRUITMENT OF ACCOUNTANTS FOR RAILWAY AUDIT OFFICERS.

277. ***Mr. B. P. Naidu** (on behalf of Khan Bahadur Sarfaraz Hussain Khan) : (*a*) Will Government please state how many candidates from the Province of Bihar and Orissa appeared at the examination for the recruitment of accountants for Railway Audit Officers under the Accountant General, Railways, held in 1925 and 1926, respectively ?

(*b*) Will Government also please state how many out of the men appointed to the Service in the above Examinations were residents of the province of Bihar and Orissa ?

(*c*) What is the total number of Accountants in the Railway Audit Offices under the Accountant General, Railways, and how many out of them are residents of the province of Bihar and Orissa ?

The Honourable Sir Basil Blackett : (*a*) 3 in 1925 and 2 in 1926.

(*b*) None. The examination is a competitive one.

(*c*) The total number of Accountants in the offices in question is 123 and none of them is a resident of the Province of Bihar and Orissa.

EXPENDITURE ON THE COUNCIL HOUSE AT NEW DELHI.

278. *Mr. B. P. Naidu (on behalf of Khan Bahadur Sarfaraz Hussain Khan) : (*a*) Will Government please state the amount of public money spent on the Council House at New Delhi up to March, 1927 ?

The Honourable Sir Bhupendra Nath Mitra : Rs. 73 lakhs.

CONTRACTOR FOR PORTERS AT THE DELHI RAILWAY STATION.

279. *Mr. N. M. Joshi : (*a*) Will Government be pleased to state whether there is a licensed Contractor for porters on the railway station at Delhi ?

(*b*) Will they be pleased to state his name and antecedents ?

(*c*) Will they state whether he pays any fee for his licence and, if so, how much is the annual fee ?

(*d*) Will Government be pleased to state what fee the Contractor takes from the porters ?

(*e*) Is it a fact that he charges an initial fee of Rs. 8 ? If not, how much initial fee does he charge ?

(*f*) Will they please state whether besides the initial fee he also takes four annas a day from each porter ? If not, how much does he take daily ?

(*g*) Will Government be pleased to state whether the porters besides paying the Contractor have to make some daily payment to the Contractor's servants ?

(*h*) Are Government prepared to inquire into the matter through a special officer and place his report before the Advisory Committee ?

Mr. A. A. L. Parsons : (*a*) The reply is in the affirmative.

(*b*) Mr. R. W. Egan, late Station Superintendent, Delhi.

(*c*) The reply is in the negative.

(*d*), (*e*) and (*f*). A daily fee of annas four is charged per porter present, but no initial fee is charged. Each porter on joining pays a security deposit of Rs. 5 which is refunded when he leaves.

(*g*) The reply is in the negative.

(*h*) Government see no reason for an enquiry.

Mr. N. M. Joshi : May I ask the Honourable Member whether the taking of four annas from each porter in the Delhi station does not amount to making the passengers also pay more for the porters' charges ?

Mr. A. A. L. Parsons : I am not sure that it does so, Sir. In any case arrangements for carrying their luggage will cost something. I may add to the answer that I have already given that I have received demi-official information from the Agent that he is considering the possibility of controlling these coolies departmentally ; but the difficulty has been to discover any system which will be as effective in the interests of the passengers as the present system.

PROSCRIPTION OF *Forward* BY THE GOVERNMENT OF BURMA.

280. *Mr. K. C. Roy : (1) Will Government be pleased to state whether it is a fact that the Government of Burma proscribed the *Forward* newspaper of Calcutta in that province ? If so, will Government be pleased to state the authority under which the Provincial Government acted ?

(2) Will Government be pleased to state the causes which led to the decision proscribing *Forward*, and place all correspondence in this connection on the Table ?

The Honourable Mr. J. Crerar : (1) The Government of Burma intercepted copies of the newspaper in question in exercise of their powers under section 26 of the Indian Post Office Act, 1898.

(2) I invite the Honourable Member's attention to the answer I gave on the 22nd August, 1927, to a similar question by Mr. Gaya Prasad Singh.

GRIEVANCES OF THE SUBORDINATE STAFF OF THE GREAT INDIAN PENINSULA RAILWAY.

281. *Mr. N. C. Kelkar : Has the attention of Government been drawn to the letter of Mr. Zabwalla in the *Indian National Herald* of Bombay, dated the 9th July, 1927, relating to the meagre wages, unduly long hours of duty, and denial of leave to the Great Indian Peninsula Railway staff ? If so, will Government state, on what particular points, they do not regard the statement of Mr. Zabwalla as correct or accurate ? Further, with regard to the statements which they do not challenge, will Government state what action they propose to take to give relief to the staff concerned ?

Mr. A. A. L. Parsons : Government have seen the letter referred to. A memorandum dealing with the alleged grievances of the subordinate staff is being sent to the Honourable Member.

HOURS OF WORK OF EMPLOYEES OF STATE RAILWAYS.

282. *Mr. N. C. Kelkar : Is it a fact that the Railway Board has made a rule that the attendance of no railway employee should exceed 60 hours per week ? Will Government state whether the rule is in force on all the State Railways ? If not, will Government state reasons ? Is it a fact that coaching clerks, ticket collectors and parcel clerks have to work in two shifts only, while signallers work in three shifts, per day ?

The Honourable Sir George Rainy : I would refer the Honourable Member to the reply given to question No. 151 put by Mr. N. M. Joshi in the present Session.

GRANT OF PRIVILEGE AND CASUAL LEAVE TO THE EMPLOYEES OF THE GREAT INDIAN PENINSULA RAILWAY.

283 *Mr. N. C. Kelkar : Will Government state approximately in how many per cent. of applications for privilege and casual leave is the request for leave duly granted to the employees of the Great Indian Peninsula Railway ?

Mr. A. A. L. Parsons : Government have no information about a minor detail of this description.

GRANT OF A TIME-SCALE TO THE EMPLOYEES OF THE COMMERCIAL DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.

284. *Mr. N. C. Kelkar : Will Government state whether the employees in the Railway Commercial Department of the Great Indian Peninsula Railway get the advantages of any time-scale ? If not, will Government state the reasons for this adverse differentiation against the Commercial Department employees ?

Mr. A. A. L. Parsons : Time-scales of pay are in force in the offices of the Chief and Divisional Traffic Managers. As regards the station staff, no time-scale of pay has been introduced for the Commercial Department nor for any other Department. There is therefore no adverse differentiation against the Commercial Department employees.

PROVISION OF QUARTERS, OR GRANT OF A HOUSE RENT ALLOWANCE IN LIEU THEREOF, TO THE EMPLOYEES OF THE RAILWAY COMMERCIAL DEPARTMENT AT BOMBAY, KARACHI AND POONA.

285. *Mr. N. C. Kelkar : Will Government state whether they intend making any provision for quarters, or payment of rent allowance in lieu thereof, to the employees of the Railway Commercial Department at Bombay, Karachi and Poona, as the Local Government has done for some of their employees ?

Mr. A. A. L. Parsons : An allowance on account of the high cost of living is made to such employees at Bombay and Karachi, but not at Poona. Under the rules employees of the Commercial Department are not entitled to free quarters, as it is not essential that they should live near their work. No change in the existing practice is at present contemplated.

ABOLITION OF THE POSTS OF THREE INDIAN SUB-ASSISTANT STATION MASTERS AT POONA.

286. *Mr. N. C. Kelkar : Is it a fact that posts of three Indian sub-assistant station masters at the Poona station on Rs. 85 were abolished, and new posts of three European assistant station masters were created on Rs. 345 per mensem ? Will Government state full particulars of the case ?

Mr. A. A. L. Parsons : In June last, Government sanctioned three posts of assistant station masters on a maximum pay of Rs. 345 per mensem each in lieu of three posts of sub-assistant station masters on Rs. 85 each for the new Poona and Ghorpuri stations as a result of the recommendations made in this behalf by a Committee appointed to consider the arrangements for working the joint stations, yards and sheds. The posts are not reserved for Europeans.

GRANT OF HOLIDAYS TO THE STAFF OF THE GREAT INDIAN PENINSULA RAILWAY.

287. *Mr. N. C. Kelkar : Will Government state how many whole and how many half holidays are granted to the staff of the Great Indian Peninsula Railway in a year ?

Mr. A. A. L. Parsons : It would take a very considerable time and entail a great deal of labour to collect this information and Government do not consider that any useful purpose will be served thereby.

GRANT OF A HOLIDAY ON THE HINDU NEW YEAR'S DAY TO THE HINDU EMPLOYEES IN THE AMMUNITION FACTORY AT KIRKEE.

288. **Mr. N. C. Kelkar** : Will Government state what per cent. of the employees in the military factories at Kirkee (Poona) are Hindus ? And will Government state whether they are granted a holiday on the Hindu New Year's day ? Is it a fact that holidays are given on their New Year's day to Muhammadan employees and employees of other faiths ?

Mr G. M. Young : 90 per cent. of the employees in the Ammunition Factory, Kirkee, are Hindus. The holidays allowed in all Ordnance Factories are those mentioned in section 25 of the Negotiable Instruments Act of 1881 and those notified by the Local Government in whose territories the factory is situated. The Bombay Government have notified the Parsi New Year's day, but not the Hindu nor the Muhammadan New Year's day, as a holiday in the current year.

PROTECTIVE DUTY ON IMPORTED PAPER.

289. ***Mr. N. C. Kelkar** : (*a*) Is it a fact that according to the Paper Industry Protection Act of 1925, the one anna protective duty was intended to be levied against imported paper containing less than 65 per cent. of mechanical wood-pulp ?

(*b*) If so, is the provision still in force ? If not, will Government state the reasons which led to the departure from this provision ?

The Honourable Sir Basil Blackett : (*a*) The answer is in the affirmative.

(*b*) The provision is still in force and there has been no departure from it.

LEVY OF A PROTECTIVE DUTY ON PAPER.

290. ***Mr. N. C. Kelkar** : (*a*) Is it a fact that ruling No. 1 of 1927 (Customs Department) was issued upon representations made by certain paper mills in India ?

(*b*) If the reply to (*a*) be in the negative, will Government state whether the ruling in question was issued by Government on representations of any other parties or whether it was issued *suo motu* ?

(*c*) Is it a fact that Government have under consideration a revision of the said ruling in such a way that the protective duty of one anna be levied only upon paper containing less than 65 per cent. mechanical wood-pulp of the weight of the fibre contents ?

(*d*) Will Government state the dates on which the said ruling was put into operation at Bombay, Karachi and Calcutta ?

(*e*) Will Government state whether they intend to refund the excess duty paid under protest or provisionally levied upon paper to which the revision, if any, of the ruling applies ?

The Honourable Sir Basil Blackett : (*a*) Yes.

(*b*) Does not arise.

(*c*) The matter was referred to the Tariff Board who have just reported.

(*d*) The new ruling was communicated by telegram to all the ports on the 3rd February, 1927.

(*e*) The answer is in the negative.

SHORT LEVY OF IMPORT DUTY AT BOMBAY.

291. ***Mr. N. C. Kelkar** : Will Government state whether notices of claims for short levy of import duty under section 39 of the Sea Customs Act were issued at Bombay weeks after the clearance of consignments from the Customs Office ? If so, are not Government aware that the duty was levied upon goods which must in the ordinary course of business have been sold out ?

The Honourable Sir Basil Blackett : The Government have no information as regards the first part of the question. Section 39 of the Sea Customs Act leaves it open to the Customs Collector to claim duty that has been short-levied within three months from the date of the first assessment. This right was, however, waived in respect of consignments on which duty was paid before the date on which the ruling was received by the Customs officers.

The Government have no definite information, although the facts are probably as suggested.

CHEMICAL ANALYSIS OF PAPER.

292. ***Mr. N. C. Kelkar** : (*a*) Will Government state what is the test, in force, at present at Bombay by which the percentage of fibre contents of paper is ascertained ? Also whether the same test applies at Karachi and Calcutta ?

(*b*) Will Government state whether they intend to prescribe and also publish a standard specified test for the guidance of all Customs Offices at various ports in India ?

(*c*) What is the average period taken by the Government Chemical Analyser to report on each sample submitted to him for analyses ?

(*d*) Will Government state whether the present Chemical Analysers of Government have the necessary qualifications for analysing paper ?

The Honourable Sir Basil Blackett : (*a*) The facts are stated in paragraph 9 of the Report of the Indian Tariff Board, dated the 13th July, 1927.

(*b*) The Government have recently recommended the adoption by Chemical Analysers of the method employed by the Calcutta Customs House, namely, the fibre-count method subject to correction by determination of ash and to check by the phloroglucinal test.

(*c*) The Government have no information.

(*d*) The answer is in the affirmative.

CHEMICAL ANALYSIS OF PAPER.

293. ***Mr. N. C. Kelkar** : (*a*) Are not Government aware that importers of paper are put to a loss by reason of their having to hold over the sale of their paper goods pending the result of chemical analyses and final assessment of import duty on the same ?

(*b*) Are Government prepared to make arrangements for making chemical analyses of paper in their own Customs Office within 3 days from date of examination so as to avoid delay ?

The Honourable Sir Basil Blackett : (*a*) The Government have no specific information, but it is probably inevitable that the delay caused by chemical analyses, however unavoidable, should sometimes cause loss to merchants.

(*b*) It is not possible for Government to make arrangements for chemical analysis of paper in the Custom House except in those places in which there is a chemical laboratory in the Custom House itself ; but instructions have been issued to Collectors of Customs that no avoidable delay should be permitted to occur in making analyses of imported goods.

RECOMMENDATIONS OF THE ECONOMIC ENQUIRY COMMITTEE.

294. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will Government please state if they have received replies from all the Provincial Governments regarding the Economic Enquiry Committee, 1925 ?

(*b*) If they have, will they please state whether they have arrived at a decision regarding taking action on the recommendations of the Committee ?

The Honourable Sir George Rainy : I would refer the Honourable Member to the reply given by me to-day to questions Nos. 259 and 260 asked by Mr. Aney.

NUMBER OF INDIAN JUDGES OF HIGH COURTS.

295. ***Khan Bahadur Sarfaraz Hussain Khan** : Will the Government be pleased to state the number of Indian Judges out of the total number of 89 High Court Judges and Chief Court Judges as shown in the statement laid on the table in reply to unstarred question No. 11 on the 31st January, 1927 ?

The Honourable Mr. J. Crerar : 40.

COLONISATION OF THE ANDAMANS BY MOPLAHS.

296. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Is it a fact that a batch of Moplah convicts were recently brought to Malabar from the Andamans and taken about under police custody and made to persuade their own wives and children and the families of other Moplah convicts to migrate to the Islands ?

(*b*) If they have no information on the subject, will the Government please make enquiries from the Local Government and communicate the result to the House ?

The Honourable Mr. J. Crerar : (*a*) and (*b*). I understand that a party of Moplah convicts who voluntarily elected to settle in the Andamans were permitted by the Chief Commissioner to visit Malabar and to bring back their wives and families with them. These facilities were granted in pursuance of the undertaking given by Government in paragraph 10 (*iv*) of the Government of India, Home Department Resolution No. F.-188/24-Jails, dated the 4th October, 1926, a copy of which I will give the Honourable Member. The suggestion that coercion was used is incorrect.

AIRSHIP SERVICE BETWEEN ENGLAND AND INDIA *via* EGYPT.

297. ***Khan Bahadur Sarfaraz Hussain Khan**: Will Government please state by what time the aerodrome at Karachi is expected to be completed and by what time the aeroplane service from Egypt to Karachi and the airship service from England to India *via* Egypt is expected to come into operation ?

The Honourable Sir Bhupendra Nath Mitra: (*a*) The Civil Aerodrome at Karachi is ready for use, and it is anticipated that the ancillary services, for which provision has been made, will be completed by the end of September, 1927.

(*b*) The Government are not, at present, in a position to say when the aeroplane service, which is now operating between Cairo and Basra, will be extended to Karachi.

(*c*) No information is available as to when the Airship Service from England to India will come into operation, nor is it likely that the experimental flights in this connection will take place before the end of the year 1928.

APPOINTMENT OF MR. W. B. STAGGS AS AN OFFICIATING SUPERINTENDENT IN THE HOME DEPARTMENT.

298. ***Khan Bahadur Sarfaraz Hussain Khan**: (*a*) Is it a fact that Mr. T. P. Roy, Superintendent, Home Department, was granted two months' leave with effect from the 17th May, 1927 ?

(*b*) Is it a fact that Mr. W. B. Staggs of the Imperial Secretariat Service was appointed to officiate as a Superintendent in the Home Department in place of Mr. T. P. Roy ?

(*c*) What are the qualifications of Mr. T. P. Roy and Mr. W. B. Staggs, respectively ?

(*d*) If (*a*) and (*b*) are facts, will Government please state if no Indian of the requisite qualifications was available in the Home Department, who could officiate for Mr. T. P. Roy during his absence on leave ?

The Honourable Mr. J. Crerar: (*a*) and (*b*). Yes.

(*c*) The qualifications of these officers for appointment as Superintendent are the records of their work in the Department.

(*d*) Mr. Staggs was the next senior assistant for promotion and fully qualified for the appointment. It might have been possible by ignoring the claims of seniority and merit to fill the appointment otherwise though I should mention that Mr. Staggs is a statutory native of India.

NUMBER OF WAGONS ORDERED FOR RAILWAYS FROM 1919-20 TO THE 30TH OF SEPTEMBER, 1926.

299. ***Khan Bahadur Sarfaraz Hussain Khan**: Will Government please state whether the orders for the wagons during the period 1919-20 to 30th of September, 1926, were placed in India or in England (*vide* supplementary question to starred question No. 129 and its reply) ?

Mr. A. A. L. Parsons : I lay on the table a statement giving the information required.

FIGURES OBTAINED FROM STATEMENTS FURNISHED BY RAILWAYS.

Statement showing place of manufacture of wagon orders placed by B. G. Railways during the years 1919-20 to 1926-27.

(All figures are in terms of 4-wheelers).

Year.	Foreign countries.		India	
	General Service.	Special Service.	General Service.	Special Service.
1919-20	3,984	1,604	4,100	21
1920-21	4,880	461	1,258	1
1921-22	1,436	283	290	69
1922-23	5,667	787	333	9
1923-24	5,021	1,370	7	16
1924-25	4,859	629	2,715	..
1925-26	2,655	861	1,185	16
1926-27	484	498	3,094	13
Total ..	28,986	6,493	12,982	145
	35,479		13,127	

Statement showing orders placed by Metre Gauge Railways during the years 1918-19 to 1926-27.

Year.	Foreign countries.		India.	
	General Service.	Special Service.	General Service.	Special Service.
1919-20	1,081	279	..	..
1920-21	716	22	264	..
1921-22	795	66	250	..
1922-23	2,524	408	..	..
1923-24	874	411	5	..
1924-25	1,544	148	..	..
1925-26	1,489	217	..	..
1926-27	1,368	618	..	..
				Orders placed in March last are not included.
Total ..	10,391	2,169	519	..
	12,560		519	

Foreign countries orders	35,479	+12,560	=48,039	In terms of 4-wheelers
Indian orders	13,127	+519	= 13,646	
Includes 5,000 American wagons			61,685	

LOCATION OF THE IMPERIAL LIBRARY.

300. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to the question of the location of Imperial Library and the Government reply to starred question No. 143, on the 31st January, 1927, will Government please state if they have arrived at a decision ?

(*b*) If so, will they please communicate the decision to the House ?

(*c*) If not, by what time are they likely to come to a decision on the subject ?

Mr. A. R. Dalal : (*a*) No.

(*b*) Does not arise.

(*c*) It is not possible to say definitely when a decision will be reached.

PERIODS OF DETENTION OF THE BENGAL DETENUS UNDER THE BENGAL CRIMINAL LAW AMENDMENT ACT.

301. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will Government please state if they have now obtained the information regarding the periods of the detention of the Bengal detenus under the Bengal Criminal Law Amendment Act (*vide* the starred question No. 147 on the 31st January, 1927, with supplementary questions and replies) ?

(*b*) If so, will they please place the information before the House ?

(*c*) If not, by what time do they expect to obtain the information ?

The Honourable Mr. J. Crerar : I would refer the Honourable Member to the statement laid on the table by the Honourable Sir Alexander Muddiman on the 21st February last.

RECOMMENDATIONS OF THE INDIAN SANDHURST COMMITTEE.

302. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will Government please state what action they propose to take regarding the recommendations made by the Indian Sandhurst Committee ?

(*b*) Do Government propose to give the House an opportunity to discuss the recommendations ?

Mr. G. M. Young : The Honourable Member is referred to the reply given to starred question No. 109.

SALE OF PLOTS OF LAND ROUND ABOUT THE MOMBASSA LIGHT-HOUSE.

303. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With regard to the sale of plots of land round about the Mombassa Light-house, will Government please state whether they have received the reply from the Colonial Government on the subject ?

(*b*) If so, will they please lay the report on the table ?

(*c*) If not, will they please state by what time they expect to get the reply (*vide* Government reply to supplementary question to starred question No. 65 on the 31st January, 1927) ?

Mr. G. S. Bajpai : (*a*) The reply given by Mr. Bhore to starred question No. 65 stated that Government were in communication with His

Majesty's Secretary of State for India, not the Colonial Government. This correspondence is still proceeding.

(*b*) Does not arise.

(*c*) It is not possible for me to say when this correspondence will be completed.

CLAIMS OF INDIANS IN TANGANYIKA AGAINST THE *ex*-GERMAN COLONY.

304. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With regard to the claims of Indians in Tanganyika against the *ex*-German Colony, will Government please state if their inquiries have been completed [*vide* Government reply to starred question No. 64 (*b*) on 31st January, 1927] ?

(*b*) If the inquiries have been completed, will they please communicate the results to the House ?

Mr. W. T. M. Wright : (*a*) and (*b*). The Honourable Member is referred to the reply given by Mr. L. Graham, to his starred question No. 1401 on the 21st March, 1927, in this Assembly.

It is understood that the settlement of the claims in question is proceeding satisfactorily, but no details of the individual claims and the settlements effected are available.

RESULTS OF THE LAST ELECTIONS TO THE LEGISLATIVE ASSEMBLY.

305. ***Khan Bahadur Sarfaraz Hussain Khan** : With regard to the results of the last elections to the Legislative Assembly, will Government please state if the information has been collected and placed in the Library (*vide* Government reply to starred questions Nos. 67, 117 and 118 on the 31st January, 1927) ?

The Honourable Mr. J. Crerar : Yes.

GRANT OF ASSISTANCE TO SIR MOHAMMAD YOUSUF'S MARINE SCHOOL AT NOVA ISLAND, BOMBAY.

306. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Is it a fact that the Indian Marine Committee of Inquiry spoke of Sir Mohammad Yousuf's Marine School at Nova Island, Bombay, in very high terms and that the question of giving it some kind of help is being considered by the Bombay Government ?

(*b*) If so, will Government please inquire and inform this House if the Bombay Government have arrived at any decision in the matter ?

The Honourable Sir George Rainy : The Indian Mercantile Marine Committee observed in their report that Sir Mohammad Yousuf's School is a good example of primary nautical schools. The question of the future management of the school and vesting it in a local Board of Governors was considered by the Government of Bombay in consultation with Sir Mohammad Yousuf, but had to be dropped as certain proposals made by Sir Mohammad Yousuf in this connection could not be accepted by the Local Government.

HAJ COMMITTEES.

307. *Khan Bahadur Sarfaraz Hussain Khan : (*a*) Will the Government be pleased to state if Haj Committees exist in all the provinces of British India ?

(*b*) If not, will they please state in which provinces they exist and in which they do not ?

Mr. G. S. Bajpai : (*a*) and (*b*). So far as the Government of India are aware there are Haj Committees in Bombay, Bengal, Bihar and Orissa, the United Provinces, the Central Provinces and Assam

MOSQUE IN THE PILGRIMS CAMP, KARACHI.

308. *Khan Bahadur Sarfaraz Hussain Khan : Will Government please state if they will have an inquiry made from the Protector of Pilgrims, whether there is any mosque within the premises of the Pilgrims' Camp, Karachi, and whether there is a real need of a mosque for the use of the pilgrims there ?

Mr. G. S. Bajpai : A mosque has been built in the Pilgrim Camp this year.

REBATES ON STEAMER PASSAGES SECURED FOR GOVERNMENT OFFICIALS.

309. *Khan Bahadur Sarfaraz Hussain Khan : Do Government receive any rebate on account of the passages they secure for Government officials (*vide* Government reply to supplementary question to starred question No. 114 on 31st January, 1927) *re* Government action against rise in P. and O. passenger fares ?

The Honourable Sir Basil Blackett : I would refer the Honourable Member to my reply to Mr. Sheepshanks' question No. 69 (*a*) on the 19th August, 1926.

EXPENDITURE IN CONNECTION WITH INDIAN REPRESENTATIVES TO THE LAST IMPERIAL CONFERENCE.

310. *Khan Bahadur Sarfaraz Hussain Khan : Will Government please state the expenses incurred in connexion with India's representatives to the last Imperial Conference and the names of the gentlemen who represented India ?

The Honourable Mr. J. Crerar : The expenditure incurred by the Government of India in connection with the last Imperial Conference was approximately Rs. 16,000. The representatives of India at this Conference were (1) the Secretary of State for India, (2) the Maharajadhiraj Bhadur of Burdwan, and (3) Sir D. T. Chadwick.

MIGRATION OF THE FAMILIES OF MOPLAH CONVICTS TO THE ANDAMAN ISLANDS.

311. *Khan Bahadur Sarfaraz Hussain Khan : (*a*) Will Government please state the number of Moplah convicts deported to the Andaman Islands ?

(*b*) Have Government issued any orders or instructions regarding the migration of the families of the convicts to the Islands ?

The Honourable Mr. J. Crerar : (*a*) 1,389 up to the 31st July, 1927.

(*b*) I would invite the Honourable Member's attention to paragraph 10 (*iv*) of the Government of India, Home Department Resolution No. F.-188|24-Jails, dated the 4th October, 1926.

REFUSAL OF PASSPORTS TO THE PROPOSED MEDICAL MISSION TO CHINA.

312. ***Mr. Gaya Prasad Singh :** Will Government kindly state if and why they have refused the necessary passports to the proposed Medical Mission to China ?

The Honourable Mr. J. Crerar : The Government of India after carefully considering the matter in consultation with His Majesty's Government found themselves unable to grant passports to the proposed Medical Mission to China. The reasons for this decision were communicated fully to the President of the All-India Volunteer Board in a letter, which has been published in the Press.

ELECTION OF MEMBERS TO THE PANELS FOR THE STANDING COMMITTEES TO ADVISE ON SUBJECTS IN THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF INDUSTRIES AND LABOUR.

Mr. President : I have to inform the Assembly that the number of candidates nominated for election to the panels for the Standing Committees to advise on subjects in the Department of Commerce and the Department of Industries and Labour is equal to the number required and therefore I announce that the following Members are declared to be duly elected :

Department of Commerce.

Mr. Ismail Khan.
Mr. Mukhtar Singh.
Maulvi Abdul Matin Chaudhury.
Mr. B. Das.
Mr. W. Alexander.
Mr. H. G. Cocke.
Haji Abdoola Haroon.
Mr. W. M. P. Ghulam Kadir Khan Dakhan.
Mr. D. K. Lahiri Chaudhury.

Department of Industries and Labour.

Maulvi Abdul Matin Chaudhury.
Mr. N. M. Joshi.
Dr. B. S. Moonje.
Sir Hari Singh Gour.
Mr. W. S. Lamb.
Rao Bahadur M. C. Rajah.
Mr. K. Ahmed.
Khan Bahadur Haji Abdullah Haji Kasim.
Mr. Abdul Qadir Siddiqi.

PETITIONS RELATING TO THE CHILDREN'S PROTECTION BILL.

Secretary of the Assembly : Sir, under Standing Order 78, I have to report that 72 petitions signed by 6,608 persons have been received relating to the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, which was introduced in the Legislative Assembly on the 28th March, 1927.

THE INDIAN TARIFF (AMENDMENT) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I beg to move that the Bill further to amend the Indian Tariff Act, 1894, be referred to a Select Committee consisting of Maulvi Muhammad Yakub, Mr. R. K. Shanmukham Chetty, Sir Victor Sassoon, Sir Purshotamdas Thakurdas, Mr. W. Stonehouse Lamb, Dr. A. Suhrawardy, Diwan Chaman Lall, Mr. N. M. Joshi, Raja Ghazanfar Ali Khan, Mr. C. Duraiswamy Aiyangar, Mr. Jamnadas M. Mehta, Mr. S. C. Mitra, Pandit Hirday Nath Kunzru, Munshi Iswar Saran, Mr. M. R. Jayakar, and the Mover ; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five and that the Committee be instructed to report on or before the 31st August, 1927.

This Bill, Mr. President, is the second of the two Bills to amend the Indian Tariff Act which are connected with the cotton textile industry. In these circumstances I thought it might be convenient if the membership of the Select Committee in this case was identical with the membership of the Select Committee which has already been appointed by this House to consider the Bill to amend the Indian Tariff Act for the purpose of safeguarding the manufacture of cotton yarn in India. The names of the members which I have read out are, therefore, identical with the names of the Members appointed to the other Committee.

The primary object of this Bill, Mr. President, is to assist the cotton textile industry in the difficulties which it has at present to encounter by the removal or the reduction of customs duties. That is its primary object. At the same time it must also be regarded as an instalment of what is an essential part of the fiscal policy of the Government of India. This method of assisting industries by means of reducing or removing customs duties was considered by the Fiscal Commission and they refer to it in two or three places in their Report. As regards machinery they remarked that for the development of industries in general the free import of machinery was evidently desirable. They recognised that it might sometimes be desirable to encourage the manufacture of machinery in India, but they were of opinion that such encouragement should not as a rule be given by import duties. As regards raw materials, they said that the raw materials required for Indian industries should ordinarily be admitted free of duty. There might be instances in which it would be found necessary to protect by import duties the production of certain raw materials, but such cases should be comparatively rare seeing that raw materials are in general bulky in proportion to their value. The statements of the Fiscal Commission, which I have read, are accepted by the Government of India, and therefore the pro-

posals contained in this Bill, though directly and primarily intended to assist the cotton textile industry, are, as I have said, also an instalment of the policy which is the declared policy of the Government of India.

The Tariff Board, which enquired into the condition of the cotton textile industry, made the proposals on which this Bill is based. The Government of India, however, were not able to accept them precisely in the form in which they had been put forward. Honourable Members who have examined the Report will remember the Tariff Board gave two lists of mill stores. Those in the first list they proposed should be completely exempted from duty, while as regards the stores in the second list they proposed that the cotton mills should, if they imported them direct, be allowed to import them free of duty, while if they purchased them from stockists, they should subsequently receive a refund of the duty they have paid. As regards the first list, there is no particular difficulty. Of the articles enumerated in that list, which are dutiable at 15 per cent., all except one, I think, is included in the Bill which is before the House. But as regards the second list, the Government of India were unable to accept the recommendation of the Board in the precise form in which it was made. What the Board proposed was to revive an old arrangement which had been in force from 1896 to 1921 as regards the purchase of stores, and from 1916 to 1921 as regards the machinery purchased by the cotton mills. This arrangement was abolished in 1921 when the import duty on piece-goods was raised to 11 per cent. while the excise duty remained at 3½ per cent. Now there are certain minor difficulties about this arrangement. It is always a little difficult when special concessions of this kind are given—administrative difficulties of various kinds must occur, and probably if the arrangement had been revived it would have been necessary to employ a special staff. Also in view of the fact that some stores are made in India, precautions would have had to be taken to prevent the payment of a refund of the duty upon stores which had not been imported and which consequently could not have paid any import duty. These difficulties, however, would not necessarily have been decisive. The real difficulty was this. On what ground would it be possible for Government to discriminate between industry and industry and to prescribe that one industry should import free the materials and the machinery on which other industries had to pay duty? As long as the cotton excise duty was in existence there was a definite reason for differentiating in favour of the cotton textile industry in this matter, because that industry was subject to a disadvantage from which other industries were free. The special arrangement about the importation of stores was definitely a set-off to the excise duty. But now that the excise duty has been removed, that reason for a special concession no longer exists, and the Government of India could not find any valid grounds on which they could agree to differential treatment in favour of one industry which did not extend to all industries. At the same time they were impressed by the desirability of going as far as they could in the direction recommended by the Board in order to assist the cotton textile industry, and the view they took was this—that, although it was not legitimate to make a special concession to one industry which was denied to others, it was perfectly legitimate in giving effect to their declared policy of assisting all industries by the reduction or the removal of the duty on machinery and materials, to

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give precedence to those articles which were used chiefly in industries passing through a period of depression. They thought that on that basis a satisfactory solution could be arrived at, and it was on that basis that they examined the list of articles which the Tariff Board desired to be freed from duty. As I have already said, there was only one omission in list 1, but in list 2 there were several omissions. The first and most obvious test which was applied was whether the cotton textile industry was the principal consumer of the article concerned. It was obvious, I think, that when Government is sacrificing revenue and when the object of the sacrifice is to benefit a particular industry, it was necessary to see whether the benefit to the industry would be commensurate with the sacrifice of revenue. If we had to sacrifice 10 lakhs of revenue and the benefit to the cotton industry was only 1 lakh, that would obviously be a very weak case. I do not propose, it would obviously take much too much time to go through the list in detail, but I should like to give one concrete example which will illustrate the reasons why certain exclusions were made from the list. The first example I shall take is soda ash. An examination of the import figure showed that 58 per cent. of the imports occurred in Bengal and only 15 per cent. in Bombay.

In view of the concentration of cotton mills on the western side of India and also owing to the fact that a good many mills that are not exactly on the western side of India draw their supplies from Bombay, the fact that only 15 per cent. of the imports came to Bombay made it perfectly clear that the cotton textile industry was not the principal consumer. The sacrifice of revenue was over 7 lakhs and it did not seem probable that the benefit to the cotton mill industry would exceed a lakh or a lakh and a half.

Another instance that might be quoted is lubricating oil which quite clearly must be used by every industry in India and is also used by railways and motor cars : indeed it would be impossible to give an exhaustive enumeration of its users. That was a case again where the Government of India considered that the benefit would not be commensurate with the sacrifice. On the other hand the most important item in the whole list of the stores which we proposed to exempt from duty is the coal tar dyes. In that case Bombay takes 75 per cent. of the imports and I think from all the calculations I have been able to make, that in all probability three-fourths of the loss of revenue which is Rs. 25 lakhs, ought to accrue directly to the benefit of the cotton textile industry. I regard this particular proposal to remove the duty on coal tar dyes as of great importance. Last year, in 1926-27, the exports of piece-goods from India amounted to 197 million yards and of this quantity, 175 million yards were dyed and coloured goods. Obviously, if the cotton mills are relieved of the burden of the payment of duty on the dyes they use, that ought to be of material assistance to them in developing their export trade.

Another reason which influenced Government in excluding certain items is one which applies specially to the various chemicals from which the Tariff Board proposed to remove the import duty, namely, the question of protection. A representation was put in two or three years ago

on behalf of the chemical industry asking for the protection of the manufacture of chemicals. It has not yet been found possible to refer that matter to the Tariff Board and so long as it is pending it was considered that it would not be right to prejudice the position by removing the duties. There are several chemicals in the list—soda ash, caustic soda, epsom salts, zinc chloride, and magnesium chloride. Out of these five, only one finds a place in the Bill, namely, magnesium chloride, and it was retained on the ground that the circumstances connected with that particular chemical had already been examined by the Tariff Board who had recommended that protection should not be given. There were also certain minor reasons for excluding particular items, but with these I will not weary the House ; they are rather matters for the Select Committee.

As regards machinery, we start from the general principle that, in the interests of industry, machinery should be free from duty. But I should like to make it quite plain that that does not in any way rule out particular proposals either for encouraging the manufacture of particular kinds of machinery by means of an import duty, if that is the best way of doing it ; nor does it rule out proposals which may be necessary from time to time to remove a positive handicap on the manufacture of machinery. The case I am thinking of is this, where a particular kind of machinery is made in India and is not considered to require protection in the full sense, but a good case might sometimes be made out for what we call equality of tariff treatment, that is to say, the manufacture of the machinery should not be worse off than if there were no duty at all. It may happen at present ; it will still be so if the Bill is carried into law, that he may have to pay duty on the materials he uses, though there is no duty on the finished articles he makes. I should like to make it plain that proposals of that kind are not ruled out. There are two or three cases, I think, pending with the Tariff Board at present and they will no doubt make suitable recommendations stating what they consider the proper action to be taken. I emphasise this point because clearly it would not be right to ask this House to approve the general principle of the exemption of machinery from duty, unless that affirmation is properly qualified by the admission that there are circumstances in which it may be necessary to impose a duty on machinery either for protective purposes or in order to secure equality of tariff treatment.

I think in the Resolution in which the decision of Government to remove the duty on certain stores and machinery was announced, it was stated that the sacrifice of revenue was likely to amount to Rs. 85 lakhs in a full year. There have been certain minor changes since then, but the net result remains very much the same and I do not think there is any material alteration in the total figure. As nearly as I can calculate, it seems probable that the benefit to the cotton textile industry may be expected to amount to about Rs. 42½ lakhs, that is, approximately half the sacrifice of revenue. In the case of the materials, as distinct from the machinery, about three-fourths of the sacrifice of revenue goes to the benefit of the textile industry. In the case of machinery the proportion is a good deal lower—I think not more than about one-fourth. That of course raised the question whether it was possible to discriminate between one kind of machinery and another and limit the concession, as far as possible, to the machinery used for the cotton textile industry. It was found, however, that this was not practicable. First of all, there is the

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objection in principle that it is very difficult to justify a proposal by which one industry is not to pay duty on its machinery while other industries do so. The other difficulty is a practical difficulty. The present definition of machinery in the Tariff Schedule is a general definition and without a prolonged inquiry it would have been impossible to specify sufficiently exactly for the guidance of customs officers the particular kinds of machinery from which it was proposed to remove the duty. For this reason it was decided that the removal of the duty must operate generally and that if the Tariff Board came forward with proposals for securing protection or equality of tariff treatment to particular kinds of machinery these must be considered subsequently.

Before I sit down, Mr. President, I should like to say something about one particular proposal, namely, the proposal to reduce the duty on artificial silk yarn 15 per cent. to 7½ per cent. During the course of the debate on Monday certain questions were asked and certain requests for information made. I should like to deal very briefly with them. One Member I think asked me where the suggestion to reduce the duty on artificial yarn originated. The answer, Mr. President, is that it originated with the Bombay Chamber of Commerce some 15 or 16 months ago, I think. When I was in Bombay in April, I discussed the proposal with the Committee of the Bombay Millowners' Association and found that they were entirely in favour of it. Another question that was put was where this artificial silk yarn was likely to come from. It appears from the figures that I have obtained that at present the bulk of the artificial silk yarn imported comes from Italy. Amongst the various countries, the United Kingdom comes after Italy, but supplies a much smaller quantity. In 1926-27 nearly four million pounds came from Italy and only about 650,000 pounds came from the United Kingdom. On the other hand, the piece-goods made from artificial silk and cotton mixed came mostly from the United Kingdom, in fact she was the largest supplier sending nearly 16 million yards, while Italy sent nearly 14 million yards. Now, the effect of the reduction of the duty will be to make it more possible for the handloom weavers and the cotton mills in India to manufacture these piece-goods made from artificial silk and cotton and to sell them in competition with what comes from abroad. The branch of the trade which is likely to benefit is the importation of yarn, and the great bulk of that trade is at present in the hands of Italy. On the other hand, the trade which to a certain extent may be reduced is the importation of piece-goods, of which the principal supplier at present is the United Kingdom, and I think these facts ought to be sufficient to dispel any suspicions on the part of the Honourable Member who asked for this information as to any sinister motive behind the Government proposal.

The figures may not be familiar to all the Members of the House, and I should like very briefly to give one or two in order to show the very rapid expansion in the trade in artificial silk yarn. In 1921-22 the quantity of such yarn imported was only 71,000 pounds, and in 1926-27 it had increased to 5¾ million pounds. During the same period the average value per pound had fallen from about Rs. 6½ to Rs. 1¾. I think one Member in the course of the discussion expressed apprehension lest the reduction of this duty might interfere with the silk industry in India. Perhaps the

name " artificial " silk is an unfortunate name, because it is apt to suggest ideas which are not really in accordance with the facts. Artificial silk yarn, when it was first introduced, was undoubtedly very expensive—it was almost as expensive as real silk and the two were regarded as comparable, and I believe on its first introduction it did affect the sale of silk yarn ; but since then the circumstances have completely changed. According to the trade returns in 1926-27, the average value of the real silk yarn which was imported was Rs. 5¼ a pound, whereas the average value of the artificial silk yarn was Rs. 1¾ per pound. In these circumstances, it is quite obvious that when the price of artificial silk yarn is comparable to the price of cotton yarn, a reduction of 7½ per cent. in the duty will make no appreciable difference, because the present price of artificial silk yarn is only about one-third of the price of silk yarn. In these circumstances, if it is going to displace silk, it will do so in any case.

I will not weary the House, Mr. President, by dilating on the matter further, but I think I had better make one point plain before I sit down, and it is this, that in asking the House to refer this Bill to the Select Committee, we undoubtedly ask them to affirm the general principle that machinery and the materials of industry should, as far as possible, be free from duty. But we do so subject to the reservations I have already indicated that for particular classes of machinery or for particular materials, it may be in the interests of the country that they should be subject to an import duty. Also I do not ask the House to pronounce finally upon any one item amongst the various proposals included in the Bill. It would obviously be unreasonable to do that. The question of particular items must clearly be left to the Select Committee.

Sir, I move the motion that stands in my name.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I find myself in a difficult position in dealing with this motion. I do not wish to oppose the reference of the Bill to the Select Committee, and yet I feel that I am asked to agree to this proposal under circumstances which are somewhat unfair to us, Members of the House, in that we are not given an opportunity to discuss the proposals of the Tariff Board as a whole before being called upon to support the particular course, the Government have decided to adopt.

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President, Maulvi Muhammad Yakub.)

This question, Sir, of affording protection to industries is a very important one. It either implies the imposition of a burden upon the consumer or it involves the sacrifice of revenue to Government. In either case, it is a matter of serious concern to the Assembly, and I submit that when the Government received the Report of the Tariff Board, the proper procedure would have been for them to bring the recommendations of the Tariff Board before this House or to give this House an opportunity to discuss those proposals, and after hearing the views of this House on those proposals to decide what particular proposals to adopt for legislation. Particularly, so, I submit, should this be the course of action when the Government do not accept the proposals of the Tariff Board, as a whole, as they have not accepted them in the matter of the tax on yarn and cloth. On another occasion, namely, the occasion of the Steel Protection Bill, Government agreed to widen the scope of the Bill and gave the House an opportunity to put in amendments which were not strictly within the limits of the Bill. When the Bill to

[Pandit Madan Mohan Malaviya.]

safeguard the manufacture of yarn came up, the Honourable Member for Commerce did not think it fit to agree to such a widening of the scope of the discussion. I do not plead for it so far as the particular measure before us is concerned. But the Honourable Member will recognise, and the House will recognise, that this Assembly is put in a rather awkard position. The Tariff Board discussed the question of how the cotton textile industry should be helped. They suggested certain methods. Government rejected their proposals and decided upon a course of their own. They have now introduced the present Bill in which they have adopted the recommendations of the Tariff Board. I submit that if the Government had done the Tariff Board and this Assembly the courtesy of putting their whole proposals before the Assembly and of allowing the House to express its opinion on them, probably the Honourable Member for Commerce would have carried the House with him to a greater extent than I fear he is able to do at present. I submit for the consideration of the Government and of the Honourable Member for Commerce whether it is not on the whole better for the Government and for the Tariff Board and for this Assembly that the recommendations of the Tariff Board, particularly when the Government do not accept them, should be laid before this Assembly in order that the Assembly may express its opinion on the various recommendations and thereby enable the Government to adopt a measure which may be likely to receive more support from public opinion as represented in this House than perhaps a measure introduced in the present manner, though no doubt decided upon with due care and deliberation by Government. With these observations I resume my seat. As I have said, I do not wish to oppose the reference to the Select Committee, but I hope the Government will consider the point I have raised.

Mr. M. S. Sesha Ayyangar (Madura and Ramnad *cum* Tinnevelly : Non-Muhammadan Rural) : Sir, I feel thankful to the Honourable the Mover of this Bill for having given the House the information which I sought the other day. Sir, though he would ask me to dispel my illusions or my doubts or my suspicions regarding what underlay my question to him, I submit it does somewhat dispel my suspicion, no doubt ; but it does not remove the room for closer scrutiny of what I intended to bring to the consideration of the House. The other day, Sir, I was emphasising that nothing should be done under the Tariff Bill to injure or inconvenience the handloom industry. That industry in India is playing a very important part according to the finding of the Tariff Board. In 1925-26 the handloom industry produced 20 per cent. of the total cloth consumed in India. My business now is to invite the attention of the House and of the Members of the Select Committee to pay particular attention and see that in the Schedule to the present Bill things are brought in, which might facilitate the handloom industry by way of cheaply getting the materials for the handloom or the machinery that may be necessary. In fact, being a layman, I am not able to say from the Schedule attached to the Bill what machinery or materials might facilitate the handloom industry. I take it, Sir, however, that No. 18-B. would comprise a few of the articles which might be of help to the handloom industry. I would particularly request the Select Committee to canvass this matter more closely, and enlarge the list of articles, if need be, by facilitating the introduction of machinery or materials which might tend to make the

handloom industry improve ; and also to restrict or eliminate such article from the list, as we see in the Schedule, which might even indirectly have the remote effect of adversely affecting the handloom industry.

The Honourable Sir George Rainy : I propose, Mr. President, to reply very briefly. I listened, and I am sure every Member of the House must have listened, to the speech that was made by the Honourable Pandit in which he endeavoured—and it is hard not to be moved by the kindly tone of his voice and the obvious desire to win one's heart—to induce me, Mr. President, to agree to go back on the attitude of the Government as I explained it on Monday last. He said that it was not reasonable to ask the House to approve of these particular proposals which are contained in the Bill which we are now considering before the House had had an opportunity of considering the Tariff Board's proposals as a whole. Indeed he suggested that in the case of all Tariff reports the common procedure should be that before Government came to any final conclusions, they should take the Assembly into their confidence, have the whole thing discussed here and then, after that, make up their mind. Well, that would be rather a drastic revolution in the constitutional principles upon which we have hitherto proceeded as regards these matters. I think the correct constitutional principle is that the Executive Government must first make up its own mind what it proposes to do and subsequently place its proposals before the Legislature for its assent. Apart from that, there would be great practical difficulties in accepting the procedure proposed by the Honourable Pandit. One practical difficulty would be that if before Government came to its final conclusion it had to make all the proposals public in the Legislature, it might directly defeat the object that protection was intended because of the delay that would elapse before the first publication of the intention of the proposal to protect and the final decision actually to give protection and the passage into law of the Bills to give effect to it. That would be an obvious practical difficulty. Apart from that, the constitutional difficulty still remains and it is to my mind a very serious one. I do not think the Government of India could possibly put themselves in the position of divesting themselves of the responsibility of making up their own mind as to the proper course of action and then submitting it to the Legislature. As the Honourable Pandit has quoted the steel case I should like to point out that the circumstances are not similar. In the case of the Steel Industry (Protection) Bill there was general agreement in almost every quarter of the House that the protection to the steel industry ought to be continued, and in those circumstances Sir Charles Innes asked the House merely to affirm that much and to leave everything else to the Assembly. But in this case there is no such general agreement. As regards protection to cotton piece-goods general agreement does not exist, and in these circumstances it is impossible for the Government of India to leave the whole thing open after they have had the matter under their consideration for more than six months and have reviewed their original decisions. It is no longer possible for the Government of India to say that they have an open mind on the whole question. They have taken up their stand and to the decisions they have announced it will be necessary for them to adhere. In these circumstances, Mr. Deputy President, I fear it is impossible for me to yield to the persuasion of the Honourable Pandit, but I would like, if I may, to thank him for the very kindly and reasonable

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manner in which he put his request. He put it so nicely that it really annoys me to have to say no.

As regards the Honourable Member who has just sat down, I would like to draw attention to one item in the Schedule attached to the Bill. If he will look at item 8 in the Schedule, the first sub-item is 18-A. Under 18-A he will find, " fire or other power, not being manual or animal labour ", but if he will look at item 18-B. he will find " The following textile machinery and apparatus by whatever power operated... " A very large number of the items in that list are such as are used in handlooms. Therefore the Bill does include definitely a number of items from which duty is being removed and the removal of that duty would directly benefit the handloom industry.

Mr. M. S. Aney (Berar Representative) : I move that the names of Mr. Sesha Ayyangar and Mr. Mukhtar Singh be added to the Select Committee.

Mr. Deputy President : The motion before the House is that the names of Mr. M. S. Sesha Ayyangar and Mr. Mukhtar Singh be added to the Select Committee.

The Honourable Sir Basil Blackett (Leader of the House) : May I point out that this Committee is the same in composition as the Committee that was set up to examine the duty on yarn and it will be inconvenient to have different Members on the two Committees, the essential points for discussion being the same. In these circumstances I would suggest that this motion be not pressed.

Mr. M. S. Aney : I do not think there is any point in the contention that the Committee should be identical, and the addition of two names is not going to make them more inconvenient. I do not therefore see the force of the opposition of the Honourable the Leader of the House.

(At this stage Mr. Deputy President vacated the Chair which was resumed by Mr. President.)

Mr. President : The Honourable Member from Berar has, I understand, proposed two more names to the list and the Leader of the House has opposed the proposal.

The question that I have to put is :

" That the names of Mr. M. S. Sesha Ayyangar and Mr. Mukhtar Singh be added to the list of the Select Committee."

The motion was negatived.

Mr. President : The question then is :

" That the Bill further to amend the Indian Tariff Act, 1894, be referred to a Select Committee consisting of Maulvi Muhammad Yakub, Mr. R. K. Shanmukham Chetty, Sir Victor Sassoon, Sir Purshotamdas Thakurdas, Mr. W. Stenhouse Lamb, Dr. A. Suhrawardy, Diwan Chaman Lall, Mr. N. M. Joshi, Raja Ghazanfar Ali Khan, Mr. C. Duraiswamy Aiyangar, Mr. Jamnadas M. Mehta, Mr. S. C. Mitra, Pandit Hirday Nath Kunzru, Munshi Iswar Saran, Mr. M. R. Jayakar, and the Mover; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee be 5 and that the Committee be instructed to report on or before the 31st August, 1927."

The motion was adopted.

THE CRIMINAL LAW AMENDMENT BILL.

The Honourable Mr. J. Crerar (Home Member) : Sir, I move for leave to introduce a Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose.

I do not propose at this stage, until Honourable Members have had an opportunity of reading at leisure the provisions of the Bill, to speak in any detail. I will only say this, that I hope, and confidently hope, that Honourable Members of this House will unanimously agree that this is an opportune and a desirable measure.

The motion was adopted.

The Honourable Mr. J. Crerar : Sir, I introduce the Bill.

THE BAMBOO PAPER INDUSTRY (PROTECTION) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) : I rise to move that the Bill to amend the law relating to the fostering and development of the Bamboo Paper Industry in British India, be referred to a Select Committee consisting of Mr. Arthur Moore, Mr. N. C. Kelkar, Mr. K. C. Roy, Mr. K. C. Neogy, Mr. A. H. Ghuznavi, Mr. T. Prakasam, Pandit Nilakantha Das and the Mover ; and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee be 3 and that the Committee be instructed to report on or before the 31st August, 1927.

I said, Mr. President, when I introduced this Bill, that it dealt with three separate points. I will endeavour to make my more detailed explanation to-day as brief as I can. I should like to go back to the original enquiry into the paper industry that was conducted by the Tariff Board in 1924-25. Very early in that enquiry it became evident that some of the paper imported into India competed with Indian paper, some of it did not, and some of it was on the border line and it was difficult to say whether it did compete or not. At the beginning of the enquiry, the paper manufacturers asked for a protective duty upon " newsprint ", that is to say, the kind of paper on which newspapers are commonly printed, and from the first there was strong opposition both from the importers and from the newspapers. What was said was that the mills in India could not, in fact, make paper which would compete in quality and price with the imported " newsprint ". The paper made in the Indian mills was too expensive to compete, and therefore, however high the duty might be, they never would be able to supply the needs of the newspapers in a satisfactory manner. The reason why " newsprint " can be imported into India cheaply is because it contains a high percentage of what is called mechanical wood-pulp. Much the greater part of the world's paper is made from wood fibre, but part of the paper is made from what is known as chemical pulp. If you want a strong and satisfactory and durable paper, you have to use chemical pulp, because in the process of manufacture it is by means of the application of chemicals that the various substances are removed, which would be of no use to the paper and indeed would injure it. But when a cheap paper is required, it is not necessary to use exclusively chemical pulp and cheap paper contains a high percentage of what is called mechanical pulp which is produced by a grinding process. Paper of that kind does not last very long. It is not durable and it is a very weak paper.

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It is very easy to tear it. It is used chiefly for newspapers which are essentially ephemeral productions. The fact that it is not very strong and is not very durable does not matter.

The result of these early discussions at the beginning of the Tariff Board inquiry was that eventually the paper manufacturers withdrew their application. They said that they would not ask the Tariff Board to recommend that a protective duty should be put on imported "newsprint". But there was never any question at all from the beginning to the end of the inquiry that the paper which contained no mechanical pulp—which is a much more expensive paper—there was no question at all that it did compete directly with the paper made in the Indian mills, and having taken part in that inquiry I can say that, from beginning to end, that point was never in dispute. If a paper contained no mechanical pulp at all, then it was a paper which competed with the paper made by the Indian mills and it ought to be subject to the protective duty. Well, it was believed when the Bamboo Paper Industry (Protection) Act was passed into law that the Act had been so drafted that paper containing no mechanical wood pulp would be subject to the protective duty. But some months ago the paper importers—or particular paper importing firms—put in a representation to the effect that, as the Act was worded, if a paper contained even 1 per cent. of mechanical wood pulp it was subject to the protective duty, but if it contained no mechanical wood pulp at all, then it was not subject to the protective duty but only to the revenue duty. Legal opinion was taken by the Government of India on this question and the opinion given was that the paper importers were right—that as the Act was actually worded there could be no question that paper which contained no mechanical wood pulp was not subject to the protective duty. The exact wording of the entry in the Tariff Schedule, I think, is "printing paper, all sorts, containing less than 65 per cent. mechanical wood pulp." It was held by lawyers that if it did not contain any pulp at all, then it did not contain less than 65 per cent. To a mathematical mind that sort of argument is difficult, but I have no doubt that the opinion we received was the correct opinion and the only possible opinion from the legal point of view. That was the situation with which the Government had to deal and they came quite clearly to their decision. In the first place we had to administer the law as it stood. We could not go behind the wording of the Act to the original intention. That would not have been permissible. We had to carry out the law as it stood. But the second part of the Government decision was this—that we could not possibly let that state of affairs continue. Legislation at the first opportunity would be necessary because what it meant was that the keystone of the protective arch having been removed the whole structure was in danger of collapse. The great bulk of the paper which was most likely to compete with the Indian mill paper was going to be admitted to the country, subject only to the revenue duty. Therefore, on the 1st of July last, the Government of India published a communiqué to the effect that they intended to legislate at the first opportunity, and also that they would legislate so as to give retrospective effect to the new provision which correctly declares the intention of the Legislature. That was necessary because otherwise even during the three or four months that might elapse before it was possible to amend the law, considerable damage might be done to the paper industry in India. I

should like to explain here that the Government of India would ordinarily be very averse, and I think the Legislature would take the same view, to giving retrospective effect to a fiscal measure of this kind. That is a step which can be justified only in entirely exceptional circumstances. But in this case I do think the circumstances are exceptional, because it means that if retrospective effect is not given, then a real injury will be inflicted on the industry, and the policy deliberately adopted by the Legislature will not receive full effect.

I will turn now to the second point which is dealt with in this Bill. According to the provision in the Act the line between the paper which is subject to the protective duty and the paper which is not so subject is drawn at 65 per cent. of mechanical wood pulp. If it contains less than 65 per cent. the paper is subject to the protective duty. If it contains not less than 65 per cent. it is subject only to the revenue duty. Soon after the passing of the Act the question was raised whether this percentage, this 65 per cent., was to be calculated on the total weight of the paper or only on its fibre content. I may explain that printing paper, in addition to the wood fibre or grass fibre or bamboo fibre, or whatever it may be, which essentially is the paper, also contains what is known as loading or sizing which is necessary to give the paper a proper surface. China clay is very largely used for the purpose, and in extreme cases, the loading may be as much as 20 per cent. of the weight of the paper. Now, it makes a good deal of difference whether you calculate the percentage on the total weight of paper or only on the weight of fibre. Let us take as an illustrative case, a paper in which the loading amounts to as much as 15 per cent. of the total weight. Now, suppose mechanical wood pulp is 70 per cent. of the fibre content. In that case it would be less than 60 per cent. of the total weight, and therefore, the method by which you calculate the percentage will determine, in the case I have given, whether it is to be subject to the protective duty or not. Naturally in these circumstances the paper manufacturers said the percentage ought to be calculated on total weight because that brought more imported paper under the protective duty ; and equally naturally the importers contended that it ought to be calculated on the fibre content only. When this question first came before the Central Board of Revenue they issued a ruling that the percentage should be calculated on the fibre content, basing themselves on what they believed to be the intention of the Tariff Board and on the practice of the trade so far as it could be ascertained. However, the question came up again at the end of 1926 and on this occasion it was thought necessary to take legal advice. Here again the legal opinion took us rather by surprise. The opinion given was that, as the entry in the Tariff Schedule was worded, there was no alternative but to calculate the percentage on the total weight ; and accordingly the Government of India issued a fresh ruling giving effect to the legal advice we had received. In this case also it is quite clear the first thing the Government of India had to do was to administer the law as it stood. I think the matter was raised during a discussion possibly in March or the end of February last ; I think it was Colonel Crawford who raised a question in this House and that Sir Charles Innes promised that the matter would be looked into, and that, if necessary, legislation would be undertaken. When the question was examined it was found that there was a difficulty in determining what the intention of the Legislature on this point really had been when it passed the Bamboo

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Paper Industry (Protection) Act. I was myself a member of the Tariff Board that inquired into that case, and in these circumstances I had my own views, but it was not clear that it could be demonstrated, so as to convince everybody, what the intention had been. In these circumstances it was thought advisable to refer the matter to the present Tariff Board and to ask them to make an inquiry, to take evidence from both sides and make recommendations. The Board's Report has been received and copies are in the hands of Members of the House. I will try to indicate what their view is and the reasons which have led them to it. They point out that this new ruling by which the percentage is calculated on the total weight of the paper has given rise to considerable diversity of practice in the different Customs Houses, and that of course is very undesirable. It has also made it necessary to analyse a large number of samples of imported paper in order to determine whether they do, or do not, contain less than 65 per cent. of mechanical wood pulp. Now it is not an easy matter to analyse paper accurately and that is a point which in the original inquiry was constantly pressed on the Tariff Board. They drew attention to these difficulties created by the new ruling, but rightly, I think, they do not attempt to lay too great a stress on it. Probably, in the course of time most of them could be overcome, and the procedure of the trade would be brought into conformity with the law as it is now interpreted. But they have definitely recommended that the law should be amended so that it may be made quite clear that the percentage ought to be calculated on the fibre content only and not on the total weight of paper as it is at present. The reasons why they have arrived at that recommendation deserve to be stated clearly. I should like to call the attention of the House, if I may, to a certain passage in the original Report of the Tariff Board submitted in 1925, and I will read it if I may :

'With a few exceptions,'

it was said :

"the important Indian newspapers are printed in 'newsprint', a kind of paper which contains about 70 per cent. of mechanical wood pulp. * * * During the oral examination of the manufacturers at Simla we drew their attention pointedly to the strong objections which could be urged to the imposition of a protective duty on newsprint, and asked them to reconsider the matter. As a result, they informed us on the 30th of August, 1924, of their willingness that mechanical 'newsprint' should be exempted from an increase over its present duty, 'at any rate until such time as we can see what effect such differentiating may have on the paper trade generally'."

They suggested that the examination should extend to all paper containing more than a certain percentage (to be fixed by the Board) of mechanical wood pulp. Then the Report goes on :

"We have no doubt that the manufacturers were well advised in abandoning what was clearly an untenable claim. An increase of 10 per cent. in the duty on 'newsprint' would have been nugatory in its effect, for it would have failed to divert the trade to the Indian mills. Newspapers are ephemeral things, they do not require a strong and durable paper, and cheapness must be for them the primary consideration. It is impossible for the Indian mills using Indian materials to manufacture at a cost which would enable them to compete with imported 'newsprint'."

Now I think it will be quite clear from this passage that the Board's intention was to exclude from the scope of the protective duty the "newsprint" commonly imported into India. There is a second passage I should like to quote :

"We discussed with the representatives of important newspapers, with the manufacturers and with the Controller of Printing, Stationery and Stamps the question how

' newsprint ' should be defined for tariff purposes. The information given by the newspapers shows that the ' newsprint ' commonly imported contains about 70 per cent. of mechanical wood pulp and if paper containing this percentage remains subject to the existing duty, the newspapers will not be prejudiced. We enquired from the Controller whether, by chemical or other tests, the proportion of mechanical wood pulp contained in a given sample of paper could be ascertained accurately, and he said he was doubtful whether it could be done. We think it should be possible, however, to determine the proportion with an error not exceeding 5 per cent., and if the tests at present used in the Controller's Office are insufficient, more exact methods of estimating may be known in other countries. Our proposal is that all papers containing not less than 65 per cent. of mechanical wood pulp should remain subject to the present rates of duty on ' newsprint '."

I have quoted this passage, because I think that read in conjunction with the other passage previously quoted it makes it pretty clear what the intention of the Board was, namely, that the " newsprint " commonly imported into India should never be subject to the protective duty, and that the percentage was fixed in such a manner as to leave a margin, so that there would be no danger of " newsprint " being rendered liable to the protective duty owing to the difficulty of making an accurate analysis. If I am right, Mr. President, in the inference I have drawn as to the original intention of the Board, and if I may fairly, as I think we may, assume, that it was the intention of the Legislature to give effect to the views of the Tariff Board on that point, then it follows at once that the law ought to be amended, for under the law as it is interpreted at present, a considerable amount of " newsprint " which is being imported into India is being held liable to the protective duty. Before passing from this point I should like to draw attention to a passage in the Report of the present Tariff Board. They make a comparison between the price of " newsprint " after it has paid the protective duty and the price of the paper which the Indian mills would sell in competition with the imported " newsprint ". The figures are these. After it has paid the protective duty the price of imported " newsprint " is not more than Rs. 440 a ton (whereas the price of the Indian paper which might be sold in competition is Rs. 500 a ton). These figures make it clear, I think, that the imposition of the protective duty on certain classes of " newsprint " can serve no useful purpose. The only result would be that newspapers would either have to pay more for their paper, but still continue to import it, or they will use a lower quality of imported paper. Neither of these results is a desirable result.

I come now to the last of the three points embodied in this Bill and I will deal with it as briefly as I can. The definition of " writing paper " in the Tariff Schedule is as follows :

" Writing paper, all sorts, including ruled or printed forms and account and manuscript books and the binding thereof."

The reference to ruled or printed forms and account and manuscript books was inserted, because if they were omitted, there was a danger that certain kinds of writing paper might escape the protective duty and the protection given to the Indian industry might thereby be rendered ineffective. But it was not observed when these words were inserted that on certain kinds of ruled and printed forms and account and manuscript books, the protective duty of one anna a pound might not only be less but sometimes a great deal less than the revenue duty of 15 per cent., and the unintended result has been to occasion a loss of revenue to Government which, it is believed, cannot be much less than a lakh of rupees a year. Now, there is no reason at all why, because the paper industry is protected the duty on

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articles of this kind should be less than what it would have been if all paper was subject to ordinary revenue duty. For this reason it is proposed in the Bill that in future the duty on writing paper should be one anna per pound or 15 per cent. *ad valorem* whichever is higher. Thus, if the paper is a comparatively cheap paper and competes with Indian paper, it will be subject to the protective duty. If it is an expensive paper—and at present in India the really expensive kinds of paper are not made—then the paper will automatically pay at the ordinary revenue rate of 15 per cent.

I have tried, Mr. President, in what I have said, to cover most of the important points. I will only add that in asking the House to refer the Bill to a Select Committee, I ask them to affirm the general principle that the defect in the law by which the protective policy as regards the paper industry has been endangered should be put right. I do not ask them to come to any final decision as regards the other two points. They are clearly both of them Select Committee points and I do not ask for any final decision as regards them ; but I do ask that the House should accept the general principle that the law regarding the protection of the bamboo paper industry should be brought into a state in which it really gives effect to the policy of Government.

Sir, I move the motion which stands in my name. (Applause.)

Mr. President : The question is :

"That the Bill to amend the law relating to the fostering and development of the Bamboo Paper Industry in British India, be referred to a Select Committee consisting of Mr. Arthur Moore, Mr. N. C. Kelkar, Mr. K. C. Roy, Mr. K. C. Neogy, Mr. A. H. Ghuznavi, Mr. T. Prakasam, Pandit Nilakantha Das and the Mover; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee be 3 and that the Committee be instructed to report on or before the 31st August, 1927."

The motion was adopted.

THE INDIAN DIVORCE (AMENDMENT) BILL.

The Honourable Mr. J. Crerar (Home Member) : Sir, I move that the Bill further to amend the Indian Divorce Act for a certain purpose, be taken into consideration.

This is a very limited measure and the explanation which has already been given by my predecessor at an earlier stage is one to which I have really very little to add. I will briefly remind the House what the purposes of this measure are.

Under the recently enacted Indian Colonial and Divorce Jurisdiction Act, rules have been passed in accordance with section 1 of that Act providing for the appointment in India of an officer to discharge the duties which in England are discharged by the King's Proctor. In so far as that Act is operative in respect of the appointment of such an officer in India it covers only the cases of British subjects domiciled in England or in Scotland. It is desirable that a similar provision should be made to permit of the appointment of an officer in India to deal with matrimonial

causes the parties to which are domiciled in India. That, Sir, is the brief and limited purpose of this Act. I move that the Bill be taken into consideration.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Mr. J. Crerar : Sir, I beg to move that the Bill be passed.

The motion was adopted.

THE CODE OF CIVIL PROCEDURE (SECOND APPEALS) BILL.

The Honourable Mr. J. Crerar (Home Member) : Sir, I beg to Move that the Bill further to amend the Code of Civil Procedure, 1908, for a certain purpose (Amendment of Order XLII in the First Schedule), be referred to a Select Committee consisting of Mr. K. C. Neogy, Sir Hari Singh Gour, Mr. C. Duraiswamy Aiyangar, Mr. N. C. Kelkar, Dr. A. Suhrawardy, Mian Muhammad Shah Nawaz, Mr. R. T. F. Kirk, Munshi Iswar Saran, Mr. H. Tonkinson, and the Mover ; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

This Bill has already been before the House. It is a technical matter, the issue involved being really a very narrow one, and I do not propose to detain the House at any length in making this motion. I merely observe that one of the recommendations of the Civil Justice Committee was intended to restrain in the interests of the more rapid and equitable administration of justice, appeals to the High Court in cases where such appeals do not appear really necessary for the execution of justice. The present Bill is very much more restricted in scope. As Honourable Members will observe, it deals only with appeals from concurrent judgment of the lower Courts. I do not think I need add to what I have said. I make the motion standing in my name.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, among other things which my Honourable friend Mr. Crerar has received as a legacy from his predecessor in office, is a box of chocolates to be held in trust for Members of this House. It is a very expensive brand of chocolates, it cost us about 3 lakhs of rupees, and was manufactured by that well-known firm of confectioners, the Civil Justice Committee. (Hear, hear.) The special instructions which Sir Alexander Muddiman must have given to his successor are, to be very careful about the distribution of these sweets ; not to give away too many at a time, so that the box might last as long as possible (Laughter), and the sweets are to be distributed only on special occasions. And to-day I think has

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been selected for the distribution of these sweets particularly because of the passing of the Criminal Law Amendment Bill yesterday.

Sir, it is rather difficult to be serious in dealing with the procedure Government have adopted in making their legislative proposals on the basis of the recommendations of the Civil Justice Committee. The Civil Justice Committee, among other things, made about 47 recommendations which require legislative enactment in order to be given effect to, and I suppose we have not got through more than seven or eight at the most ; so that if we go on at this rate it will take us about 10 or 12 years more to finish the legislation that will be required to give effect to all the recommendations of the Civil Justice Committee. I do not know, Sir, what particular reason has induced Government to adopt this dilatory procedure in regard to these recommendations. There are recommendations that require the amendment of particular Acts, for instance. I do not know, Sir, why Government have not put into one Bill all their proposals relating to the amendment of one particular Act. Other alternative methods could easily be conceived. For instance, some recommendations relate to the restriction of the right of appeal. Others again relate to the tightening up of execution proceedings. Why could not each class of these proceedings be put into one comprehensive Bill, in order to enable us on this side of the House to have a wider view of things and come to a decision relating to the principles underlying all those recommendations ? At Delhi, during last winter, this House rejected certain proposals which wanted to restrict the remedy which people have at present by way of preferring applications to the High Court under section 115 of the Civil Procedure Code. That was very properly rejected by the House. On the present occasion here is a proposal made by the Government which deserves no better treatment at the hands of this House. Sir, the recommendation of the Civil Justice Committee on which this Bill is supposed to be based, as has already been pointed out by the Honourable the Home Member, was a more comprehensive recommendation. I will place before the House what that recommendation exactly was. The Committee say :

"We are of opinion that in every second appeal to the High Court the appellant should be required to deposit in Court, in cash or in Government promissory notes, a definite sum by way of security for the respondent's costs of the appeal."

Later on, they went on to observe as follows :

"We think that a very reasonable rule would be as follows—to require the appellant to deposit the amount of any costs awarded against him in the lower Courts *plus* the amount at which the respondent, if successful, could tax his pleader's fee under the High Court rules."

On the present occasion what the Government propose to do is to require the appellant, only in certain classes of cases, to deposit the costs of the second appeal in the High Court. Sir, the deposit will be required only in cases where the appeal is preferred against concurrent judgments. This distinction, as I have already pointed out, was not made by the Civil Justice Committee because of the rather incongruous position in which that Committee would have found itself had it made that recommendation. Sir, the Bill was circulated for eliciting public opinion, as a result of the motion which was carried by this House about a year ago, in the last Assembly. And with what result ? The High

Courts of Calcutta, Bombay and the Punjab are opposed to this measure. The High Courts of the United Provinces, Burma and Bihar and Orissa support the Bill, and the Judges of the Madras High Court, the Oudh Chief Court and the Judicial Commissioners of the Central Provinces and of Sind are divided in their opinion. I do not propose to place all the opinions before this House, but from what I have already stated it will be seen that there is a very serious divergence of opinion in this matter.

And what is most remarkable is that the Calcutta High Court which is presided over, among others by Sir George Rankin, who was the Chairman of the Civil Justice Committee, has forwarded a very strong note opposing this measure. Sir, I find that the letter of the Calcutta High Court is dated the 26th January, 1927. Sir George Rankin had, I think, already assumed charge of the office of Chief Justice of that Court before this date, so that either Sir George Rankin differs from the Government of India in regard to this Bill or he has changed his opinion, because there is no indication in this letter that the Judges are divided in their opinion on the subject ; and my surmise is that Sir George Rankin must have seen, as I said, the incongruity of the position that the Government have taken up in this connection. One could have understood the original recommendation of the Civil Justice Committee being sought to be given effect to—making deposit a normal feature in every second appeal. But for the life of me, I cannot understand why Government want to make this distinction between concurrent judgments and dissenting judgments. Sir, there are no statistics available to show as to whether in the second appeals admitted by the High Courts under Order XLI, rule 11, the number of dismissals is greater in the case of appeals preferred against concurrent judgments than in the case of appeals preferred against dissenting judgments. The Civil Justice Committee did not think it necessary to inquire on this point because they did not seek to make any distinction between these two classes of cases. But I took the trouble of finding out as far as possible as to what the position was likely to be on this point. I took the latest complete volumes of the Indian Law Reports, of the Calcutta Series, the Madras Series and the Bombay Series, for the year 1926 ; and I found, taking the Calcutta High Court first, among the cases reported in that volume, 4 second appeals were allowed from concurrent judgments—that is to say, in four cases the concurrent judgments were set aside by the High Court ; and in four cases, again, the appeals preferred from concurrent judgments were dismissed by the High Court. So the number is quite equal. But there is another very interesting figure which I shall just give to the House which shows that among the other appeals that are reported in that volume, no less than six second appeals were dismissed—appeals which were from dissenting judgments. Therefore, Sir, if we can take these figures as a sort of rough guide for coming to a decision on this point, there does not seem any reason whatever for Government to distinguish between concurrent and dissenting judgments ; for we find that in the case of the Calcutta High Court perhaps a larger number of appeals were dismissed which were preferred from dissenting judgments. Now, I come to Bombay. There, I find that four second appeals were allowed from concurrent judgments, five were dismissed from concurrent judgments ; and five again were dismissed from dissenting judgments. In the case of Madras I was rather surprised at the very small number

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of second appeals reported in that volume, but I find that one appeal was allowed from concurrent judgments, two appeals were dismissed from concurrent judgments, and two appeals were dismissed from dissenting judgments. So, Sir, I maintain that if these figures can be accepted as any guide for the purpose of influencing our decision on the present question, there is absolutely no reason whatsoever for making a distinction between concurrent and dissenting judgments.

Now, Sir, I will place the opinion of the Calcutta High Court before this House. They say as follows :

"The Hon'ble the Chief Justice and Judges do not share in the opinion expressed by the Committee that the absence of a restriction like this, spells injustice in many cases and Their Lordships are unable to subscribe to the view that it will improve the standard of justice. The Code of Civil Procedure was amended in 1908 after exhaustive inquiry and the only change which was introduced with a view to prevent frivolous second appeals was to give power to the Court to send for the record before a preliminary hearing under Order XLI, rule 11. After a second appeal is admitted after a preliminary hearing and after sending for the record, if necessary, it cannot be said that a respondent is called upon to answer a frivolous appeal, and Their Lordships do not think that a further difficulty should be placed in the way of the appellant by asking him to furnish security. In Their Lordships' opinion this will defeat the very object of the rule as it is only the rich litigant who will enjoy the luxury of a second appeal when a poor litigant will be debarred from presenting his appeal though admitted after a preliminary hearing. It may further be pointed out that this Court with a view to discourage frivolous second appeals has made it a practice to insist upon a hearing under Order XLI, rule 11.

In the opinion of the Hon'ble the Chief Justice and Judges, the provisions of Order XLI, rules 10 and 11, are ample for shutting out frivolous appeals and protecting the respondent in a fit case. Their Lordships are, therefore, not in favour of adopting this proposal."

This opinion was submitted on the original proposal of the Civil Justice Committee. Now, the High Court on the present occasion have repeated their observations. They, moreover, say as follows :

"The present proposals of the Government of India go very much further than the proposals of the Civil Justice Committee and in the opinion of the Hon'ble the Chief Justice and Judges"

—be it remembered that Sir George Rankin, the Chief Justice, was the President of the Civil Justice Committee—

"they unduly restrict the right of second appeal. Some of the objections to the present Bill are noticed in the speeches in the Legislative Assembly of Sir Hari Singh Gour and Diwan Bahadur T. Rangachariar, and Their Lordships are of opinion that no grounds whatsoever have been made out for revising the opinion given by this Court in the year 1925."

Sir, what are the present checks on frivolous appeals so far as second appeals are concerned ? As the Calcutta High Court has pointed out, there is Order XLI, rule 10, which reads as follows :

"The appellate Court may, in its discretion, either before the respondent is called upon to appear and answer or afterwards on the application of the respondent, demand from the appellant security for the costs of the appeal, or of the original suit, or both."

Here ample discretion is vested in the High Court for requiring the security for costs to be given if Their Lordships think it necessary and desirable.

Then again, under Order XLI, rule 11 :

"the appellate Court, after sending for the record if it thinks fit so to do, and after fixing a day for hearing the appellant or his pleader and hearing him accordingly if he appears on that day, may dismiss the appeal without sending notice to the Court from whose decree the appeal is preferred and without serving notice on the respondent or his pleader".

Sir, I think I am right in saying that this practice has been universally adopted by all the High Courts and Chief Courts in India, that is to say, no second appeal is admitted all at once, and no respondent is called upon to put in appearance until and unless a preliminary hearing has been gone through, and the Judges have admitted the appeal on the grounds set out in the Civil Procedure Code. Therefore, it is, Sir, that I say that even the existing restrictions give ample scope for requiring security to be given and for dismissing frivolous appeals before the respondent is called upon to appear.

I forgot to refer to another observation which the Calcutta High Court made on a similar occasion previous to the Civil Justice Committee's inquiry, and which has a particular bearing on the present point. This is what the Calcutta High Court said :

"It would be very inadvisable to make any distinction between judgments of affirmance and those of reversal. If a judge knows that a judgment of affirmance is not open to appeal, save under very particular conditions, such knowledge may be calculated to induce such affirmance rather than a reversal."

Therefore, Sir, I want to submit to this House very strongly that if we are to pass this Bill we would be affecting the quality of justice that is administered in this country by holding out an inducement to the lower Courts, as the Calcutta High Court have observed, to pass judgments of affirmance rather than of reversal. It is a very serious thing which must weigh with this House.

Sir, before I conclude, I would cite the opinion of Mr. Justice Gokaran Nath Misra who has got a learned note on this point. I would make only a few quotations from his note. He says :

"It is clear that notice is issued to the respondent only in those cases, where either the case obviously appears to a Judge of this Court as one involving a point of law or one which is deemed by him as a fairly arguable case. This in my opinion constitutes a sufficient check upon frivolous second appeals. When a Judge of this Court himself has admitted an appeal under Order XLI, rule 11, I do not see any further point in calling upon the appellant to deposit security for costs of the respondent. The appellant cannot in such a case be justly accused of harassing the respondent. If the appeal appears to be a frivolous one and the object of the appellant is found merely to harass the respondent, the Court in all likelihood will reject the appeal. I am of opinion that the subordinate judiciary in this country has not yet come up to that degree of judicial perfection, which may justify the taking away from the High Court of the salutary check which exists in their hands by revising the judgment of the lower Courts when they have gone wrong on a question of law. My experience is that in several cases I have found the judgment of the Judges hearing the first appeal to be unsatisfactory. I, therefore, consider it to be dangerous to curtail the right of the second appeal."

Later on he says :

"I have always been of opinion that one of the sources which give strength to the British Government in this country is the sense of security felt by the Indian public that ultimately justice will be done to their cases. Although I am quite anxious to see that frivolous litigations should be stopped, I am equally strong in my

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opinion that no attempt should be made to stop litigation which is just and fair and which a party resorts to in order to enforce his just rights.''

I conclude by asking the House to remember the warning which this Honourable Judge has uttered.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President in the Chair.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : I join with my Honourable friend, Mr Neogy, in deprecating this piece-meal legislation. I expected after what we had said in the Delhi Session that, if the Government wished to formulate their recommendations on the Report of the Civil Justice Committee, they would, at any rate, take each Act as a whole and then come up to the House so that we may be able to see how the amendments proposed by the Government are interrelated and how they act and re-act upon the present statute law of the country. Instead of doing that, what the Government have been doing is to introduce into this House from time to time tiny Bills dealing with one or two topics dealt with by the Civil Justice Committee. However, we must take the Bill as we find it, and what do we find there ? Honourable Members are aware that a similar Bill was before this House some time ago. They have now modified it, and I venture to submit that the modification has made it much worse than when the original Bill was introduced into this House. Let me point out to the Honourable occupants of the Treasury Benches how the Bill has deteriorated since its original draft. The Report of the Civil Justice Committee intended to cut down the right of second appeal and three proposals were before that Committee. One was to direct a frontal attack upon all second appeals and to provide that in all cases in which there is a concurrent finding of the two subordinate courts there should be no second appeal as of right, and that an application by way of leave must precede the filing of a regular second appeal. That was the first proposal. The second proposal was that in cases tried by the original courts there should be a bench of subordinate judges who should dispose of these appeals and the decisions of this bench should be final. Those were the frontal attacks directed against the right of second appeal. But there was a flank attack and an insidious one too. It is this, that the right of second appeal should be made conditional and contingent by providing certain obstacles, impediments in the way of the appellant, and the proposal before the House is one of those proposals. It proposes to place an impediment in the way of second appeals in cases where the judgments or the decisions of the original court and of the lower appellate court are concurrent. Now, I wish to ask Honourable Members one question. The judgments of the two courts may be concurrent, but the findings may not be concurrent. Take, for instance, a very simple case. The first court decides the case upon the merits. It goes to the lower appellate court, whom we shall call the District Judge. There the appeal is dismissed either because it was barred by limitation, or because it was filed

too late, or because the court-fees had not been paid, or because the appellant had made default by not appearing when he was called upon or upon grounds other than those taken by the first court. Now, the judgment of the appellate court would be a concurrent judgment, that is to say, the decree of the lower appellate court would be a concurrent decree, but the lower appellate court has either not gone into the merits of the case at all, or if it has, it may have reversed the findings of the trial Judge upon every point though it may still have confirmed his decree. In that case what is the remedy ? No provision is made in the Bill as to what the unsuccessful appellant is to do before the High Court, except that he is to give security in the sufficient sum provided for it. That is the first point, and what is to become of the cross-appellant ? Is he also to give security ? If not, the poor appellant is doubly hit—his appeal is dismissed because he had not the money to deposit for security—and by his appeal he runs the risk of losing the little he may have got, because it gave the respondent a chance to turn the tables upon him.

Now take another case. Under the Code of Civil Procedure, section 100, there are three cases in which a second appeal is maintainable. The first is when the decision is " contrary to law or some usage having the force of law ". In my subsequent reference to this clause I shall refer to it for compendiousness of expression as a second appeal on the ground of law. Then follow two very important clauses and I ask the Honourable Member to indulge me by listening to me as to what I have got to say about those clauses. The second ground upon which a second appeal is maintainable is " the decision having failed to determine some material issue of law or usage having the force of law ". The third is a substantial error or defect in the procedure. Honourable Members who are conversant with legal procedure will bear me out that the third ground is often a very good ground for revision. Those are the three grounds upon which a second appeal is maintainable. Now what does the section say. The section says :

" Provided that the High Court may dispense with such security in any case in which it is of opinion that the decision from which the appeal is preferred is on the face of it contrary to law or some usage having the force of law."

In other words the High Court is given the discretion in cases falling under clause (*a*), that is to say, where the decision is contrary to law, but what about the other two clauses ? Suppose the High Court finds that the decision falls under the provisions of clauses (*b*) and (*c*), and (*c*) as you will find is a much more serious defect in the trial of a case than either (*a*) or (*b*), because the ordinary procedure has not been followed in the trial of the cases. In those cases the High Court is given no discretion at all. The proviso excepts only clause (*a*) and not clauses (*b*) and (*c*). And this is not a novel argument. I addressed this House on the identical point on the last occasion and, if I may borrow the words of the Honourable the Home Member, my observations have been before the House since the last winter Session. How have they rectified matters and what answer have they got to give in regard to the serious defect which you have in this Bill ? But that is not all. This Bill contains as many lines as there are defects and I shall make good my statement. First of all what is the present law ? Sir, the present law has been in force from 1882. Honourable Members will remember the

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enactment of section 549 of the old Code of Civil Procedure, the much lamented Code of Civil Procedure in which we had consecutive sections. It is now Order XLI, Rule 10. It provides that if the respondent or would be respondent or the court *suo moto* desires that the appellant should furnish security for costs, the court may order accordingly, and I find throughout the Report of the Civil Justice Committee that there is no evidence led before that Committee, nor any finding arrived at upon such evidence, that the present enactment, which was only passed in 1908, has entailed any hardship upon the appellant or upon the respondent. The Civil Justice Committee was appointed not out of any solicitude to safeguard the interests of the respondent or of the appellant. It was appointed, as Honourable Members are aware, to curtail litigation and they have cut the Gordian knot by saying : 'You want us to cut down litigation. Well, we chop this thing off here, that thing off there and will truncate your procedure and there you are, we have cut down litigation". That is not the way to deal with a question of this kind at all. We find in the Statement of Objects and Reasons unwonted solicitude expressed for a respondent, in order to protect the interests of the respondent. Now I beg to ask why should you not have said in plain language that the Bill was intended to cut down litigation or rather to cut down second appeals. That was the object of the Civil Justice Committee and you come here and trot out the philanthropic argument that this Bill is enacted in the interests of the respondent as if the respondent has not been able to take care of himself. Sir, while considering the case of a poor respondent, have you ever considered the case of a poor appellant ? The Calcutta High Court and all other High Courts advert to this aspect of the question. Suppose a man is a poor man. He has gone to the first court and lost his case He has probably spent his all in the first court and he files an appeal either by borrowing money or by pledging his chattels and goes to the High Court because he finds that the judgment passed by the trial court is in violation of every known rule of procedure. That is to say, he brings his case under section 100, clause (*c*). A very serious case as I have said, though in such a case the High Court interfere even in revision. What is he to do ? The High Court says : " You are a poor man. I commiserate with you but the proviso does not give me the discretion at all. I have therefore to call upon you to pay up the respondent's costs. " And if the respondent is a rich man and engages a senior counsel he goes to the High Court and says : " My costs in this case are so much. " And the Court then calls upon the appellant to deposit those costs. If he is unable to do so the court must reject his appeal. Is that justice ? Take another and still more important case. The Civil Justice Committee was appointed for the purpose of shortening litigation. Now, will the procedure you have prescribed shorten litigation ? It will lengthen it. Let me show you why and how. First of all in every conceivable case counsel will be engaged for the appellant to bring his case under the proviso, and there will be argument at the Bar whether the case falls under the proviso or not. That is really hearing No. 1. Then there is the order passed that you shall give security. Then you go to the ministerial department,

and time is given for the purpose of finding security. Now if the respondent is obstructive, and many respondents are, he goes before the court and says : " This security is insufficient. The surety is a man of straw ". The case is then sent down to the lower court. Then he has to certify that the security is a good one. But even if he is a good surety your Bill requires that he should have ready cash. He may be a good security without being able to produce the cash or Government securities that you demand as a deposit. I think perhaps this Bill is inspired by the Finance Department seeing that their recent flotation has not been quite the success they expected it to be and they probably want litigants to purchase and invest their money in Government securities. But what is the object of it all ? I cannot understand. Do you expect a poor rustic of the countryside to give you either cash or Government securities ? He will probably have to sell his bullocks and his plough before he is able to pay cash into a court of justice. Surely, Sir, such a law can only be conceived on the Olympian heights of Simla ; it could not be conceived by those who live and toil amongst the millions in the plains below. And this is the sort of law which it is proposed to enact Then, Sir, look at the third point. Under the Code of Civil Procedure High Courts have made certain rules as regards the fixation of costs. You may pay your counsel any amount of money, but there is a fixed schedule of rates—sometimes a very inadequate one—upon which the court awards costs. But in this case when you go before the High Court there is no provision here that the security will be on the lines of the scheduled or certified costs. The proviso here is this : " such amount as the court thinks fit ". Now the Court has in each case to decide what is the amount which it considers fit. I do not know whether counsel would not say : " My Lord, this is an extremely important case. It deals with the right of way. It deals with injunction. It deals with my most valuable land. This may be a petty rent suit of Rs. 2, but the question involved is a very important question affecting as it does the whole of my estate ". Well the court has now to decide what is the cost which it thinks fit, and it says : " I have not made up my mind as to what would be the cost. I shall issue a notice upon the respondent *audi alteram partem*. That is the law which the Judges follow. And the Judges will never decide a case unless they have heard both sides of the question. Now I have told you that you have, first of all, a proviso through which every counsel worthy of his salt will try to struggle for the benefit of his client. You have secondly the question of security and the adequacy of it which has got to be inquired into. Then you have the third hearing on the merits of the case ; and as my friend, Mr. Neogy has pointed out, citing a judgment of the Calcutta High Court, when the High Court Judges find that concurrent judgments are let into the court through the very narrow door of the provisions of this Act, they would regard appellants' appeals more or less as an exception, and there would be a tendency on the part of District Judges to concur in the findings of the first court. Those are not my remarks, those are the observations made by the High Court. I therefore submit, what will be the ultimate result of this very short-sighted legislation ? Would it not lead to the deterioration of justice in the mofussil ? Would it not lead to the prolongation of litigation which it is your purpose to shorten ? And would it not lead to an unnecessary waste of time in having to hear this appeal in three and conceivably four stages

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when it is only heard now in two short stages ? There is, first of all, the examination of the case under Order XLI, rule 11. Is this a good case for a second appeal or not ? And if you find that it is a good case—and they have their rules or practice on the subject—then it is immediately set down without hearing the appellant for final hearing, and on that final hearing the case is disposed of one way or the other. That is the procedure, and what are you going to do ? You come up here and say : " We wish to shorten the procedure "—and the Honourable the Home Member has made no secret of the fact that it is his intention in spite of what has been said in the opening sentence of the Statement of Objects and Reasons. Now I ask him in all seriousness, does he think that in point of practice it would lead to the shortening of litigation ? I humbly submit that it will do nothing of the sort, and it would waste the time of the High Courts much more than it does under the present procedure.

Now, Sir, I always thought that the Government of India have a very strong argument which they use and use with good effect, namely, that all legislation must be *post facto*. First of all you must make out a *prima facie* case ; and if you once make out a *prima facie* case, then the whole machinery of the Government of India begins to grind. Now I wish to ask this question. Has the Honourable the Home Member collected any materials, has he got any evidence that the decree of the lower appellate court, or, for the matter of that, of the trial court, has caused any hardship in the matter of costs ? I wish to submit, Sir—and I have been practising at the Bar for nearly 35 years and I have never heard any complaint from litigants that they have been deprived of their costs, and whenever I have had complaints of that character, I went up immediately before the High Court and said : " Sir, this is a case in which we want costs, " and ordinarily the High Court would immediately issue notice and order the deposit of costs. It causes no trouble, and I wish to ask why do you wish to tighten the law ? How far have you found that the provisions of Order XLI, Rule 11 are inadequate ? Let the Judges of the High Court be my witness. What do the High Court say ? Is there a single High Court here in this compilation of opinions, is there a single High Court, that has expressed the opinion that apart from what the Civil Justice Committee have said, apart from the high prestige of the Government of India who have introduced this Bill, apart from *a priori* consideration, that there have been any cases of hardship or failure of justice in second appeals which call for the enactment of this provision ? Show me a single instance of any High Court having reported favourably on the Bill upon this question. My friend, the Honourable Mr. Neogy, has drawn attention to the opinions of the various High Courts on this question. He has referred to the opposition of the Calcutta and Bombay High Courts. I wish to add that the Rangoon High Court is equally opposed to this measure, and I draw the Honourable the Home Member's attention to the expression of their opinion at page 21 of this compilation and I acknowledge, Sir, with due humility that the reasons which I gave to this House have appealed to their Lordships of the Rangoon High Court; they say they are opposed to it and for the reasons which I submitted to the House on the last occasion. The Madras High Court—see page 20 of the compilation—are opposed to it. Look at the Judges who are opposed to it. They are all experienced Judges drawn from the Bar and who know what a huge sacrifice it is to a poor litigant to have to

carry his case to the High Court. You know, Sir, how expensive civil litigation is in this country. Up to a certain limit you have to pay 7½ per cent. in court-fees ; and when one goes to the High Court and pays his court-fees, what does he get in return ? He files his appeal and then he has to run this extremely difficult hurdle race in which he has to circumvent one hurdle after another and perhaps he will drop through sheer exhaustion before he reaches the final goal. If this is what you call the advancement of the cause of justice, I submit I am certainly not at one with you. Take the opinions of the Allahabad High Court at page 8. Five learned Judges are in favour of it, but the three learned Judges, all drawn from the Bar, are against it and they give very good reasons for it. The Lucknow Chief Court, my friend Mr. Neogy has referred to it, and I do not wish, therefore, to repeat his argument. So far, I have been only dealing with the judiciary. Let us not forget that there is such a thing as the Bar in India. What does the Calcutta Bar say ? The Calcutta Bar Association have strongly protested against this measure and I submit the opinion of the Calcutta Bar counts. Honourable Members will find from page 8 the opinion of the Calcutta Bar Association and they are opposed to it, and almost all the Bar Associations consulted on this subject have expressed themselves strongly, and some of them vigorously, against this measure. Now, take the Chambers of Commerce. Are they in favour of it ? They are against it. Let me give you the opinions of the Bombay Chamber of Commerce. The opinions are summarized at page 23. This is what they say :

"All the Bar Associations in Bombay are against the Bill. Of the commercial bodies consulted, the Chamber of Commerce, Bombay, and the Indian Merchants Chamber are against the Bill and the Bombay Presidency Trades Association and the Karachi Chamber of Commerce are in favour of it. The Advocate-General of Bombay is against it."

So that you will see that I have now very briefly summarized the expert, legal and non-legal opinions on the subject. I venture to submit that I am within the mark in saying that the bulk of Indian public opinion, that of the Judges, that of the members of the Bar and of the commercial bodies, is against this measure. In the teeth of this overwhelming evidence that you have against you, do you feel justified in pressing this measure to a Select Committee and placing it upon the Statute-book ? I ask you to reflect, to consider, and consider carefully, that you are not advancing the cause of justice. On the other hand, you are retarding the very cause which you and I have in view, namely, that there should be a satisfactory administration of civil justice in this country.

One more word, Sir, and I have done. In this short Bill we are told that we do not curtail the right of second appeal at all ; we are merely providing for a safeguard. I have already said before and I wish to repeat it that the real underlying object of this Bill is to carry out the recommendation of the Civil Justice Committee. But the Civil Justice Committee themselves have pointed out at page 361 that "it is, of course, conceivable that the requirements of security might exclude a good appeal". And they also refer to the poor appellant. Consequently, the recommendation that has been made by the Civil

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Justice Committee is not couched in such forceful terms as to justify the Government of India in taking the prompt action they have done upon their recommendation. I beg further to point out that the Chief Justice of Bengal, who was the President of the Civil Justice Committee, has now reconsidered the position if he was ever in favour of it. I venture to opine that probably there was always this mental reservation when he signed this Report because he was not quite sure that this was a salutary provision to be embodied in the Act of Legislature. Two conditions are embodied in this paragraph. One is about the poor men, and they say : " Yes, it is a case of hardship ", and the second is a case of shutting out good second appeals, and to these two objections adumbrated in the Report of the Civil Justice Committee I have pointed out many more to the Honourable Members here, the cumulative effect of which, I submit, is that I am not at all convinced that any case, much less a *prima facie* case, has been made out for the enactment of this measure.

Mr. M. R. Jayakar (Bombay City : Non-Muhammadan Urban) : Sir, I rise to oppose this Bill and I shall do so on the same grounds on which I had the misfortune of opposing another Bill during the Delhi Session, which sought to curtail the powers of the Bombay High Court under another section, namely, section 115 of the Civil Procedure Code. This is a similar Bill, which, looked at from another point of view, seeks to curtail the powers of the High Court under another section of the Civil Procedure Code relating to second appeals.

I must say, Sir, that I cannot congratulate the Government of India on having selected this new piece of legislation out of the box of chocolates, which my Honourable friend Mr. Neogy said had been handed down to the present Home Member as a legacy. I will add one more feature to that analogy and say, with great respect to the Honourable the Home Member, that he has taken out of this box of chocolates this time the most undelicious and pungent piece that he could have selected. What does this Bill propose to do ? I want Honourable Members to follow very carefully what it seeks to do. I oppose this Bill on the ground that it is an interference with the powers of the High Court which should be the last attempt that should be made in the present days by the Government of India. I do not mind stating frankly for whatever it may be worth, that the High Courts still retain that faith and confidence which the Indian litigant used to have at one time in the entire judiciary of British administration, and if the Government of India now make any attempt by piecemeal legislation to take away the powers of the High Court, one after another, under one section in one Session, and another section in another Session, then a time will come when the British administration of justice will become absolutely devoid of the confidence and faith which it ought to command in this country.

The second ground on which I oppose this measure is that it is absolutely unnecessary in the present circumstances to enact this measure. My reasons are that, if the motive of those who are bringing forward this Bill is to restrict " frivolous litigation "—to quote one of the phrases so fondly used by the Civil Justice Committee—our answer is that there are ample provisions in the Civil Procedure Code which have that effect. This part of my argument has already been referred to by the two learned

speakers who have preceded me and I do not therefore want to take a long time over it. Without being technical, may I invite the attention of Honourable Members, especially that of the Honourable the Home Member, that under the Civil Procedure Code, there are two very important safeguards relating to the admission of second appeals. As he must be aware, second appeals are only admitted in cases where there are points of law or of usages having the force of law. All questions of fact are excluded in second appeals. Second appeals are not allowed to be entertained on questions of fact. Therefore out of about one hundred appeals which are preferred, I should certainly think a very large percentage of appeals—the Honourable the Home Member has not given us any figures—but I should certainly think about 75 per cent. of the appeals really relate to facts and they are all excluded. What are left over are only those appeals which involve questions of law or usages having the force of law. Pure questions of law are allowed to be entertained in second appeals. That is one safeguard. The other safeguard, which is the result of an amendment introduced in recent years in the old Procedure Code and it is worth remembering, is that the High Court is given enough power in appropriate cases to require security for costs. This is exactly what this Bill proposes to do. Under the present Code the High Court is empowered to require security in cases where it comes to the conclusion that it is a frivolous appeal. That power is given to the High Court under the Civil Procedure Code, and for the information of my Honourable friend the Home Member I will repeat the exact words of the section :

"An appellate court may in its discretion either before the respondent is called upon to appear or after on the application of the respondent demand from the appellants security for costs."

This section is much wider than the section which the Honourable the Home Member is seeking to enact. The discretion given to the High Court for requiring costs under this section which already exists in the Procedure Code is in relation not only to the cost of the second appeal which the present Bill proposes to do, but the costs of the lower courts also. It refers to the costs of the original court, the 1st court of appeal as also of the second appeal. The Bill before us only speaks of the costs of the second appeal, the costs which will be incurred in the High Court. The power which the High Court enjoys at the present moment is with reference to the costs of all the courts, the first court, the second court and the High Court. The only difference is that under the present section the High Court has a very wide discretion. The High Court has the power to determine after hearing arguments whether it is a fit appeal in which they should exercise the power which has been given to them under Rule 10 of Order XLI, or whether they should not exercise the power. My Honourable friends will bear in mind that the section gives an absolute discretionary power to the High Court. The question is— and I want my Honourable friends to approach this Bill from that point of view—whether the time has come in India upon political, social or other grounds, in other words whether we have arrived at the stage of British administration in this country when this wise power of discretion so wisely given to the High Courts should be compulsorily taken away and the High Court should be, by the express words of the Statute, deprived of this power and discretion and compulsorily told that in every case they must require costs irrespective of the fact whether it is a fit case or not, whether the poor man will suffer, whether nice points of law are involved, and the

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litigant has a chance of success. All these nice considerations, which it is at present possible under the Procedure Code for the High Court to review, the present Bill makes impossible, and the question is whether the time has come in the history of British administration when this power should be taken away from the High Court which is the highest tribunal in the land under the present system. I submit, Sir, that the Honourable the Home Member is taking a false view of the situation in the country if he is under the impression that such a time has come in the administration of this country. I maintain, Sir, that what the patriotic Judge, Mr. Gokaran Nath Misra, said on this point, represents the truth. My Honourable friends have heard his opinion read out to them by Mr. Neogy. He maintains that the time has not yet come in the administration of British justice when the lower judiciary is so experienced, so free from bias, so free from misconceptions and prejudices, that the last resort of justice, namely, the High Court, should be deprived of this wise power and discretion which they enjoy. I entirely agree with that view. I have been at the Bar for a pretty long time, my practice being more or less confined to the appellate side ; and I can say with confidence to the Honourable the Home Member as the result of my experience that if he insists on this measure going through, it will cause an amount of mischief and consternation which I ask the Government not to risk having regard to the issues at stake. I do maintain, Sir, that we must continue the old law. After all, who are our High Court judges, if I might ask the Honourable the Home Member ? They are men drawn from the best part of the Bar itself, or from the Indian Civil Service, or from the subordinate judicial service—in all cases, men who come to the High Court after 20 or 25 years' experience of the work. Such men man the High Courts at the present moment. The power therefore which we give them under the Procedure Code is vested in very safe hands. No case has been made out by the Honourable the Home Member to show that this power has been abused or that any mischief has arisen or that any trouble has been caused, that the courts have been blocked by the hearing of empty appeals which keep the deserving man from justice. No such reasons aided by statistics have been given to us. The Honourable the Home Member made a very laconic and prudently short speech in which no arguments were advanced and no statistics given to us. We were merely asked on his personal assurance to accept the conclusions embodied in the Statute. I submit, Sir, that no case has been made out why we on the Opposition Benches should adopt this measure which mischievously seeks to take away from the High Court this judicious discretion, which has not been abused. If it is a frivolous appeal then the High Court will require costs ; if it is not a frivolous appeal, the High Court will admit it. Why do we want to lay it down as a fiat going out from this House to the High Courts " No, you will not exercise that power ; we want you in the name of justice in every case, however absurd it may be, to require the litigant to give security for the costs " ? I submit, whatever the history of other countries may be of which I happen to be unaware, the time has not come in British India, of which I have some knowledge, when the High Courts should be denuded of this power.

Now, taking the opinions which have been collected in this case by the Government of India, I am very glad to see that in the Court where I have the privilege of practising, the Chief Justice and the Judges

are all against this measure. You know, Sir, what reputation the Bombay High Court enjoyed, especially during the regime of the Chief Justice who only retired a year ago. He had the reputation of being a very speedy dispenser of justice. Therefore, the opinion of the Bombay High Court, having regard to its antecedents and reputation, is entitled to special weight. Without tiring my Honourable friends with technicalities may I point out that it is the opinion of the Bombay High Court that the existing provisions of Order XLI, Rule 10, which I just read out to my Honourable friends, by which the High Court has the power in proper cases to require security for costs, are ample and adequate and that the present amendment is unnecessary ? We cannot say that this is only the technical view of the lawyer. I am quite aware of the charge to which we three lawyers who have spoken against this Bill on this side render ourselves liable, that we are only speaking in the interests of our clients or possibly of ourselves ; but we must take the odium of such a charge being levelled and warn the Government that the time has not yet come. It may come 15 or 20 years hence, when our judiciary is ripe, when their judgments are free from blemish as they are not at present. Such a stage may come in course of time when the Opposition Benches may allow such a measure to go through, it has not yet come, and that is the opinion of most of the important men whom Government have consulted. For the information of the European members who represent Chambers of Commerce, may I point out that the Bombay Chamber of Commerce, an entirely European body, and the Indian Merchants' Chamber, an Indian body of like character, express their opinion against this measure. One cannot say that they were actuated by any professional, personal or selfish bias. These are two important bodies representing commercial interests—men *prima facie* whose view would be in favour of speedy justice. The Bombay Chamber of Commerce is connected with litigants who come up in commercial cases and that body would be *prima facie* in favour of having a provision in the Statute-book which makes for speedy justice ; and yet it is surprising that both the representative institutions of Bombay —the European Chamber of Commerce and the Indian Chamber of Commerce—were against this measure. The sense of the Bar as a whole is also against it. Time after time we find sprinkled over this collection the opinions of members of the Bar. I hold in my hand the opinion of a very esteemed member of the Bombay Bar who gave his view before the Civil Justice Committee : he said in effect " so far from agreeing with such restrictive measures, I think the time has come when the High Courts' powers instead of being curtailed should be widened ".

The measure which the Government of India are proposing to place on the Statute-book is a retrograde measure. The Civil Justice Committee went even further than the Government of India. If I may say so, theirs was a most retrograde suggestion—they wanted in *every* second appeal cost to be compulsorily secured, not only in second appeals with concurrent judgments, but in every second appeal. That means that every litigant who goes to the High Court will have to find the money in anticipation, however poor he may be, and however just and deserving his cause, because he has been denied justice in two courts below. No value should therefore be attached to this opinion of the Civil Justice Committee for they have taken a most retrograde view of this question and their opinion is no ground for accepting this measure. I submit, Sir, that the

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opinions of the Calcutta, Bombay and Punjab High Courts are entitled to greater weight than the view of the Civil Justice Committee.

To sum up in a few words, Government have the opinions of important Courts against this Bill—Bombay, Calcutta and the Punjab. Madras is equally divided. The sense of the Bar is against the Bill, so far as it has been given a chance of expressing its opinion. Commercial bodies of an important character, as in Bombay, are against it. In whose interests, then, are the Government of India bringing forward this measure at a time when the House has very little time to go into unimportant matters? One begins to wonder why the Government of India should have thought fit to bring forward such an empty measure in this excellent weather which makes us feel dismal and long for the sunshine of our native climes. It is surprising that the Government of India come up all this distance and to this great height, in quest of weather which they can have in abundance at many places down in the plains. They would have done well to have waited until we were back in the delightful weather of the Delhi Session, when Members are more cheerful and yielding. They would have been better advised to risk this measure at a more leisurely time when we had fairer weather, less rain and less chill. Having however introduced the Bill, they must take the risk of losing it. Sir, I wish to oppose the Bill.

Mr. H. Tonkinson (Burma : Nominated Official) : Sir, I am surprised, very much surprised, at the opposition which has been raised to this very simple measure. For the benefit of those Members of the House who may not have studied the provisions of the Bill.....

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : They are all on the other side.

Mr. H. Tonkinson : For the benefit of those Members of the House who may not have studied the provisions of the Bill, may I explain that under this Bill there will have been one original decision. In that decision of the court, the ultimate respondent has been successful. From that decision there has been a first appeal, and the ultimate respondent has again been successful ; that is to say, the respondent has been kept out of his rights as found by the two lower courts, and the principle underlying this Bill is that in such a case it is only right that if the respondent is to be placed in the position of again defending his case he should be given security for his costs. I am aware, Sir, of Rule 10 in Order XLI, upon which so much stress has been laid by my Honourable friend Mr. Jayakar. Under the rule, as he has explained to us, the appellate court may in its discretion demand from the appellant security for the costs of the appeal or for the original suit, or for both. Now the whole idea of the Civil Justice Committee was to substitute in the particular cases to which their proposals related an inflexible rule instead of a provision for discretion. But, Sir, I submit my Honourable friend Mr. Jayakar is not correct in stating that the powers of the High Court under Rule 10 of Order XLI will be withdrawn by this Bill. Those powers, Sir, will remain absolutely unaffected in regard to first appeals ; they will remain absolutely unaffected in regard to second appeals, except those second appeals which fall within the limits of the Bill now before us.

I should like now to refer to the figures given to us this morning by my Honourable friend Mr. Neogy. I have, Sir, the utmost respect for my Honourable friend's learning and for his industry. I am afraid, however, that the industry which he has exhibited in this case is not very fruitful. He has taken the number of second appeals which have been reported in the Law Reports of three High Courts. Of course, Sir, it is only a very exceptional second appeal which will be reported in the Law Reports. In the case of Calcutta, for the year 1926, he informed us as to what happened in regard to 14 cases. Now I have not the figures before me of the number of second appeals disposed of by the High Court of Calcutta in the year 1926. In the year 1922, however, 3,508 second appeals were disposed of. I ask, Sir, what value can be attached to figures as to what happened in respect of 0.4 per cent. of those second appeals.

Sir Hari Singh Gour : What percentages were admitted by the High Court ?

Mr. H. Tonkinson : I will come to that a little later. Now, Sir, let me turn to the appeal to authority which has been made by each of the three Members who have spoken. Considerable importance, Sir, has been attached to the opinion of the Calcutta High Court. I also have great respect for the views of the Calcutta High Court. In the present case, however, Sir, I submit that the opinion of the Calcutta High Court bears upon its face a reason why it should be rejected at once. The Calcutta High Court say that " the present proposals of the Government of India go very much further than the proposals of the Civil Justice Committee." My Honourable friend Mr. Jayakar a moment ago informed us that that is not the case. I am unable, Sir, to understand how the Calcutta High Court could have arrived at the opinion that the proposals of the Government of India in the present Bill go beyond those of the Civil Justice Committee. In these circumstances I submit that their opinion must, with the greatest respect, be rejected at once.

My Honourable friend Sir Hari Singh Gour referred to the opinion of the Allahabad High Court. He said the Allahabad High Court was opposed to the Bill.

Sir Hari Singh Gour : On a point of order, Sir. I said nothing of the kind.

Mr. President : Order, order. That is no point of order.

Sir Hari Singh Gour : It is a point of correction, Sir.

Mr. President : Order, order. Mr. Tonkinson.

Mr. H. Tonkinson : I noted at the time when the Honourable Member was making his remarks that that was what he said. Of course I accept his statement that he never intended to say that the Allahabad High Court were opposed to the Bill. As a matter of fact, Sir, the Registrar of the High Court has recorded the statement that all the Honourable Judges are in agreement in approving of the general principles of the Bill, that some of them wish to make it more stringent, and all the District Judges who have been consulted, according to the Registrar, approve of the Bill. My Honourable friend also referred to the opinions of the Rangoon High Court. He said that the Rangoon High Court was

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against the Bill. Now, Sir, what does the Registrar of the Rangoon High Court say ? He says :

"I am directed to say that the Honourable Judges approve of the principle of the proposed Bill."

They approve of the principle. Then they go on to refer to certain criticisms made by Sir Hari Singh Gour, and those criticisms, I submit, are just of the character which can very well be considered in Select Committee. It has been suggested that the mass of opinion of the authorities consulted is opposed to this Bill. I really fail to understand how any one can arrive at that view. I do not think it is worth while reading out the opinions of the different authorities, but there is a considerable mass of opinion, I submit, in favour of the present Bill.

Another point which was made by my Honourable friend, Mr. Neogy, was that there are sufficient provisions in the existing law under Rules 10 and 11 of Order XLI to prevent frivolous second appeals. I submit that this opinion is inaccurate. In support of that I would like to draw attention to the statistics in regard to second appeals which are included in the letter from the Government of Bengal which is one of the opinions in this case. Let us take the year 1922. According to the figures given, there were 3,508 second appeals disposed of in that year. The total number dismissed under Rule 11 and also dismissed for non-prosecution was 1,405, that is to say, 40 per cent. 60 per cent. of the disposals were disposals after prosecution. Now, let us take the disposals after prosecution. There were 2,103 cases, and in 1,637 of these cases the decision of the lower court was confirmed.

Mr. K. C. Neogy : How many of them were from concurrent judgments ?

Mr H. Tonkinson : I have not got these figures.

Mr. K. C. Neogy : That is the point.

Sir Hari Singh Gour : Because we are dealing with concurrent judgments.

Mr. H. Tonkinson : But it is a fact that in 77 per cent. of the cases which were prosecuted the decision of the lower court was confirmed. I submit that there must be something wrong when the respondent is forced to defend his case a third time and when in such a large percentage of cases the decision of the lower court is confirmed.

Sir Hari Singh Gour : Does he not pay for it ?

Mr. H. Tonkinson : The only other point to which I should like to refer is that which Sir Hari Singh Gour made when he said that the Civil Justice Committee's recommendation was not couched in imperative terms. Sir, the Civil Justice Committee said :

"We consider upon the whole that it would much improve the standard of justice attained, if an inflexible rule were laid down that a definite and ascertainable sum should in every case be deposited in court to answer the respondent's costs in case such costs be awarded."

"We are not in favour of this requirement being made discretionary because we think *firstly* that applications in the presence of the respondent to dispense with security would be constantly made and would be an additional harassment ; *secondly*, that in order to avoid too prolonged inquiries judges would constantly dispense with it in whole or in part."

Sir, there is no doubt that the Civil Justice Committee came to the definite conclusion that a Bill of a much more stringent character than that now before the House was required. The present Bill is a simple Bill and as such I commend it to this House.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : I am really surprised that my Honourable friend Mr. Tonkinson should express surprise at the opposition which this Bill has evoked from this side of the House, but I am really, Sir, very much surprised that my friend Mr. Tonkinson should reject the opinion of a High Court like that of the Calcutta High Court in the way in which he has done. He has summarily rejected the valued opinion of the Calcutta High Court like a second appeal which contains no point of law and it is really a matter for surprise. After the forceful and very able speeches delivered by three Honourable Members on this side of the House, who have traversed all the grounds on which this Bill could be opposed, I was not required to say any more, but the measure is so pernicious that I owe it to myself not to give a silent vote in opposing the Bill and must make my vote a vocal one. This Bill, as has been pointed out just now by my Honourable friends, who have spoken on this side of the House, clearly takes away from aggrieved litigants the right of the second appeal, in the case of concurrent judgments ; the Bill provides that the appeal will not be admitted until security is filed, and the form of the security is so strict that for an ordinary man living in a village it would be impossible to furnish the security, which must be in cash or in Government promissory notes. I think it will be impossible for an ordinary villager in India to find these two kinds of securities in 90 cases out of 100. Therefore virtually the Bill means a negation of the right of filing a second appeal. Now, Sir, my Honourable friend Mr. Tonkinson tried to meet the arguments advanced on this side of the House, but I am sorry to say that he has hopelessly failed in meeting any of the arguments. He said that a successful respondent requires some security for being dragged to the High Court. As has been pointed out by the learned speakers on this side of the House, even now under the present Civil Procedure Code there are sufficient guarantees to secure the interests of a successful respondent. In the first place my Honourable friend must know that a second appeal to the High Court can only be filed when a question of law is involved ; this is one guarantee for a successful respondent. If no question of law is involved no second appeal can be filed and even if it is filed it will be summarily rejected. There is another guarantee. Even now the High Courts have got the power to demand securities if they consider that the appeal is a frivolous one, and again there is a provision in the Code of Civil Procedure that in certain cases security can be demanded, for instance, when the appellant is a woman or the appellant is a person who resides outside British India or is a man who has got no immoveable property in British India. So, when all these securities are to be found in the Code of Civil Procedure, it is preposterous to suggest that the present Bill is intended to safeguard the interests of respondents. I think the present Bill is a crooked measure which the members of the Civil Justice Committee have invented in order to clear the files of the courts. But I think the remedy which they have invented to clear the files is much worse than the malady itself. As things stood a man could expect to get justice though after a longer time ; but in this case it is a total denial of justice. That is why I say the remedy is much worse than the malady.

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My friend Mr. Tonkinson has referred to the opinions of certain Judges. Well, certainly the District Judges and the lower courts would welcome this Bill, because this Bill will deprive the High Courts of the opportunity of scrutinising their judgments and of finding out their capacity for administering justice ; because very few first appeals go to the High Courts, while the number of second appeals is very large and gives the High Court a chance of judging the ability of the lower courts. So, in order to escape that examination naturally the judges of the lower courts would welcome this Bill. But that is certainly not the criterion by which we should judge a measure of this kind.

I think nearly all the points against this Bill have been very ably traversed by the Members who have spoken on this side, and I will not waste any more time. There is only one thing more which I would say. This Bill does not provide for the method by which the successful appellant is to withdraw the money he has deposited. I think in the ordinary course he would have to put in an application through some vakil and apply for the withdrawal of the money. But in that process, although he has been successful in his appeal, I think half of the money he has deposited will be sunk in withdrawing it again from the High Court. It seems to me that it will be a great injustice that an appellant who has succeeded in his appeal should have to lose half of what he has deposited in getting it back. And what is the safeguard against this injustice ? No provision is made for it in this Bill. Probably a voucher will have to be prepared, and those members of the Bar, who have an experience know the worry involved in applying for a voucher and getting it prepared, and the money generally which the poor litigants will have to spend in getting their money back from the coffers of the Government. So, I submit on all counts this Bill is pernicious and it should never be allowed to stand on the Statute-book. With these remarks I strongly oppose the Bill.

Mr. Varahagiri Venkata Jogiah (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : I rise, Sir, to oppose the Bill. The Bill proposes to protect the interests of respondents in second appeals by asking the appellants to deposit security in Government promissory notes or cash. I at first thought that I should support this Bill with an amendment to the effect that instead of security being asked to be deposited in cash or promissory notes, personal security be substituted. But, on second thoughts, I find the Code itself provides safeguards to the appellant and there is no need for such a Bill.

My Honourable friend, Mr. Jayakar, has already referred to the provisions of the Code especially Order XLI, Rule 10, where ample discretion has been given to the High Courts, to protect the interests of respondents in suitable cases. Therefore I do not think any provision of this sort is necessary.

It may be that the right of second appeals is sometimes abused and second appeals are filed in large numbers ; but the safe-guard proposed is not likely to reduce the number to an appreciable extent. If the appellant is a man of means, the demand of the proposed security will not deter him from teasing, if he so wills, the respondent by depositing the costs, because he can afford to do so. It is the poor appellant having a

good case for appeal who suffers by this legislation. He would be required not only to meet the costs of the appeal but also to deposit cash by way of security. So that this Bill will not in the least help the poor appellant ; but, on the other hand, if at all, it helps the rich. The poor appellant will find it very difficult to meet both these demands, namely, the costs of the appeal and the deposit of security at one and the same time. This will be too much for him.

Further, the Bill says that the security should be demanded after the admission of the appeal. In Madras, at any rate, all second appeals come up before a single Judge in the first instance, and if he is against admitting a second appeal, it is then placed before a bench of two Judges, and if they, too, think that it ought to be rejected, it will be rejected. It may therefore be said that a second appeal is admitted, only if there is a fairly arguable point of law on behalf of the appellant. When second appeals are admitted, after such great scrutiny, and when they are found to be not frivolous, there is no reason why appellants should be penalized by being asked to deposit costs in cash or in Government promissory notes. Again, when the appeal is admitted, it means that the High Court has recognized the importance of the fact that the appeal involves an important question of law, and there is no reason why the public should be deprived of the decision of the highest court of the land on a point of law that is raised in the particular appeal. To insist on the appellant depositing security in such cases would therefore be felt as merely stifling second appeals. Already the litigant public are put to a very great strain on their resources by their being asked to pay a higher stamp duty than before on appeals, and this proposed legislation to deposit costs would add greatly to the hardships of the poor appellants. For these reasons, Sir, I oppose the Bill.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I felt that we were in the midst of a silly season having nothing much of importance to do in the matter of legislation. In fact, Sir, when I received a copy of this Bill, I thought that the Government can provide us with ample work if they go on having Bills prepared on the basis of every page of the recommendations of the Civil Justice Committee for which they probably entertain views not shared by us. As for ourselves who practise in the mufassil courts in Bengal, we know what good it has brought not only to the litigant public but also to the members of the profession. But here of course I am not addressing this House from the standpoint of my profession. It is a matter of common knowledge that these recommendations of the Civil Justice Committee have led to the increase of bribery and corruption in the law courts. The majority of its recommendations are disapproved not only by the Bar, but by the public at large and one crowning effect of the Civil Justice Committee has been in the way of curtailing evidence, so that appellate courts may not come to a different conclusion from the records of the lower court. The recommendations of the Civil Justice Committee are to the effect that Judges need not take down the evidence in full in the form of a narrative as is provided in the Schedule to the Civil Procedure Code, but a mere memorandum of the substance of the evidence need be recorded and against that I have already given notice of introduction of a Bill in this House. Such is the nature of the recommendations of the Civil Justice Committee, and

[Mr. Amar Nath Dutt.]

probably the more the public views with disapprobation the recommendations of any Committee which the Government constitutes, the Members of the Treasury Benches think it necessary to give effect to the same by legislation. Of course, Sir, it is better, as my friends have suggested already, instead of such piecemeal legislation, to bring out a comprehensive legislation from the valuable recommendations of the Civil Justice Committee. Sir, although I do not entertain the same faith in the administration of justice by the High Courts in India as my friend Mr. Jayakar does, at the same time I may say this that they at least sometimes right wrongs committed by members of the subordinate judiciary who are not only ignorant of law but generally take a very perverse view of facts also. (*Honourable Members* : " No, not all ".)

Mr. President : Such a sweeping remark on the judiciary is not permissible in this House.

Mr. Amar Nath Dutt : Sir, I think that everything that can be said against this Bill has been said by such able lawyers like my friend Sir Hari Singh Gour and Mr. Jayakar and, I think I should not waste the time of this House by dilating upon the reasons why we oppose this Bill. I also beg to oppose this Bill.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, there is only one point which I wish to draw the attention of the House to. I do not think that the criticism that the lower courts are generally or often ignorant and perverse is quite fair to the lower courts. I think subordinate courts in this country have established a very high reputation for efficiency as well as honesty. But, Sir, they are placed in a very difficult situation. Let me make my point clear. Under the provisions of this Bill the first court decides a case in which a point of law arises according to a ruling of the High Court to which it is subordinate. The case goes to a second court. That second court also decides the case according to the law laid down by the High Court to which it is subordinate. That is the rule. The subordinate court is bound to follow the ruling laid down on a question of law by its own High Court. That ruling may be opposed to the ruling of another High Court or two or three High Courts. The subordinate courts are bound still to follow the rulings of their own High Court. They dare not depart from them. If we lay down the rule proposed by Government let us see what the result will be. The first court decides a case according to the ruling of, say, the Allahabad High Court. The second court decides the case according to the same ruling ; and therefore when the matter goes before a High Court, there will be concurrent findings of two courts, and the High Court will be bound to apply the proposed rule. If the question is raised that there is a point of law involved in the appeals they must say " No ". " There is on the face of it nothing contrary to law ; it is a concurrent judgment of two courts ; that is quite sufficient for deciding the point ". Under the law which is now proposed, security of costs must be demanded. The learned pleader for the appellant pleads that there is a point of law and that other High Courts have differed from the view which the Allahabad High Court has taken, but the Judges will be debarred by this legislation which it is proposed to put on the Statute-book from entertaining that plea,

because the proviso says that the only case in which they can dispense with security is a case which on the face of it is contrary to law or some usage having the force of law. But, on the face of it, the decision is not contrary to law because it is consistent with the decision of the Allahabad High Court to which both the courts are subordinate. In such a case the result will be that even if there are two High Courts opposed to the view taken in the judgment of the lower court, the question cannot be raised in the High Court unless the appellant is able to deposit the security. That will be a great hardship. It means that when some case should come up in first appeal in which the same point should be raised, and, when that decision can be reviewed by the High Court, then only can a view of the law which is possibly incorrect be rectified. The decision of the Allahabad High Court in the case of Mata Din Kasaundhan was responsible for injustice in a number of cases. In a case like that the lower courts are bound to decide according to their own High Court's judgment and much injustice will be done. Therefore, without any fault on the part of the lower courts, injustice will be done if this proposed legislation is put on the Statute-book. I venture to think that my Honourable friends the Home Member and Mr. Tonkinson will agree with me that the law has been corrected in many cases in second appeals. Questions of law taken up in second appeals have been subjects of consideration by full benches of the High Courts. When there is a difference between one High Court and another, the matter is taken up in a full bench and the decision is reviewed. I do not remember the names of parties in many cases to-day, but I do remember that there have been many cases in which full benches of the High Courts have reviewed the decisions of a bench and accepted the view of other High Courts or confirmed their own views. I submit, therefore, that if this proposed legislation is put on the Statute-book, there will be a serious case of hardship in the case of those appellants who, having a perfectly good case, will be called upon to deposit securities. I submit, therefore, that the Honourable the Home Member and the Government should reconsider their decision ; and, in view of the strong opinion that has been expressed against this legislation, let the thing lie by until a stronger case for it can be presented to this Assembly.

The Honourable Mr. J. Crerar : Sir, this small measure has been debated at great length and I do not think that I should be contributing to the convenience of the House or the further elucidation of the measure if I were prolix in my reply. Most of the points of controversy which have been raised by Honourable and learned gentlemen on the other side of the House have been so pertinently and ably answered by Mr. Tonkinson that I do not think it is necessary to pursue them. What I wish to do is to put the issue as a plain and practical issue, relieved so far as possible of legal technicalities, in order to explain not only the intention of the measure itself but also the causes which actuated the Government of India in bringing it before the House for which they have been criticised, and not I think quite fairly criticised. Well, Sir, I am afraid that it cannot be denied that the processes of civil litigation in India are very slow, laborious and cumbersome. It was the desire of the Government of India to find some remedy for what is undoubtedly a grave cause of public inconvenience and sometimes of failure of justice. With that object, a Committee consisting of some very able and learned lawyers was appointed to consider the whole

[Mr. J. Crerar.]

question and to make recommendations. That Committee has made a large number of recommendations and the Government of India conceived it their duty, with regard to such of them as appeared to be acceptable and conducive to the ends for which they were intended—we conceived it our duty—as far as possible to enact them. I do not think Honourable gentlemen will complain of that part of my case. Well, this is one of the many recommendations made by the Civil Justice Committee and limited as its scope is, we considered it desirable that it should, at any rate, be submitted to the judgment of this House. It has been circulated and a large number of opinions have been collected on it. I agree with my Honourable friend Mr. Tonkinson that an impartial consideration of these opinions will lead to the conclusion that there is a preponderance of opinion in favour of this measure. When this measure was circulated for eliciting public opinion, we were quite aware that it would excite a considerable measure of contention and of controversy. But, I think, Honourable Members opposite, even if they dislike the Bill as it stands, will do us the justice to observe that we could not carry out the main intention of endeavouring to remedy urgent defects in the present administration of justice, if we were not prepared to accept a very considerable measure of controversy and of contention. If we were not prepared to do that we could not have effected anything whatever. There was a considerable amount of controversy and of contention elicited when this measure was issued for criticism and for opinion. There was a strong body of opinion, emanating from very learned authorities, against it and I admit that. The opinions of the dissentient minority have been very ably and forcibly represented and supplemented in this House by Honourable and learned gentlemen opposite. But my contention is that among the opinions received, there was, though not perhaps a great preponderance of opinion, nevertheless there was a preponderance of opinion in favour of this measure. That, Sir, is the general position which I put before the House. I think in view of it, though Honourable and learned gentlemen opposite have somewhat hastily criticised the Government of India, they will be candid enough to admit that, though they may differ from us in their opinion on the merits of this particular measure, they have not justice on their side in complaining of the attitude of the Government of India in submitting this measure for their consideration.

There are only two points of detail which I now wish to take. Mr. Tonkinson was severely criticised by my Honourable friend the Deputy President because he had the temerity to dissent from an opinion of the Calcutta High Court. I will again invite the attention of the House to the fact that precisely the same opinion expressed by Mr. Tonkinson has been expressed by the Honourable and learned gentleman from Bombay; so that if Mr. Tonkinson has erred in that respect—I am not prepared to admit that he did err—he has erred in good company. Then, Sir, I take, with the utmost deference, the point raised by Pandit Madan Mohan Malaviya that in certain circumstances appeals may conceivably arise on points of law which have not been decided by the High Court of the Province in which the original suit arose and in which there are conflicting decisions of other High Courts. In circumstances of that kind, inconvenience might no doubt be experienced from the difficulty of

getting that particular point decided by the High Court of the Province or the Presidency in which the original cause arose. I frankly admit that that is a possible case, but it would be very rare. We are attempting to meet the great majority of cases, and I venture to say that the kind of case which the Pandit has in mind would be in the category of those hard cases that make bad law.

Well, Sir, I have not attempted, because I think it is unnecessary, to pursue all the various controversial and technical issues of this case ; but I think I have established a sufficiently good case to explain and to justify the Government of India's action in submitting this measure to the judgment of the Assembly and in asking the Assembly to proceed to refer it to a Select Committee, where many of the difficulties raised by Honourable and learned gentlemen opposite can be considered and possibly solutions for them can be found.

Mr. President : The question is :

"That the Bill further to amend the Code of Civil Procedure, 1908, for a certain purpose, be referred to a Select Committee consisting of Mr. K. C. Neogy, Sir Hari Singh Gour, Mr. C. Duraiswami Aiyangar, Mr. N. C. Kelkar, Dr. A Suhrawardy, Mian Muhammad Shah Nawaz, Mr. R. T. F. Kirk, Munshi Iswar Saran, Mr. H. Tonkinson, and the Mover ; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Assembly divided :

AYES—42.

Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmad, Khan Bahadur Nasir-ud-din.
Alexander, Mr. William.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.
Ayangar, Mr. V. K. Aravamudha.
Ayyangar, Rao Bahadur Narasimha Gopalaswami.
Bajpai, Mr. G. S.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Coatman, Mr. J.
Cosgrave, Mr. W. A.
Courtenay, Mr. R. H.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Crofton, Mr. R. M.
Dakhan, Mr. W. M. P. Ghulam Kadir Khan.
Dalal, Mr. A. R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr. J. T.
Dunnett, Mr. J. M.
Haigh, Mr. P. B.
Irving, Mr. Miles.
Jowahir Singh, Sardar Bahadur Sardar.
Kabul Singh Bahadur, Captain.
Keane, Mr. M.
Kirk, Mr. R. T. F.
Lamb, Mr. W. S.
Mitra, The Honourable Sir Bhupendra Nath.
Moore, Mr. Arthur.
Mukherjee, Mr. S. C.
Parsons, Mr. A. A. L.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Roy, Mr. K. C.
Sams, Mr. H. A.
Singh, Rai Bahadur S. N.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Wright, Mr. W. T. M.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

NOES—47.

Abdullah Haji Kasim Khan Bahadur Haji.	Kunzru, Pandit Hirday Nath.
Aiyangar, Mr. C. Duraiswamy.	Lahiri Chaudhury, Mr. Dhirendra Kanta
Aney, Mr. M. S.	Lajpat Rai, Lala.
Ayyangar, Mr. M. S. Sesha.	Malaviya, Pandit Madan Mohan.
Belvi, Mr. D. V.	Mehta, Mr. Jamnadas M.
Bhargava, Pandit Thakur Das.	Mitra, Mr. Satyendra Chandra.
Chetty, Mr. R. K. Shanmukham.	Moonje, Dr. B. S.
Cocke, Mr. H. G	Mukhtar Singh, Mr.
Das, Pandit Nilakantha.	Naidu, Mr. B. P.
Dutt, Mr. Amar Nath	Neogy, Mr. K. C.
Dutta, Mr. Srish Chandra.	Pandya, Mr. Vidya Sagar
Farookhi, Mr. Abdul Latif Saheb.	Sarda, Rai Sahib Harbilas.
Ghuznavi, Mr. A H.	Sassoon, Sir Victor.
Goswami, Mr. T. C.	Shafee, Maulvi Mohammad.
Gour, Sir Hari Singh.	Shervani, Mr. T. A. K.
Haji, Mr. Sarabhai Nemchand.	Siddiqi, Mr. Abdul Qadir.
Ismail Khan, Mr	Singh, Kumar Ranan jaya.
Iswar Saran, Munshi.	Singh, Mr. Gaya Prasad.
Iyengar, Mr. A. Rangaswami.	Singh, Mr. Ram Narayan.
Iyengar, Mr. S. Srinivasa.	Sinha, Mr. Ganganand
Jayakar, Mr. M. R.	Sinha, Mr. R. P
Jogiah, Mr. Varahagiri Venkata.	Tok Kyi, U.
Kidwai, Mr. Rafi Ahmad.	Vishindas, Mr Harchandrai.
	Yakub, Maulvi Muhammad.

The motion was negatived.

THE REPEALING BILL.

Mr. W. T. M. Wright (Secretary, Legislative Department) : Sir, I rise to move that the Bill to repeal certain enactments be taken into consideration.

I do not think I need say much on this motion, because I have already explained the objects of this Bill the other day when it was introduced, and they are also contained in the Statement of Objects and Reasons. No amendments have been received, and I would ask the House to pass this very useful measure so that we may get on with the work in connection with the revision of the Statute-book.

Sir, I move the motion standing in my name.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I do not wish to make a speech, but I just want to make a statement. Yesterday my measure was opposed by the Honourable the Home Member on the ground that I had combined two Bills into one. Will they now count up and say if these are not a hundred Bills lumped together ?

Mr. President : The question is :

" That the Bill to repeal certain enactments be taken into consideration ".

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. W. T. M. Wright : Sir, I move that the Bill be passed.

The motion was adopted.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

The Honourable Mr. J. Crerar (Home Member) : Sir, I move that the Bill to amend section 96 of the Code of Civil Procedure, 1908, for a certain purpose, be circulated for the purpose of eliciting opinions thereon.

Sir, the way of the reformer, even when his proposals are very modest, is never easy, and this is particularly so, apparently, if he proposes to amend the Civil Law. I confess that the attitude of the House on the measure I have just submitted to the House is not entirely encouraging, but I propose to proceed with this small measure because all that I am asking the House to do is to consent to its being circulated for the purpose of eliciting opinions thereon. The measure itself is even more restricted than that contained in my previous Bill. It relates only to cases in which, acting under section 47 of the Civil Procedure Code, an objection by a judgment debtor has been taken to the execution of a decree for money on the ground that the decretal amount has been paid in whole or in part.

It proposes to provide that in certain cases there should not be an appeal where the amount does not exceed Rs. 500 or in other cases where the amount does not exceed Rs. 200. Well, Sir, many of the general considerations which I alleged in moving my motion on the previous Bill apply also to this and I do not propose either to weary the House by reiteration or to attempt at this stage to go in close detail into the merits of the Bill. All that I ask for at this stage is that the House should consent to the Bill being circulated in order that opinions may be elicited upon it.

Mr. C. Duraiswamy Aiyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I have no objection to the Honourable the Home Member having this motion passed. It means nothing more than a little expenditure of postage and stationery and nothing else. But I am constrained to point out that the Honourable the Home Member often follows the practice of the materialistic age that the Scripture is looked at only from the outside and never looked into for its contents inside. Sir, he refers to the Civil Justice Committee's Report as his scripture, but I fail to see the least resemblance between what the Civil Justice Committee has reported on this matter and the measure which

[Mr. C. Duraiswamy Aiyangar]

the Honourable Member has placed before this House The Civil Justice Committee, in making some halting recommendation in regard to this matter, has distinctly pointed out that in the case of District Munsifs, against whose decision there should be no appeal, special authorisation should be made by the Local Government in specific cases But what is provided for by this measure is that all courts exercising jurisdiction of over two thousand rupees shall *ipso facto* be entitled to the privilege of having their orders not tested even by first appeal All along we have been discussing the question of how people are deprived of their right of second appeal and a good deal of enthusiasm and eloquence, perhaps disproportionate to the subject itself, was exhibited in this House when the previous motion was before us. On the other hand, this is a case in which there is an attempt to deprive the parties even of the privilege of a first appeal to the first appellate court. Perhaps they would say that there should not be an appeal even from Phillip drunk to Phillip sober I do not really understand what kind of cases are contemplated by this measure If only the Honourable the Home Member will look at Order XXI, rule 2, clause 3, of the Civil Procedure Code, he will find that there is an absolute prohibition there that payments which are not certified in court according to the provisions of rule Nos. 1 and 2 are not to be recognised by an executing court at all and therefore, cases of payments or adjustments, if adjustments are also contemplated—so far as I am aware, perhaps that is not contemplated—actual cases of payment in discharge of a decree which will possibly arise for decision in the first court and which will necessitate an appeal to the first appellate court must be something more complicated than that which is contemplated or covered by Order XXI, Rule 2, clause 3 Therefore, Sir, to say that a party should not be allowed the privilege of having even a first appeal in cases of this kind is literally to give an autocratic power to courts Secondly, I am unable to understand which courts are contemplated when the Bill provides that "no appeal shall lie from the decision of any Court the pecuniary limits of whose jurisdiction exceed two thousand rupees" So far as I am conversant with the affairs of my Presidency—I do not know of other Presidencies—every Munsif's court exercises jurisdiction up to three thousand rupees, and therefore there is no court which exercises jurisdiction below two thousand rupees. I do not therefore really see which courts are contemplated when it is stated here that in cases of courts exercising jurisdiction of less than two thousand rupees, there must be a specific designation made by the Local Government in this behalf I am sure if this Bill is sent for circulation, those whose opinions are asked will be left to imagine what kinds of courts the Honourable the Home Member had in view in preparing this Bill, or if he is only its foster father, what his predecessor had in view in framing this Bill and they would go on drawing upon their imagination and probably come to panchayat courts or such other courts which are not executing decrees but only passing decrees. I am unable exactly to understand the scope of the present Bill and therefore I would have it recorded in the proceedings that this Bill does not really receive the approbation of this House. But for my part, after stating these views, I would not personally grudge the privilege to the Honourable the Home Member of having this motion passed and the Bill sent out for circulation.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : I wish to draw the attention of this House to the fact that this is another of those tiny measures which the Government have brought forward on the recommendation of the Civil Justice Committee. Let me very briefly explain to the House what this measure means. We are told that the troubles of the decree holder begin when he obtains the decree and this Bill is intended to aggravate those troubles. Under the law as it is administered at present all matters relating.....

Mr. President : Does the Honourable Member wish to oppose this motion ?

Sir Hari Singh Gour : Yes. All matters relating to execution, discharge and satisfaction of a decree are counted as decrees within the meaning of law, and consequently, there is an appeal and also a second appeal when it lies against the decree of a Court. Now, this right of appeal to the decree holder is denied and is being curtailed in the circumstances mentioned in the Bill, the object of which is once more to reduce the right of appeal. It may be said, " We are doing so in petty cases ", that is to say, in the case of money decrees of small value. But I think Honourable Members will agree with me that money cases not triable by a Small Cause Court may affect immoveable property and that as affecting immoveable property they may be of inestimable value. For instance, it may be a rent suit, it may be a suit for use and occupation of land, it may be for damages and compensation for land, or it may be for contribution to a member of a joint Hindu family, or it may be one of those cases where in the guise of a money suit a right in immoveable property is agitated by a party. In all such cases where a party gets a decree, it is not merely a money decree according to its face value, but it leads to certain legal presumptions. If it is a rent suit.....

Mr. President : Order, order. The Honourable Member knows that the passing of this motion does not commit the House to the principle of the Bill at all, and therefore speeches on it should ordinarily be short.

Sir Hari Singh Gour : I shall make a very short speech in view of the lateness of the hour. The money value may be small, but the effect of it upon the jural relationship of the parties might be very great, indeed. I, therefore, submit that the time has not come, for the reasons which you have endorsed only a few minutes ago, when we should embark on this piece of legislation which would curtail the right of a person to appeal against a decision given by the executing court. I therefore submit that the principle of this measure should be opposed.

Mr. President : The question is :

" That the Bill to amend section 96 of the Code of Civil Procedure, 1908, for a certain purpose, be circulated for the purpose of eliciting opinions thereon "

The motion was adopted.

THE VOLUNTEER POLICE BILL.

The Honourable Mr. J. Crerar (Home Member) : I move that the Bill to make provision to enable volunteer police forces to be constituted temporarily and employed locally for the purpose of preserving the public peace and protecting persons and property, and to define the powers and duties of such police, be referred to a Select Committee consisting

[Mr. J. Crerar.]

of Maulvi Muhammad Yakub, Mr. J. M. Dunnett, Mr. M. Keane, Mr. A. Rangaswami Iyengar, Mr. D. V. Belvi, Dr. A. Suhrawardy, Pandit Hirday Nath Kunzru, Mr. Abdul Haye, Colonel J. D. Crawford, and the Mover ; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

I do not intend to speak on this motion at any length, principally for this reason that my predecessor, Sir Alexander Muddiman, when he introduced the Bill spoke at very much greater length than is customary at the introduction stage. He explained at that time his own intentions and the reasons which actuated him in promoting this measure, the general objects of the Bill and the more important expedients which it proposes to employ. I think, then, that if I traversed that ground again, and dealt fully with the principles and the intentions of the Bill, I should be guilty of unnecessary reiteration. I hope I may suppose that the Bill, at any rate in the main objects which it proposes, is one which will command a very general measure of support. On particular points, on particular expedients which the Bill proposes may no doubt be some difference of opinion ; but none of them I imagine is such as could not well be composed when the Bill is under consideration by a Select Committee. I hope, therefore, that this House will agree without opposition to submit the Bill to a Select Committee.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : I beg to move that the following names be added to the Select Committee : Mr. Rafi Ahmad Kidwai and Mr. Ganganand Sinha.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : I beg to move that the names of Dr. Moonje and Lala Lajpat Rai be added to the Select Committee.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : I want to ask a question of the Honourable the Home Member whether we shall be committed to the principle of the Bill to the extent stated in the Preamble in regard to the temporary and local nature of the force. I mean is it part of the principle that the force proposed to be created should be a temporary force ? If that is part of the Bill, then we must object to the principle of the Bill and I shall have to speak at length on that point. But if it is left open to the Select Committee to change the Bill in that respect, I will have no objection to its going to the Select Committee. I want to know from the Government what its intentions on that point are.

The Honourable Mr. J. Crerar : The intention of the Bill certainly is that the force should in the first instance be a temporary force. I should myself consider that any proposal that it should *ab initio* be placed on a permanent footing would not be within the scope of the Bill, and I should not be willing to consent that on that particular point the Bill should be amended by the Select Committee.

The Assembly adjourned till Eleven of the Clock on Thursday, the 25th August, 1927.

LEGISLATIVE ASSEMBLY.

Thursday, 25th August, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

APPOINTMENT OF AGENTS IN COLONIES OTHER THAN SOUTH AFRICA.

313. ***Mr. Gaya Prasad Singh** : Will Government kindly state if there is any proposal to appoint Agents in other Colonies, besides South Africa ?

If so, in which Colonies, and is it contemplated to appoint Indians ?

Mr. G. S. Bajpai : The answer to the first part of the Honourable Member's question is that the question of appointing Agents in other Colonies will be taken into consideration when sufficient experience has been gained as a result of the appointment recently made in South Africa. The second part of the question does not consequently arise.

PAYMENT BY THE INDIAN EXCHEQUER OF THE SALARIES OF BRITISH OFFICERS FORMERLY EMPLOYED ON STAFF DUTIES IN INDIA ON THEIR RETURN TO ENGLAND

314. ***Mr. Gaya Prasad Singh** : Is it a fact that British officers formerly employed on staff duties in India continue to draw their salaries from the Indian Exchequer even when they return to England and are attached to British units ? If so, why ? And what is the amount which is annually paid on this account out of Indian revenues, during the last three years ?

Mr. G. M. Young : A regimental officer of the British Service, who has held a staff appointment in India, and whose regiment has returned to the United Kingdom during his tenure, normally reverts to his regiment ; and if there is no vacancy in which he can be absorbed, Indian revenues bear the cost of his salary until he is so absorbed. Cases of this kind do not appear to have occurred in the past and there has therefore been no expenditure hitherto : but two or three have occurred recently, all of them being cases of Adjutants of Territorial or Auxiliary Force battalions. It is only staff officers of the British Service below the rank of Colonel who are affected. They are affected only if their regiment has gone to England while they are employed on staff duties in India, *and* if there is an interval before they can be absorbed in their regiments, *and* if no temporary employment can be found for them in India to bridge the interval. My Honourable friend will therefore realize that the expenditure involved by this rule will be negligible.

Mr. A. Rangaswami Iyengar : May I inquire if the question as to why Indian revenues should bear this charge was raised with the Home Government ?

Mr. G. M. Young : Yes, Sir, the question was raised whether Imperial revenues should bear it or not.

Mr. A. Rangaswami Iyengar : And did the Government of India state that the Home Government should bear it and not this Government ? Did the Government of India object to paying this charge ?

Mr. G. M. Young : No, Sir, the Government of India did not object The question was discussed and this was the conclusion reached.

Mr. K. Ahmed : In view of the fact that the expense incurred is charged to India, do Government propose to take sufficient steps not to allow these officers to go to England and enjoy their salary sitting at home or otherwise ?

Mr. President : The question does not arise.

ALLEGED MISCONDUCT OF A "CREWMAN" OF THE EAST INDIAN RAILWAY.

315. ***Mr. Gaya Prasad Singh** : (*a*) Has the attention of the Government been drawn to the incident, reported in the *Weekly Mazdoor* of Dinapur, dated the 6th July, 1927, regarding the conduct of a "crewman" of the East Indian Railway in the throwing out of a third class compartment the luggage of a passenger ?

(*b*) Are Government aware that the General Secretary of the East Indian Railway Union was also travelling in the same compartment, and was an eye-witness to this incident ?

(*c*) What action has been taken against the offending "crewman", who threw down the luggage of the passenger ?

Mr. A. A. L. Parsons : I have been unable to obtain a copy of the periodical mentioned by the Honourable Member.

THE INDIAN NAVY BILL.

316. ***Mr. Gaya Prasad Singh** : Will Government kindly state why the Indian Navy Bill was introduced in Parliament, and not in the Legislative Assembly ? Is it intended to bring it up before this House ? If so, when ?

Mr. G. M. Young : The Bill was introduced in Parliament because it was a Bill to amend the Government of India Act, which, as my Honourable friend is aware, is an Act of Parliament.

The answer to the second part of the queston is in the negative. The third does not arise.

OPINION OF DR. JAMES H. COUSINS REGARDING NEW DELHI AND ITS BUILDINGS, ETC.

317. ***Mr. Gaya Prasad Singh** : (*a*) Are Government aware that Dr. James H. Cousins describes New Delhi and its buildings as "ugly, commonplace, unoriginal, slovenly", of "unimaginative pomposity", of "monotonous mediocrity", "more in the nature of prisons than habitations"; and the whole thing as "a nightmare on the chest of India" ?

(*b*) Will Government kindly state how much they had to pay on account of the design and plan of (*i*) the Council building, (*ii*) the Secretariat, and (*iii*) the new Viceregal residence ; and whether all the money on this account has been paid up, or anything is still due ?

(*c*) Has Lord Reading or H. E. Lord Irwin approved of the design and get up of the new Viceregal residence, which is in course of construction ? How much money has already been spent on it, and how much more is it estimated to cost ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Government understand that what purported to be an interview with the gentleman referred to has appeared in the Press.

(*b*) The total sum payable to the Architects for their work in New Delhi is £195,000. This is in accordance with the supplementary agreement made between the Architects and the Secretary of State for India in November 1921. The agreement covers not only the buildings in question but all buildings designed by the Architects and also advice on the layout of buildings not actually designed by them.

A sum of about £2,750 is still due on this agreement.

(*c*) The original designs for Government House were approved by Lord Hardinge. The detail designs for furnishing, etc., are submitted to His Excellency Lord Irwin for approval as they are received.

Government House is estimated to cost Rs. 1,94,87,300 (*Cries of* " Shame, Shame ") of which sum Rs. 97,13,500 has already been spent.

Mr. C. Duraiswamy Aiyangar : With reference to part (*a*), will Government cause the appropriate facts and evidence to be supplied in answer to Dr. Cousins ?

Separation of Burma from India.

318. ***Mr. Gaya Prasad Singh** : (*a*) Will Government kindly state if there has been any correspondence between them, and the Government of Burma, or the Secretary of State for India, regarding any proposal to separate Burma from India ? If so, are Government prepared to lay a copy on the table ?

(*b*) Is it a fact that the people of Burma generally, their national leaders like Rev. N. Ottama, and the Sanghe Council (Council of the Buddhist monks) are opposed to separation ?

(*c*) Is there any truth in the report that on the separation of Burma from India it is intended to establish a European colony in Burma, in view of its comparative proximity to the Singapore Naval Base ?

The Honourable Mr. J. Crerar : (*a*) There has been no such correspondence of late.

(*b*) Government are aware that such views have found expression in the Press but they are not prepared to infer that they represent the views of the people of Burma in general.

(*c*) Government are not aware of the report to which the Honourable Member refers.

U. Tok Kyi : May I ask if it is not the intention of Government to turn Burma into a Crown Colony after separation ?

The Honourable Mr. J. Crerar : I am aware of no such project.

U. Tok Kyi : May I further ask if it is not a fact that the European community in Burma has been urging the Government of India to separate Burma from India ?

The Honourable Mr. J. Crerar : I am not aware, Sir, that any very strong representations of that character have been received specifically from the European community of Burma.

U. Tok Kyi : Is the Honourable Member aware that the European community there has been asking for separation for the last 40 years or so ?

Mr. M. S. Aney : May I ask whether the Honourable Member is not to have the privilege of getting any answer to the question at all ?

The Honourable Mr. J. Crerar : No, Sir. I had no wish to be discourteous to the Honourable Member, but I thought my previous reply did as a matter of fact substantially meet his subsequent question.

EXAMINATION OF THE LUGGAGE OF LADY PASSENGERS BY THE CUSTOMS OFFICIALS AT VIRAMGAM.

319. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that on the 9th July, the trunks of two lady passengers, who were travelling from Sihore in the Bhavnagar State, to Bombay, were opened and searched at Viramgam, by the Customs peons and the search was discontinued only when the Inspector of Customs came up, and remonstrated with the peons ?

(*b*) Is it a fact that the trunks of another lady passenger, belonging to the family of one Mulji Meghaji, who were returning from Jamnagar, after taking part in a marriage, were also opened and searched by the Customs Inspector, Mr. Cooper ?

(*c*) What steps do Government propose to take to save the passengers from such annoying and vexatious proceedings ?

The Honourable Sir Basil Blackett : (*a*) and (*b*). The Government have no information.

(*c*) Instructions have already been issued to the effect that there should be no avoidable inconvenience to passengers and that the examination of luggage should be conducted by or under the immediate personal supervision of responsible officers.

RECRUITMENT TO THE PROPOSED INDIAN NAVY.

320. ***Mr. M. S. Aney** : (*a*) Is it a fact that H. E. the Commander-in-Chief visited the Muhammadans of the Ratnagiri District in the Jayagad Creek in or about April 1926, in connection with the recruitment to the proposed Indian Navy ?

(*b*) Is it a fact that in the water sports held in honour of the visit which H. E. the Governor of Bombay paid to Ratnagiri in October 1926, only the Muhammadans obtained the chance of competing ?

Mr. G. M. Young : (*a*) The Honourable Member is probably referring to His Excellency the Naval Commander-in-Chief, who, at the request of the Director, Royal Indian Marine, very kindly anchored his flag-ship off Jaigarh in April 1926 so as to give Royal Navy and Royal Indian Marine pensioners an opportunity of seeing the ship, which is one of the latest men-of-war. His visit was not made to the Muhammadans of the Ratnagiri District, nor in order to recruit for the Indian Navy.

(*b*) The Government of India have no information.

RECRUITMENT OF MUHAMMADANS TO THE PROPOSED INDIAN NAVY.

321. ***Mr. M. S. Aney** : 1. Is it a fact that a R. I. M. steamer visited some ports of the Ratnagiri District (Bombay Presidency) at the end of 1926 and recruited only Muhammadan lads for training for the proposed Indian Navy ?

2. Will Government kindly state :

(*a*) the number of Muhammadan lads recruited,

(*b*) the nature and duration of training which these recruits are to undergo,

(*c*) the posts—together with pay and prospects—which these recruits are to fill ?

Mr. G. M. Young : *Paragraph 1.*—Yes, as has been customary for years.

Paragraph 2.—(*a*) Fifty-seven, of whom ten have since been discharged as unsuitable.

(*b*) The boys will receive naval education and training for two years, at the end of which, if they can pass the qualifying examination and are otherwise suitable, they will be admitted into the service.

(*c*) They will be employed first of all as seamen and stokers. They may eventually rise to the rank of petty officer or warrant officer, as vacancies occur, but will have to pass examinations before attaining these ranks. The pay of a boy when enlisted is Rs. 15 per mensem, and the pay of a senior warrant officer may be taken as Rs. 180 per mensem with free rations and certain allowances.

RECRUITMENT OF MUHAMMADANS TO THE PROPOSED INDIAN NAVY.

322. ***Mr. M. S. Aney** : (*a*) Is it the intention of Government to confine recruitment to the proposed Indian Navy solely to the Muhammadans ? If the answer be in the negative, why were Hindus not similarly recruited for training ?

(*b*) Will Government kindly state the qualifications required for being recruited ?

(*c*) Did H. E. the Commander-in-Chief give any interviews to any Muhammadan leader or leaders in connection with this recruitment ?

(*d*) If the answer be in the affirmative, what are the names of the persons to whom the interviews were given ?

Mr. G. M. Young : (*a*) Recruitment to commissioned rank in the Royal Indian Navy will be open to all Indians. Recruitment to the lower ranks will for the present be confined to the class of Muhammadans who have hitherto filled these ranks in the Royal Indian Marine.

(*b*) The essential qualification is a healthy constitution. Preference is, however, given to boys who possess, in addition, a certain amount of education.

(*c*) No, Sir, His Excellency the Commander-in-Chief, East Indies Station, has no concern with recruitment for the Indian Navy.

(*d*) Does not arise.

Mr. K. C. Roy : May I ask whether recruitment is possible unless legislation implementing the British Act is undertaken by this House ?

Mr. G. M. Young : Yes, Sir, it is quite possible.

Mr. K. C. Roy : May I ask if it is the intention of Government to bring in legislation this Session ?

Mr. G. M. Young : No, Sir. It cannot be brought in this Session, but we hope to bring it in next Session.

RECRUITMENT OF MUHAMMADANS TO THE PROPOSED INDIAN NAVY.

323. ***Mr. M. S. Aney** : (*a*) Have any representations been made to Government in respect of recruitment of Muhammadans to the proposed Indian Navy on behalf of the said community ? If so, will Government be pleased to place copies of such representations on the table ?

(*b*) Is it the intention of Government to recruit Hindus for training for the proposed Indian Navy ?

(*c*) If the answer to the preceding question be in the affirmative, will Government be pleased to state when such recruitment will be made ?

Mr. G. M. Young : (*a*) No, Sir.

(*b*) and (*c*). Yes, Sir : the intention is to draw upon other seafaring communities of India, whatever their caste or creed, as soon as the Indian Navy can be enlarged.

RECRUITMENT OF BHANDARIS TO THE PROPOSED INDIAN NAVY.

324. ***Mr. M. S. Aney** : (*a*) Has H. E. the Commander-in-Chief received any resolutions passed by the Bhandari Shikshan Parishad in its XIIIth sessions held during 1926 at Ratnagiri and Nova Goa, respectively, in connection with recruitment of Bhandaris to the proposed Indian Navy ? If so, what action—if any—has been taken in reference to these resolutions ?

(*b*) Will Government kindly place on the table copies of the resolutions passed by the Bhandari Shikshan Parishad on this subject, together with replies—if any—sent to the Parishad ?

(*c*) Will Government state if they have received any communication on the subject from the Government of Bombay, and if they have, will they kindly place its copy on the table ?

(*d*) Will Government place a statement containing the names of Hindu castes belonging to the Bombay Presidency whom they consider fit for admission into the proposed Indian Navy by reason of their connection with the Navies in the past ?

Mr. G. M. Young : (*a*) The Government of India cannot of course take cognisance of the resolution passed at Nova Goa, which is in foreign territory. They received a copy of the resolution passed in Ratnagiri, which ask Government, (I here quote the resolution), " to take precautions at the time of formation of the Indian Navy to perpetuate and to allow scope for the growth of the qualities of clever navigation, able seamanship and bravery in naval warfare of the Bhandaris for which they are famous for centuries ". This request has been acknowledged and noted.

(*b*) The answer is in the negative.

(*c*) The Government of Bombay forwarded the resolution under a covering letter without comment.

(*d*) The answer is in the negative, as Government do not propose to recruit Hindu castes into the lower ranks of the Indian Navy at present.

Mr. M. S. Aney : Will the Government give the reasons for not proposing to recruit Hindu castes into the lower ranks of the Indian Navy ?

Mr. G. M. Young : I have already given the reasons in my answer to the previous question. The Royal Indian Marine has recruited Muhammadans of the Ratnagiri district—for the last, I do not know how many years—ever since its formation, and they are the only community who have come forward for the service. Until the Indian Navy is enlarged, it is not proposed to go outside that field of recruitment. As soon as it can be enlarged, it *is* proposed to go outside that field for recruitment.

KANARESE INSCRIPTIONS.

325. ***Mr. D. V. Belvi** : Will Government be pleased to state :

(*a*) How many inscriptions in Kanarese have been collected and deciphered hitherto in the Kanarese speaking Districts of British India after the publication of a number of Kanarese inscriptions by the late Mr. Fleet ?

(*b*) The total number of Kanarese inscriptions that are yet awaiting publication by the Government of India Epigraphy Department ?

(*c*) What arrangements have been made to publish the said Kannada inscriptions that are already collected ?

(*d*) Do Government intend to publish all these collected Kanarese inscriptions ?

(*e*) The approximate number of Kannada inscriptions that are still to be collected in the Kanarese-speaking Districts in British India ?

(*f*) Has the attention of the Government been drawn to the statement that 60 years would be required only to collect all the Kanarese inscriptions if the work goes on on the present scale as put forward in a series of articles published in the

Kannadiga of Bagalkot, in the Bijapur Collectorate of the Bombay Presidency, in its issues, dated 19th November, 1926, 26th November, 1926, 18th February, 1927 and 25th February, 1927 ?

(*g*) If so, what action has been taken or contemplated by the Government ?

(*h*) What steps are contemplated by Government to hasten the work of collecting all the inscriptions in each District of the British Karnatak ?

(*i*) Have any memorials been received by the Government from the President of the Karnatak Historical Society of Dharwar on this subject ?

Mr. A. R. Dalal : (*a*) 1,842 inscriptions have been collected, approximately three-fourths of which have been tentatively transcribed.

(*b*) 1,775.

(*c*) They are being published in the South Indian Inscriptions, Text Series, or in the Epigraphia Indica.

(*d*) Yes, provided they are of sufficient importance.

(*e*) 5,000.

(*f*) No.

(*g*) Does not arise.

(*h*) An attached office is maintained in Madras under a gazetted officer with three assistants for the specific purpose of collecting and publishing inscriptions in the Madras Presidency including Karnatak. The attention of the Honourable Member is also invited to the reply given to part (*c*) of Khan Bahadur Sarfaraz Hussain Khan's question No. 245 on the 26th January, 1926.

(*i*) Yes.

QUALIFICATIONS OF THE GOVERNMENT EPIGHAPHIST, ETC.

326. ***Mr. D. V. Belvi** : Will Government be pleased to state :

(*a*) the qualifications usually required for appointment as a Government Epigraphist for India ;

(*b*) the name, qualifications and the salary of the Government Epigraphist at present ;

(*c*) the nature of the work which is carried on in the office of the Government Epigraphist for India ?

Mr. A. R. Dalal : (*a*) University graduate with special knowledge of Indian epigraphy, philology and history, and of the Sanskrit, Prakrit and Pali languages.

(*b*) Mr. Hirananda Shastri, M.A., M.O.L. Present pay Rs. 800 and special pay Rs. 100 a month.

(*c*) General superintendence, including editing, co-ordination, deciphering, etc., of the epigraphic work of India and Burma except that relating to Muslim inscriptions.

EDITING OF THE EPIGRAPHIA INDICA BY THE GOVERNMENT EPIGRAPHIST.

327. *Mr. D. V. Belvi : (*a*) Does the present Government Epigraphist for India edit the Epigraphia Indica ?

(*b*) In which languages are the ancient inscriptions most numerous in India ?

(*c*) Are not Tamil, Telugu and Kannada inscriptions more numerous than in any other Indian language ?

(*d*) Has the Editor of the Epigraphia Indica to deal with inscriptions in Tamil, Telugu and Kannada ?

(*e*) If so, what arrangements are made and what staff is maintained to edit inscriptions in these three languages ?

(*f*) How long has the present Government Epigraphist for India been in the Department ?

(*g*) Has he been an Epigraphist all along ?

(*h*) What post did he hold before the year 1922 ?

(*i*) Is he well-versed in Sanskrit and in languages of the Dravidian stock ?

Mr. A. R. Dalal : (*a*) Yes.

(*b*) In the Dravidian languages.

(*c*) Yes.

(*d*) Yes.

(*e*) The Government Epigraprist has in his own office a special staff of experts in Dravidian languages consisting of two gazetted and two non-gazetted officers ; besides which an attached office is maintained in Madras under a gazetted officer with three Assistants for the specific purpose of collecting and publishing inscriptions in the Madras Presidency.

(*f*) For 23 years.

(*g*) Yes.

(*h*) Superintendent for Epigraphy in the Government Epigraphist's office.

(*i*) He is well versed in Sanskrit and allied languages but not in the Dravidian languages.

Mr. President : The Honourable Member (Mr. D. V. Belvi) must make at least the pretence of rising from his seat.

ESTABLISHMENT OF AN EPIGRAPHIC OFFICE IN A CENTRAL PLACE IN THE BRITISH KARNATAK.

328. *Mr. D. V. Belvi : (*a*) Is it a fact that the Karnatak Historical Association, Dharwar, has petitioned Government for a separate Epigraphical Centre ?

(*b*) If so, do Government intend to establish an Epigraphic Office in a central place in the British Karnatak ?

Mr. A. R. Dalal : (*a*) Yes.

(*b*) The matter is under consideration.

REPRESENTATION OF THE LEGISLATIVE ASSEMBLY ON THE BOARD OF AGRICULTURE.

329. *Mr. **Mukhtar Singh** : (*a*) Will the Government be pleased to state the constitution of the Board of Agriculture ?

(*b*) Is there any representation of the Assembly on the Board of Agriculture ?

(*c*) What is the function of the Board ?

Mr. A. R. Dalal : (*a*) A statement showing the constitution of the Board is laid upon the table.

(*b*) No.

(*c*) The functions of the Board, which is designed to facilitate the exchange of ideas and information between agricultural experts from all over India, are advisory. Its proceedings are submitted to the Government of India for any orders which may be required.

Statement showing the constitution of the Board of Agriculture in India (referred to in reply to Question No. 329).

The Board of Agriculture in India consists of the following members :

1. Agricultural Adviser to the Government of India (President)	1
2. Assistant to Agricultural Adviser (Secretary)	1
3. Imperial Agricultural Chemist	1
4. Imperial Mycologist	1
5. Imperial Entomologist	1
6. Imperial Economic Botanist	1
7. Imperial Agriculturist	1
8. Imperial Agricultural Bacteriologist	1
9. Imperial Dairy Expert	1
10. Secretary, Indian Central Cotton Committee	1
11. Director, Imperial Institute of Veterinary Research, Muktesar	1
12. Director General, Commercial Intelligence and Statistics	1
13. Directors of Provincial Agricultural Departments	9
14. One member of expert staff of each Provincial Agricultural Department.	9
15. Agricultural Officer, North-West Frontier Province	1
16. One Civil Veterinary Department Officer of each Province (including North-West Frontier Province and Baluchistan).	11
17. Members nominated each year by President	7
18. Members of Agricultural Departments of Hyderabad, Mysore, Baroda, Kashmir, Travancore, Gwalior and Patiala.	7
19. Scientific Officer, Indian Tea Association	1
20. Representative of the United Planters Association of Southern India.	1
TOTAL	58

CULTIVATION OF MEDICINAL HERBS AND DRUGS IN INDIA.

330. *Mr. Mukhtar Singh : (a) Is it a fact that sometime in 1914-1918 a Committee was formed to investigate into the possibilities of cultivating medicinal herbs and drugs in this country ?

(b) If the answer be in the affirmative, will the Government be pleased to state whether any report of that Committee has been published ? Will the Government be further pleased to state the main recommendations of that Committee ?

(c) Has any attempt been made to cultivate medicinal herbs and drugs in India ? If so, where and with what results ?

(d) Is the attempt of cultivating medicinal herbs and drugs still being continued ? If so, at what places and with what drugs ? If not, why has the attempt been discontinued ?

Mr. A. R. Dalal : (a) In 1919, a Drugs Manufacture Committee was established by the Government of India. One of the objects for which this Committee was appointed was investigation of the possibilities of the cultivation of medicinal plants in India.

(b) The Committee issued four reports which were printed and distributed to the Local Governments, Departments of the Government of India and certain heads of Departments. Copies of these reports has been placed in the Members' Library. These reports state the recommendations of the Committee and the action taken on them.

(c) A botanical survey of the drug resources of India is necessary before any attempt is made to cultivate medicinal herbs and plants. The question is engaging the attention of Government.

(d) Does not arise.

MORPHIA CONTENTS OF THE POPPY PLANT.

331. *Mr. Mukhtar Singh : (a) Is it a fact that some investigation was taken up in connection with the poppy plant in India as regards its morphia contents ? Was some officer appointed on special duty to investigate into this matter ?

(b) If so, has any report been published containing the results of his investigations ?

(c) Is it not a fact that the officer-in-charge succeeded in isolating a poppy plant which contains the largest percentage of morphia ? If so, was there any attempt made to cultivate and multiply this variety and to prepare morphia on commercial lines from this plant ?

The Honourable Sir Basil Blackett : (a) Yes ; several years ago.

(c) No ; it was a departmental investigation.

(c) Yes, the officer on special duty isolated a single capsule characteristic of a pure race of poppy which proved its capacity for high morphine content. The seed of this capsule was multiplied and sown in a large area for several years. It was however discovered that it did not suit all soils and climates. As a result of further research, a special seed agency was established in 1924 with the object of introducing improved

varieties of poppy. In view however of the uncertainty of the general outlook, the operations of this agency have been restricted since 1925.

No attempt has so far been made to manufacture morphia on commercial lines from specially selected opium, nor do the Government of India propose to do so at present. Morphia and other alkaloids of opium are at present manufactured at the Ghazipur Factory as a means of utilizing waste material, which would otherwise have to be thrown away.

DEVELOPMENT OF VARIETIES OF THICK SUGAR CANE AT THE COIMBATORE SUGAR STATION.

332. *Mr. Mukhtar Singh : Has the Coimbatore Sugar Station been able to develop some varieties of thick canes for the purpose of sugar manufacture ? If the answer be in the affirmative, have these varieties been tried in the country and with what results ?

Mr. A. R. Dalal : Many medium thick canes have been bred at this Station and sent to the provinces for further trial. The best of these, known as Co. 213, yields fully twice as much as the local canes commonly grown in the North of India. The breeding of thick canes proper has only just been started at the Station and no such canes have yet been sent out to the provinces ; but promising sets of thick canes imported from Java and elsewhere have, after trial at the Station, been sent out to different provinces for further testing and some of them are doing well.

NOMINATION OF INDIANS TO THE AGRICULTURAL BOARD.

333. *Mr. Mukhtar Singh : Since when has the Agricultural Board been in existence ? Has there been any Indian nominated to this Board ? If so, will the Government be pleased to state the name of the gentlemen and the year in which he was nominated ?

Mr. A. R. Dalal : The Board has been in existence since 1904. Membership of it is not based on racial considerations, but, as the list laid upon the table in reply to question No. 329 shows, is almost entirely *ex-officio*. A number of Indians have in the past been members of the Board in virtue of their holding one or other of the posts mentioned in that list, and some have also been nominated. If the Honourable Member wishes to know the names of all Indians who have been members of the Board, and the years in which they attended he will find information in the printed proceedings of the Board.

PUBLICATION OF THE REPORT OF THE CINCHONA COMMITTEE.

334. *Mr. Mukhtar Singh : Has the Cinchona Committee submitted their report ? Has the report been published and is it available for the public ?

Mr. A. R. Dalal : No Cinchona Committee was appointed by the Government of India. The question of the publication of its report therefore does not arise.

CONSTITUTION OF THE RATES ADVISORY COMMITTEE.

335. *Mr. Mukhtar Singh : (*a*) Will the Government be pleased to state the constitution of the Rates Advisory Committee ?

(*b*) Is there any representation on it of the agricultural interests ?

(*c*) Is there one such committee for the whole of the country or are they constituted for different centres or for different railways ?

Mr. A. A. L. Parsons : (*a*) The Honourable Member is referred to the reply given in this Assembly to question No. 235 on the 27th August, 1926, on the same subject.

(*b*) No.

(*c*) There is one Committee for the whole of India.

LOW RAILWAY RATES FOR TRAFFIC TO AND FROM PORTS.

336. *Mr. Mukhtar Singh : (*a*) Are there low, exceptional railway rates for traffic to and from ports, especially the great ports of Calcutta and Bombay ?

(*b*) Have the Government ever investigated the question as to how this affects the industries of this country and if so, with what results ?

Mr. A. A. L. Parsons : (*a*) Rates lower than the ordinary schedule rates, or the ordinary classified rates where they apply, are charged for the carriage of certain commodities to and from various Indian ports. Grain is an example of an export commodity carried at such rates ; machinery, agricultural implements and manures are examples of import commodities. I should explain that these special rates are generally quoted for one or more of the following reasons ; the fact that the volume of traffic is large and the traffic is therefore cheap to handle ; the probability that the volume of traffic will be increased by a low quotation ; and the encouragement which a low quotation gives to long distance traffic. I should add also that special rates lower than the schedule or classified rates are also quoted for exactly the same reasons for the products of certain Indian industries, for example, iron and steel, cement, paper and matches.

(*b*) The Acworth Committee investigated the question and I would invite the Honourable Member's reference to paragraphs 149 to 152 of their Report.

NUMBER OF OFFICERS EMPLOYED IN THE MILITARY GRASS FARMS.

337. *Mr. Mukhtar Singh : Will the Government be pleased to state the number of officers employed in the military grass farms ? Will the Government be further pleased to state how many of them are Indians ?

Mr. G. M. Young : There are nineteen King's commissioned officers employed in the grass farms branch of the Military Farms Department. None of them is an Indian. No Indian King's commissioned officer has yet applied for appointment to this Department.

DAIRY PRODUCTS OF THE MILITARY DAIRIES.

338. *Mr. Mukhtar Singh : Will the Government be pleased to state the total amount of milk, butter and cheese produced in the dairies run by the Military Department ? What quantity of these articles was supplied to the Indian soldiers during the last year ?

Mr. G. M. Young : 3,630 tons of milk and 358 tons of butter were produced and sold during the year 1925-26. Cheese is not made in military dairies. There is hardly any demand for dairy produce from Indian troops and practically nothing was supplied to them.

REARING OF COWS AND BULLS IN MILITARY DAIRY FARMS.

339. *Mr. Mukhtar Singh : (*a*) Will the Government be pleased to state whether the fresh born calves in the military dairies are reared at the military farm ? If not, are they destroyed or sold ? If they are sold, for how long are they allowed to be with their mothers ?

(*b*) Have the Government made any arrangement for rearing cows and bulls in the military dairy farms and for selling them to the public in order to improve the cattle breeding problem of the country ?

Mr. G. M. Young : (*a*) Only cow calves of selected dams are reared. The remainder and all bull calves, except the few required for stud or draught purposes, are either sold or given away. They are kept with their dams for about a month after birth.

(*b*) No such arrangements exist at present.

FREIGHT CHARGES PER TON OF SUGAR FROM BOMBAY TO CAWNPORE AND *vice versa*.

340. *Mr. Mukhtar Singh : What are the freight charges per ton of sugar from Bombay to Cawnpore and from Cawnpore to Bombay ?

Mr. A. A. L. Parsons : The rates for sugar per ton from Bombay to Cawnpore (Generalganj) and from Cawnpore (Generalganj) to Bombay are Rs. 38-4-5 at owner's risk and Rs. 41-13-2 at railway risk.

STATISTICS OF AGRICULTURAL LAND HELD BY AGRICULTURISTS AND NON-AGRICULTURISTS IN EACH PROVINCE IN INDIA.

341. *Mr. Harchandrai Vishindas : Will Government be pleased to state :

(*a*) the percentage of the total occupied area of agricultural land held by agriculturists and by non-agriculturists (separately) in each province in India in the year 1915 and in the year 1925 ?

(*b*) the area of agricultural land transferred by agriculturists to non-agriculturists and by non-agriculturists to agriculturists in each province in India from 1905-06 to 1924-25 ?

(*c*) the percentage of non-agriculturists holding agricultural land to the total number of holders of agricultural land in the year 1915 and in the year 1925 in each province in India ?

Mr. A. R. Dalal : (*a*), (*b*) and (*c*). The Government of India have no information on the subject. They doubt whether Local Governments could furnish the required statistics, and do not propose to call for them in view of the amount of trouble which their compilation, even if feasible, would involve.

NEW PENSION RULES.

342. ***Mr. Harchandrai Vishindas** : Will Government be pleased to state when the new pension rules will be published in the Government Gazette, notification regarding which has already appeared in the newspapers ?

The Honourable Sir Basil Blackett : The reports which appeared in the papers were unfounded. No new pension rules have been sanctioned by the Government of India.

PROVISION OF A NEW LEVEL CROSSING AT OKARA ON THE NORTH WESTERN RAILWAY.

343. ***Mr. Harchandrai Vishindas** : 1. Is it a fact that the railway station of Okara on the North-Western Railway, district Montgomery, has recently been removed to the other side of the track ?

2. Is it a fact that by doing so the track now intervenes between the new station and the town, and that for this reason all pedestrian and vehicular traffic from the town to the station has to follow the Dipalpur Road level crossing which is the only level crossing in the neighbourhood ?

3. Is it a fact that the above route involves a long detour causing considerable inconvenience and loss of time to the residents of the town desiring to approach the station ?

4. Is it a fact that the necessity for a new level crossing nearer the station has been admitted by the railway authorities ?

5. Is it a fact that in response to representations from certain factory owners and other members of the public, the new level crossing was sanctioned and the work was ordered to be put in hand as far back as October last ?

6. Is it a fact that the railway authorities have since changed their mind and now refuse to provide a new level crossing ? If so, why ?

7. Did the railway authorities consult the factory owners and the public who were closely concerned with the project, before reversing their former decision ?

8. What action do Government propose to take in the matter ?

Mr. A. A. L. Parsons : (1) Yes.

(2) The reply to the first part is in the affirmative and to the latter part in the negative so far as pedestrian traffic is concerned. A foot overbridge has been provided across the tracks from the town side to the station building.

(3) The provision of the overbridge has minimised any inconvenience that would otherwise have been felt.

(4) to (8). I understand the position to be as follows. The new passenger station was built on the far side of the line to the town in order that the goods station might be placed on the town side with direct access to the Mandi ; and the local authorities have not yet constructed a road to the passenger station. The Notified Area Committee asked the railway authorities to hand over a 50 ft. strip of land for the purpose of constructing an approach road, and to provide a level crossing nearer the station than the present level crossing. The particular strip of land required could not be spared by the railway administration and the proposal for a new level crossing consequently fell through. In any case it would not have been advisable to provide a level crossing within staton limits since it would have to be interlocked with signals which would lead to heavy delays to road traffic. I should add that when the present Okara station was being laid out, objections were raised by the public that its site was not opposite the centre of the Mandi and was on the wrong side of the line from it, and the Agent, North Western Railway, went into this matter very carefully with the Financial Commissioner, Punjab who considered that the utmost the merchants could reasonably ask for was a foot overbridge across the railway lines opposite the main entrance of the new town and the location of the station building close to the overbridge. Both these matters have been carried out though they meant the movement of the station site about 500 feet and the abandonment of certain works which had already been started.

PRIMARY DELAYS TO TRAINS CONSEQUENT ON THE INTRODUCTION OF THE DIVISIONAL SCHEME ON STATE RAILWAYS.

344. ***Mr. Harchandrai Vishindas** : 1. Will Government be pleased to state the object of introducing the Divisional Scheme on the State Railways ?

2. (*a*) Is it a fact that trains have become subject to what is called primary delays as a consequence of the working of the said scheme ?

(*b*) What was the number and duration of such delays in the twelve months preceding the introduction of the said scheme and what has been the number and duration thereof during each of the similar periods since the introduction of the scheme ?

Mr. A. A. L. Parsons : 1. The object was to obtain more efficient administration.

2. (*a*) and (*b*). If the Honourable Member will give me a clear definition of the words " primary delays ", which are not used in railway terminology and are not understood, I will see if I can send him an answer.

PROMOTION OF INDIANS IN THE TRAFFIC BRANCH OF THE NORTH WESTERN RAILWAY TO THE POST OF DISTRICT TRAFFIC SUPERINTENDENT.

345. ***Mr. Harchandrai Vishindas** : Will Government be pleased to state :

(*a*) The number of Indians in the Traffic Branch of the North-Western Railway in October 1924 who were entitled in the normal course of time to rise to the post of District Traffic Superintendent ?

(*b*) What provision, if any, has been made in the present scheme to ensure the due promotion of such Indian officers to similar or equivalent higher posts ?

Mr. A. A. L. Parsons : (*a*) The number of Indian officers in the Traffic Department of the North-Western Railway in October 1924 who might expect in the normal course, and provided, of course, they showed their fitness for promotion, to attain the rank of District Traffic Superintendent was 13.

(*b*) There is nothing in the present scheme which prevents the due promotion of these Indian officers.

APPOINTMENT OF A COMMITTEE TO STUDY THE RESULTS OF THE " TRANSPORTATION " WORKING OF THE DIVISIONAL SCHEME ON THE NORTH WESTERN RAILWAY.

346. ***Mr. Harchandrai Vishindas** : (*a*) Is it a fact that the Agent, North-Western Railway, has appointed a Committee to study the results of the " Transportation " working of the Divisional Scheme and to recommend changes, if deemed fit ? What is the personnel of the Committee ?

(*b*) Is it a fact that the Committee has, almost exclusively, been composed of men who have no knowledge or experience of " Transportation " ?

(*c*) Is it a fact that the Committee consists of men who were avowedly in favour of recruiting men of engineering qualifications only for the posts filled by men with special practical training in such posts ?

(*d*) Are Government aware that the proposed Committee is considered by the public and the Traffic Officers as designed to counteract the declared policy of Government to Indianize the Railway Services ?

Mr. A. A. L. Parsons : (*a*) The Agent, North-Western Railway, has appointed a Committee to review the Divisional organisation and to make recommendations concerning possible changes in the organisation within Divisions. The Committee consists of :

The Deputy Agent.

The Deputy Chief Operating Superintendent.

The Deputy Chief Commercial Manager.

The Deputy Chief Mechanical Engineer.

The Statistical Officer.

(*b*) No.

(*c*) Certainly not.

(*d*) No. The Committee has nothing to do with the policy of indianizing the Railway Services.

EMPLOYMENT OF ENGINEERS TO FILL POSTS HELD BY TRAFFIC OFFICERS CONSEQUENT ON THE INTRODUCTION OF THE DIVISIONAL SCHEME ON STATE RAILWAYS.

347. ***Mr. Harchandrai Vishindas** : Are Government aware ?

(*a*) that since the Divisional Scheme was introduced Engineers are being posted to fill posts previously held by Traffic Officers ; and

(*b*) that at the same time, the Railway is engaging extra Engineers for Engineering work which could be performed by Engineers already available in the service ?

Mr. A. A. L. Parsons : (*a*) No. If the Honourable Member is referring to the posts of Divisional Superintendents, these only came into existence with the introduction of the Divisional Scheme, and it has been the declared intention since the Divisional Scheme was introduced that they would not be allotted to any particular branch of the service but filled by selection from all branches.

(*b*) Owing to the large programme of works on Railways, for which the existing staff is insufficient a number of temporary engineers has been, and is being engaged.

Maulvi Abdul Matin Chaudhury : May I ask, Sir, question No. 348 ?

Mr. President : Question No. 348 and subsequent questions stand in the name of Khan Bahadur Sarfaraz Hussain Khan. I should like to be satisfied why I should allow these questions to be put in view of the fact that the Honourable Member has given notice of a large number of questions and is absent from the beginning of this Session.

Mr. K. Ahmed : Sir, Khan Bahadur Sarfaraz Hussain Khan is not the only Member of this Assembly who has absented himself while his questions are being answered ; besides there are some important questions standing in his name to-day.

Mr. President : Order, order : I am asking the Honourable Member (Maulvi Abdul Matin Chaudhury) who is putting the questions.

Maulvi Abdul Matin Chaudhury : I have been asked to put these questions, Sir, and, as some of them are important, I hope the Chair will allow me to put them. Khan Bahadur Sarfaraz Hussain Khan is ill.

Mr. President : Has the Honourable Member been asked by the Khan Bahadur to put these questions ?

Maulvi Abdul Matin Chaudhury : Yes, Sir.

Mr. President : But I have received a letter from Khan Bahadur Sarfaraz Hussain Khan in which he says he has authorised Mr. Gaya Prasad Singh to put his questions. I am afraid I can not allow these questions to be put.

† 348—362.*

Mr. M. S. Sesha Ayyangar : May I have your permission, Sir, to put questions on behalf of Mr. K. V. Rangaswami Ayyangar ?

Mr. President : Mr. Rangaswami Ayyangar was just here. What has happened to the Honourable Member ?

Several Honourable Members : These questions stand in the name of Mr. K. V. Rangaswami Ayyangar.

(Mr. Sesha Ayyangar was allowed to put the questions standing in the name of Mr. K. V. Rangaswami Ayyangar.)

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† Not put at the meeting, but the questions and answers to them will be found at pages 3418—3421 of these proceedings.

Overseas Allowance of Officers of Indian Domicile on the South Indian Railway, etc.

363. *Mr. M. S. Sesha Ayyangar (on behalf of Mr. K. V. Rangaswami Ayyangar): With reference to Mr. Parsons' reply to Mr. Sesha Ayyangar's interpellation (*a*) in January 1927, will the Government be pleased to state :

(*a*) Whether Indian officers on State Railways who were in the junior of the dual scales referred to, at the time of the introduction of the overseas allowance, continue to draw that allowance when promoted to the senior scale ;

(*b*) How the retention of grades on the South Indian Railway specially affected Indian officers promoted to the District grade in respect of overseas allowance ;

(*c*) Whether Mr. Parsons' reply to question (*c*) is to be taken to mean that Government have ascertained and verified the facts of the case from the South Indian Railway and have satisfied themselves that the action of the South Indian Railway is fair and justified ;

(*d*) Whether if the reply to the previous question is in the affirmative, Government will explain their position by comparing the relative status and emoluments of an Indian and a European officer of Assistant's rank getting the same pay on the South Indian Railway just before the introduction of the overseas allowance with those of an Indian and a European officer in corresponding positions on State Railways up to the time the top of the District grade is reached ;

(*e*) Whether the Government are aware that the acting allowance rules on the South Indian Railway for graded services are less favourable than the rules notified by the Railway Board for such services, and whether the Government can explain how the acting allowance rules on the South Indian Railway can be compared with and said to be more favourable than those on other Company-worked Railways which, as stated by Mr. Parsons, have adopted dual time scales as in Government and follow presumably Government acting allowance rules for such scales ;

(*f*) How any set of acting allowance rules, favourable or otherwise, can affect or compensate for reduction of emoluments on substantive promotion to higher grades as stated by Mr. Parsons in reply to question (*c*) ?

Mr. A. A. L. Parsons : The Honourable Member presumably refers to the reply given to Mr. Sesha Ayyangar's question No. 254 answered on the 2nd February, 1927.

(*a*) The reply is in the affirmative.

(*b*) Indian officers on promotion to District grades were restricted to the rates of pay applicable to officers of non-Asiatic domicile.

(*c*) The facts were verified by reference to the South Indian Railway. As already stated in connection with Mr. Sesha Ayyangar's question, it is not a matter in which it is possible for Government to interfere with the discretion of the Board of Directors.

(*d*) I place on the table a statement comparing the various rates. For the sake of simplicity the Traffic Department has been taken. If the Honourable Member wants similar information for other departments it will be supplied to him.

(*e*) On the State-worked Railways under the dual scale of pay, an officer on the junior scale, if appointed to officiate in the senior grade, gets an increase of Rs. 100 in his emoluments, while on the South Indian Railway on appointment to officiate in the District grade an officer, whatever be his substantive rate of pay, gets the minimum pay of the District grade, which is higher than the maximum pay of the Assistants grade, by Rs. 100. Under the operation of this rule the acting allowances on the South Indian Railway may be higher than those on State-worked Railways.

(*f*) The Board of Directors decided that in view of the more liberal acting allowance rules it was not necessary to continue the additional pay on promotion to a higher class ; and as already explained it is not possible for Government to interfere with their discretion.

DISTRICT TRAFFIC SUPERINTENDENT.

Statement showing scales of pay in the various grades of the Traffic Department, on the South Indian Railway and State-worked Railways prior to the introduction of overseas pay.

South Indian Railway.	*State worked Railways.*
700—50—1,000	Grade 1. 1,100
	Grade 2. 1,000.
	Grade 3. 900
	Grade 4. 800
	Grade 5. 700.

ASSISTANT TRAFFIC SUPERINTENDENT.

South Indian Railway.	*State worked Railways.*
400—25—600	Grade 1. 550
	Grade 2. 450
	Grade 3. 400
	Grade 4. 300.

On the South Indian Railway an Assistant Traffic Superintendent, whether Indian or European, could rise to the maximum pay of Rs. 1,000, and to Rs. 1,100 on the State-worked Railways.

OVERSEAS ALLOWANCE OF OFFICERS OF INDIAN DOMICILE ON THE SOUTH INDIAN RAILWAY.

364. ***Mr. M. S. Sesha Ayyangar** (on behalf of Mr. K. V. Rangaswami Ayyangar) : With reference to Mr. Parsons' reply to Mr. Sesha Ayyangar's question in January 1927, will the Government be pleased to state :

(*a*) Whether in the Superior Civil Service Rules (Revision of Pay and Pension Rules) which contain the Lee concessions, the Secretary of State did not confirm the existing orders relating to overseas allowances—*i.e.*, whether under these rules officers of Indian domicile who were in service at the time of the introduction of overseas allowances were not declared eligible for rupee overseas allowances ;

(*b*) Whether it is not a fact that the Railway Board in notifying the Lee concessions to the South Indian Railway have stated in paragraph 3 of their letter No. 341|23 of 14th February 1926 that the " existing incumbents of Asiatic domicile will be allowed to continue to draw present scales of pay, etc., but future entrants of Asiatic domicile will be restricted to basic pay only and will not be eligible for any overseas pay " ;

(*c*) Whether the South Indian Railway have stated that they accepted the Lee concessions in their entirety ;

(*d*) If the reply to the previous question be in the affirmative, why have the South Indian Railway in view of the Railway Board's orders quoted in question (*b*), discontinued to pay overseas allowance to Indian Officers on promotion to the District grades ;

(*e*) Whether it is not correct to assume that the Railway Board's orders quoted in question (*b*) cannot be affected by any special orders issued by the Home Board of the South Indian Railway in contravention of the general principle under which on State Railways Indian officers were given additional pay in lieu of overseas allowance ?

Mr. A. A. L. Parsons : The Honourable Member presumably refers to the reply given to Mr. Sesha Ayyangar's question No. 254 answered on the 2nd February, 1927.

(*a*) The Superior Civil Service (Revision of Pay and Pension) Rules confirmed the orders then in existence and did not introduce anything new in regard to officers of Indian domicile. Officers of Indian domicile, who were in receipt of overseas pay or its equivalent at the time these Rules came into force, were allowed to retain such overseas pay or its equivalent, but the Rules did not authorise the grant of overseas pay to Indian officers in service, who were not in receipt of such pay at the time.

(*b*) Yes, the intention was that the existing rules would continue to apply to the Indian officers then in service.

(*c*) Yes.

(*d*) I would refer the Honourable Member to the reply given to part (*b*) of the question. The South Indian Railway continued to apply to the Indian officers the former rules, and this was not in contravention of the terms of the Railway Board's letter.

(*e*) Government are not aware that the Board of Directors of the South Indian Railway have in any way contravened the orders of the Railway Board.

Denial to Indian Officers of Company-managed Railways of Privileges and Concessions enjoyed by Indian Officers on State Railways.

365. ***Mr. M. S. Sesha Ayyangar** (on behalf of Mr. K. V. Rangaswami Ayyangar) : **With reference to the concluding reply of Mr. Parsons to Mr. A. Rangaswami Iyengar's supplementary question in January 1927,**

will the Government be pleased to state whether that reply is to be taken to mean that if under the powers delegated and general sanctions accorded by the Government of India, a Company-worked Railway extended to its European officers all the privileges and concessions enjoyed by similar officers on State Railways and denied to its officers any of the privileges and concessions enjoyed by the Indian officers on State Railways, the Government of India in virtue of the contractual relations between them and the Company cannot interfere ?

Mr. A. A. L. Parsons : I am unable to reply to a hypothetical question of this kind. The facts of each individual case would have to be considered in the light of the terms of the contracts.

DISCONTINUANCE OF THE SPECIAL PAY IN LIEU OF OVERSEAS ALLOWANCE TO OFFICERS OF INDIAN DOMICILE ON THE SOUTH INDIAN RAILWAY.

366. ***Mr. M. S. Sesha Ayyangar** (on behalf of Mr. K. V. Rangaswami Ayyangar) : Will the Government be pleased to state :

(*a*) Whether the Deputy Accountant General of Railways, who recently inspected the South Indian Railway Accounts Office has reported that in view of the sanction accorded by the Home Board and the rules on State Railways, special pay in lieu of overseas allowance is admissible to Indian officers on the South Indian Railway at the time of the introduction of the overseas allowance not only while they were in the Assistant's grade but also after promotion to the District grade, and that the South Indian Railway were wrong in discontinuing the allowance to these officers on promotion to the District grade ;

(*b*) Whether it is a fact that under their present instructions, Government Examiners of Railway Accounts do not feel bound to take up with the Companies' officers cases in which Companies have withheld what in the Examiner's opinion is correctly payable to their establishment under existing orders of the Government, if so long as the Company's action is not exceeded by competent sanction and results in reduced expenditure ;

(*c*) Whether the Government have instructed or whether they propose now to instruct Government Examiners of Railway Accounts that in important cases—as for instance when Railway Companies modify general sanctions accorded by Government to the disadvantage of particular classes of officers resulting in racial discrimination—they should insist that principles enunciated by the Government of India should be given effect to ;

(*d*) Whether the Deputy Accountant General has also reported that the reply given by the South Indian Railway to Railway Board's letter No. 3675-E. of 6th July 1926 (asking for remarks on Mr. Shanmukham Chetty's letter) " is directly conflicting with the actual facts " ;

(*e*) Whether the Government have considered or are prepared to consider the desirability of taking deterrent disciplinary action against the officer or officers concerned in thus misrepresenting facts to the Government of India ?

Mr. A. A. L. Parsons : (*a*) The answer is in the affirmative.

(*b*) There are no definite instructions to the Government Examiners of Railway Accounts on the subject.

(*c*) Government do not propose to issue any such instructions.

(*d*) The answer is in the affirmative. But the Government of India do not agree with the Deputy Accountant General.

(*e*) No. There has been no misrepresentation of facts by the South Indian Railway.

APPLICATION OF THE RECOMMENDATIONS OF THE LEE COMMISSION TO BRANCHES OF THE GOVERNMENT SERVICE NOT DIRECTLY DEALT WITH BY THE COMMISSION.

367. *Mr. K. C. Neogy : Will Government be pleased to enumerate the branches of Government service, as also offices in Government-aided institutions, not directly dealt with by the Lee Commission, but to which any concession analogous to those granted under the Lee Commission recommendations has been extended or is proposed to be extended ?

The Honourable Mr. J. Crerar : I would refer the Honourable Member to the Superior Civil Services (Revision of Pay, Passage and Pension) Rules, 1924, a copy of which has been placed in the Library. It would not be correct to say that concessions analogous to those granted in pursuance of the Commission's report have been granted to any other branches of Government service as such, but concessions have been granted to a number of officers whose status has been recognised as superior in various branches of Government service. I shall be glad to give the Honourable Member a list of the posts held by such officers if he wishes.

Pandit Hirday Nath Kunzru : Have any of the provincial service officers who have been held to have a non-Indian domicile been granted the advantages of the Lee Commission's recommendations ?

The Honourable Mr. J. Crerar : There are so many miscellaneous and special posts which might come under that category that I should hesitate to give an immediate reply to this question. If the Honourable Member will give me notice, I shall be glad to enquire.

GRANT OF FREE MEDICAL ATTENDANCE TO EUROPEAN JUDGES OF THE INDIAN HIGH COURTS.

368. *Mr. K. C. Neogy : (*a*) Is there any truth in the statement published in the Press that there is a proposal to grant the privilege of free medical attendance to European Judges of the Indian High Courts ?

(*b*) Has such special privilege been extended to European members of any other branch of the public service in India, or is any such proposal under consideration ?

(*c*) Will Government be pleased to publish complete papers on the subject ?

The Honourable Mr. J. Crerar : (*a*), (*b*) and (*c*). Free medical attendance is a privilege which all officers have for long enjoyed. There

The Honourable Sir Bhupendra Nath Mitra : (*a*) to (*d*). The clerical staff in the Calcutta offices of the Government of India Stationery and Printing Department comprising the Central Stationery and Stamp Office, the Central Publication Branch, the Central Forms Store, and the Government of India Press, Calcutta, constitutes a single cadre and recruitment is consequently made irrespective of branches. The total number of clerks at present employed in these offices is 310 of whom 7 per cent. are Moslems.

(*e*) No. There are about 1,000 persons employed in the Government of India Press at Calcutta and although I have not any recent figures showing the actual number of Moslems in this Press I can assure the Honourable Member that the proportion of Moslems is substantial. It is probably well over 30 per cent. of the total.

(*f*) 113 vacancies have occurred since 1924. The appointments to 27 of these were offered to Moslems but 6 did not accept and 2 resigned subsequently. I have been unable to trace any assurance given by Mr. Ley in the matter of Moslem appointments in the Stationery and Printing Department, but the practice in this Department does not now differ from the general policy of Government in this matter.

EMPLOYMENT OF STATE VETERINARY SCHOLARS IN THE VETERINARY SERVICE.

415. ***Mr. K. C. Neogy** : (*a*) Will Government be pleased to state how much was spent on the State Veterinary Scholars who were sent out to the United Kingdom for acquiring Veterinary Diplomas ? What were the objects of the scholarships and how far have those objects been achieved ?

(*b*) Have the Central Government adjusted the expenditure with the Provincial Governments concerned in view of the ' provincialisation ' of the Indian Veterinary Service ?

(*c*) Were these scholars sent out under promise of employment ? If so, was their case brought before the Lee Commission in connexion with the question of provincialisation of the Veterinary Service ?

(*d*) Will Government be pleased to state if they have done anything to rectify the anomalous position of these scholars subsequent to the Lee recommendations ?

(*e*) Have Government stated in any case that they have no power to make appointments to that service, and that they have addressed the Local Governments some of whom are prepared to consider the claims of these scholars ?

(*f*) If so, is it not a fact that the posts of Veterinary Research Officer and the Professor of Pathology were advertised by the High Commissioner for India in the London Veterinary Record of November 1926, and in such a way that the last date for receiving the applications would elapse before the Indian scholars trained at Government expense could even know it ?

(*g*) Is it not a fact that the three year contracts in the provinces have been renewed notwithstanding Government trained scholars waiting for employment ?

(*h*) Is it not a fact that the said post of Professor of Pathology has been given to one M. R. C. V. S. from Edinburgh, when a Government trained scholar with an additional qualification of the London University was available ?

(*i*) Will Government be pleased to state whether this step is in agreement with the procedure laid down by the Lee Commission for recruitment to the service with a view to its Indianisation ?

Mr. A. R. Dalal :(*a*) Precise information as to the amount spent upon the State Veterinary Scholars is not available. The amount can, however, be roughly judged from the fact that each Scholar, besides being eligible for a free second class return passage, was awarded a scholarship of £250 per annum, tenable for four years, in addition to the cost of tuition fees at the rate of about £27 a year. The object of the scholarships was to enable the students to obtain Veterinary Diploma and thereby render themselves eligible for appointment in the Indian Veterinary Service. That object has been achieved to the extent that four out of the five scholars sent secured the Diploma of the Royal College of Veterinary Surgeons, England, though it was not found possible to appoint any of them to the Indian Veterinary Service in view of the cessation of recruitment for that Service.

(*b*) No. It was decided to waive reciprocal recoveries between the Government of India and Provincial Governments in respect of scholars sent abroad for training.

(*c*) No.

(*d*) and (*e*). As stated in the reply given by Mr. Bhore to Mr. Harchandrai Vishindas on the 18th August, 1926, the Government of India requested certain Local Governments to consider these scholars for appointment on the occurrence of vacancies ; the Government of India have also noted the scholars' names for vacancies at the Muktesar Institute as they arise, and have appointed one of them to a temporary post at this Institute. It is understood that two other scholars have obtained employment under a Local Government.

(*f*), (*g*), (*h*) and (*i*). It is not understood to what posts the Honourable Member is referring and Government regret therefore that they are unable to answer these questions.

Appointment of State Veterinary Scholars as Stock Breeding Experts in the Provinces.

416. ***Mr. K. C. Neogy** : (*a*) Will Government be pleased to state if it is a fact that the post of Stock breeding expert has been created in most provinces ?

(*b*) Are Government aware that in Bengal the State Veterinary Scholars were not even summoned by the Selection Committee, while people of the lower grade were called for and one of them appointed to such post ?

(*c*) Will Government be pleased to state what policy they intend adopting towards these State Scholars in the face of this attitude on the part of the Local Governments.

Mr. A. R. Dalal : (*a*) Such posts have been created in most of the major provinces.

(*b*) The Government of India have no information.

(*c*) The Honourable Member is referred to the reply given to (*d*) and (*e*) of the preceding question.

APPOINTMENT OF STATE VETERINARY SCHOLARS TO VACANCIES IN THE IMPERIAL VETERINARY SERVICE AT MUKTESAR.

417. *Mr. K. C. Neogy : (a) Will Government be pleased to state if there are any vacancies for the Imperial Veterinary Service at Muktesar ?

(b) If so, how and when will they be filled ?

(c) Will Government be pleased to state what difficulty there was in appointing the scholars to the permanent vacancies of Veterinary Research Officers ?

(d) Will Government be pleased to state what surplus there was in the last year's revenue of the Muktesar Research Institute ? Do Government propose to utilise the surplus in effecting any expansion of this Institute ?

(e) Will Government be pleased to state what they are prepared to do in the case of such scholars, becoming over age for Veterinary Service before they succeed in securing any appointment ?

Mr. A. R. Dalal : (a), (b) and (c). Two posts borne on the cadre of the Indian Veterinary Service are at present vacant at the Muktesar Institute. They have not been filled up permanently partly because it has not yet been decided on what lines to constitute the new Central Veterinary Service which will replace the Indian Veterinary Service, and partly because it is desired to await the Report of the Royal Commission on Indian Agriculture. In place of one of these posts, however, a temporary three years post has been created, to which one of the scholars referred to by the Honourable Member has been appointed.

(d) The revenue for the year 1925-26, the last year for which figures are available, exceeded the expenditure on the Institute by Rs. 4,53,682. The question of expanding the Institute cannot, however, be considered until the Report of the Royal Commission has been received.

(e) Government are under no obligation to provide these scholars with employment. The fact of his being over the age of 25 will not however be an absolute bar to future employment in the case of any scholar who may still be unemployed.

GRANT OF KING'S COMMISSIONS FOR THE INDIAN ARMY VETERINARY SERVICE TO QUALIFIED INDIAN M. R. C. V. S. MEN.

418. *Mr. K. C. Neogy : (a) Have the Government of India any objection to granting King's Commissions for the Indian Army Veterinary Corps to qualified Indian M. R. C. V. S. men ?

(b) If not, have Government done anything for the above mentioned scholars in this direction ?

(c) Will Government be pleased to state if they have considered the advisability of giving these scholars opportunities of further specialised work in Animal Nutrition and Breeding at the Institute of Animal Husbandry during their period of waiting ?

Mr. G. M. Young : (a) and (b). Indians holding the M. R. C. V. S. diploma are eligible for the grant of King's Commissions in the Indian Army Veterinary Corps provided that the general education that they

have received is suitable. At present the only general education which the Government of India consider suitable is that provided by the Dehra Dun College or by an English public school.

(*c*) No, Sir.

REPRESENTATION OF THE GOVERNMENT OF INDIA AT THE IMPERIAL AGRICULTURAL RESEARCH CONFERENCE.

419. ***Mr. K. C. Neogy** : Will the Government of India be pleased to state if they are sending any representatives to the Imperial Conference to be held shortly in London for the co-ordination of Agricultural Research ? If so, who are the officers selected ?

Mr. A. R. Dalal : The Government of India have asked Mr. F. J. F. Shaw, Imperial Economic Botanist, now on leave in England to represent them at the Imperial Agricultural Research Conference.

† 420.—425.

GRANT OF COMPENSATION TO THE HEIRS OF BABU NAWAL KISHORE, ASSISTANT STATION MASTER, GENERALGUNJ CABIN, CAWNPORE, WHO WAS MURDERED BY A GANG OF ROBBERS.

426. ***Mr. Mukhtar Singh** : (*a*) Is it a fact that Babu Nawal Kishore, assistant station master, Generalgunj Cabin, Cawnpore, was shot dead by a gang of robbers ?

(*b*) Is it a fact that Babu Nawal Kishore along with two other assistant station masters tried to drive away the robbers and in that attempt was shot dead by the robbers ?

(*c*) Is it a fact that Babu Nawal Kishore has left behind him two widows, one child about two years old and his widowed mother ?

(*d*) Is it a fact that the Government has granted only Rs. 1,000 as compensation to the heirs of the said Nawal Kishore ?

(*e*) Have Government made any provision for his son and are Government prepared to increase the amount of compensation granted ?

Mr. A. A. L. Parsons : Government have called for information from the Agent, East Indian Railway, and will send a reply to the Honourable Member's questions as soon as it is received.

GRANT OF THE MONOPOLY OF SELLING NEWSPAPERS, BOOKS, ETC., AT RAILWAY STATIONS TO MESSRS. WHEELER AND CO.

427. ***Maulvi Muhammad Yakub** : (*a*) Is it a fact that the monopoly of selling newspapers, both English and vernacular, books and certain other articles on the railway stations on the East Indian Railway has been given to Messrs. Wheeler & Co. ?

(*b*) What are the terms and conditions on which the monopoly has been given ?

(*c*) Was the monopoly given by public advertisement and were any Indian firms given an opportunity to apply for the same ?

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† Not put at the meeting, but the questions and answers to them will be found at pages 3434—3438 of these proceedings.

(*d*) Have any conditions been laid down for facilitating the sale of vernacular papers ?

(*e*) Are Government aware that the monopoly to Messrs. Wheeler & Co. is hampering the sale of vernacular newspapers and causing inconvenience to the Hindustani knowing public ?

(*f*) Do Government propose to exclude the vernacular newspapers from the articles contained in the monopoly of Messrs. Wheeler & Co. ?

Mr. A. A. L. Parsons : (*a*) to (*f*). The information is being obtained and will be furnished to the Honourable Member.

WITHDRAWAL OF THE PERMISSION TO SELL THE MUKHBIR-E-ALAM, A VERNACULAR WEEKLY, AT MORADABAD STATION.

428. ***Maulvi Muhammad Yakub** : Is it a fact that the *Mukhbir-e-Alam,* a vernacular weekly of Moradabad was permitted to be sold on the railway station at Moradabad ? Why was the permission withdrawn ?

Mr. A. A. L. Parsons : I am enquiring and will let the Honourable Member know.

†429.—435.

CONTRIBUTIONS BY GOVERNMENT SERVANTS TO THE KHADI FUND.

436. ***Mr. Gaya Prasad Singh** : (*a*) Will Government kindly state if under Rule 23 (1) of the Government Servants' Conduct Rules, or any other Rule, Government servants are prohibited from subscribing to the *Khadi* Fund, which is in aid of the All-India Spinners' Association—an Association established with the consent of the All-India Congress Committee, as an integral part of the Congress organisation ?

(*b*) Are Government aware of the following Resolution which is part of the constitution of the All-India Spinners' Association :

"Whereas the time has arrived for the establishment of an expert organisation for the development of hand-spinning and Khaddar, and whereas experience has shown that such development is not possible without a permanent organisation, unaffected and uncontrolled by politics, by political changes, or political bodies, an organisation called the All-India Spinners' Association is hereby established with the consent of the All-India Congress Committee as an integral part of the Congress organisation, but with independent existence and powers" ?

(*c*) Has there been any correspondence with the Madras Government on this subject ?

The Honourable Mr. J. Crerar : (*a*) The Government of Madras have prohibited subscription under rule 23 (1) of the Government Servants' Conduct Rules.

(*b*) Yes.

(*c*) The Government of Madras have reported the facts.

Mr. A. Rangaswami Iyengar : May I know whether this Government will consider the necessity of instructing the Government of Madras to recall the order issued ?

† Not put at the meeting, but the questions and answers to them will be found at pages 3439—3441 of these proceedings.

The Honourable Mr. J. Crerar : The application of section 23 (1) of the Government Servants' Conduct Rules is a matter for the discretion of the Local Governments in respect of their own officers.

Mr. A. Rangaswami Iyengar : Is it not a matter of sufficient importance because it is one which affects not merely the Government Servants' Conduct Rules in Madras but in other provinces also and it is a general question in which the Government of India might well consider the desirability of issuing instructions ?

The Honourable Mr. J. Crerar : It is because the question is of some general interest that I undertook to answer it at all. Otherwise I think I might have said that the matter was primarily one for the Local Government.

APPOINTMENT OF INDIANS TO THE SPECIAL COMMISSION TO INQUIRE INTO THE QUESTION OF THE FEDERATION OF EAST AND CENTRAL AFRICA.

437. ***Mr. Gaya Prasad Singh :** (*a*) Will Government kindly state when the Special Commission of Inquiry is likely to go out to enquire into the question of a federation of East and Central Africa, and whether it is intended to appoint any Indian on this Commission to represent and safeguard the interests of the Indians in Kenya, Tanganyika, Uganda and other territories concerned ?

(*b*) Have Government taken any steps, or do they propose to take any steps in this matter ?

Mr. G. S. Bajpai : Government have no information as to when the Commission is likely to go out to Africa for the enquiry. As regards the rest of the question, the Honourable Member's attention is invited to the statement made by Mr. Dalal in this House and by the Honourable Sir Muhammad Habibullah on the motion of Mr. K. C. Roy last Thursday.

RECOVERY OF PENALTIES FROM RAILWAY COMPANIES FOR OVERCROWDING OF CARRIAGES.

438. ***Mr. Gaya Prasad Singh :** (*a*) Will Government kindly state if under section 97 of the Indian Railways Act (Act IX of 1890) any suit has ever been brought by the Secretary of State for India in Council, against any Railway Company or administration to recover the penalty prescribed in section 93 of the said Act, for contravening the provisions of section 63, which fixes the maximum number of passengers to be carried in each compartment of a railway train ?

(*b*) If so, will Government kindly give the names of such Railway Companies or administrations, and the amount of penalty recovered from them separately ?

(*c*) If no such suit has ever been brought, will Government kindly explain the reasons why action has not been taken against those Railway Companies or administrations, which carry more passengers in the trains than the maximum number prescribed under section 63 of the Railways Act ?

Mr. A. A. L. Parsons : (*a*) Not so far as Government are aware.

(*b*) Does not arise.

(*c*) Such action would not have been in the interest of the travelling public. The alternative to overcrowding was the stoppage of booking and such stoppages would, Government understand, have caused greater inconvenience to intending passengers.

ALLEGED INSOLENCE OF A "CREWMAN" OF THE EAST INDIAN RAILWAY.

439. ***Mr. Gaya Prasad Singh** : Has the attention of the Government been drawn to a signed letter, which appeared in the *Forward*, dated the 20th July 1927 (page 3), giving the details of the alleged insolence of a "crewman" of the East Indian Railway ? What are the facts of this case, and what steps have been taken, or are proposed to be taken to protect *bona fide* passengers from the harassment and insolence of railway "crewmen" ?

Mr. A. A. L. Parsons : Government have seen the letter referred to. The proper course in a case of this nature is for the person aggrieved to bring the matter to the notice of the Railway Administration concerned who can be relied on to deal with it on its merits.

ALLEGED SHORTAGE OF STORES ON THE SONE BRIDGE AT KOILWAR ON THE EAST INDIAN RAILWAY.

440. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that when the last inspection of the stores of the Sone Bridge *Regirding* at Koilwar (East Indian Railway) in Bihar, was made, a considerable amount of stores was found short in the stock ? If so, when was the last inspection made, and what is the approximate value of the stores found short ? Has any inquiry been made, and if so, with what result ?

(*b*) Have Government any objection in placing a copy of the last Inspection note on the table ?

Mr. A. A. L. Parsons : Neither the Railway Board nor the East Indian Railway Administration have any knowledge of any shortage of stores on the Sone Bridge at Koilwar.

CONVEYANCE OF THE ENGLISH MAIL FROM BOMBAY TO CALCUTTA BY THE BENGAL NAGPUR RAILWAY.

441. ***Mr. Gaya Prasad Singh** : (*a*) Is there any proposal to convey the English Mail from Bombay to Calcutta by the Bengal Nagpur Railway for early delivery ? If so, is it a fact that this proposal, if carried out, will involve an expenditure of about Rs. 60,000 per year out of the funds of the Government of India ?

(*b*) Is it a fact that this proposal, if carried out, will result in English Mails being delivered somewhat later than at present over considerable portions of territories, such as Behar, Nepal and the United Provinces ?

(*c*) Is it not a fact that if the English Mails are carried to Calcutta by the Bengal Nagpur Railway, it will only result in Calcutta getting its Mails a few hours earlier on Sundays, which is not a business day ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) No. The second part of the question does not arise.

(*b*) and (*c*). Do not arise.

ENHANCEMENT OF THE LICENCE-FEES PAYABLE BY THE NONIAS (LUNIYAS) FOR THE MANUFACTURE OF CRUDE SALTPETRE, ETC.

442. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that formerly licences for the manufacture of crude saltpetre, rassi and saggi, were issued to the Nonias (Luniyas) through the Post Offices at the nominal fee of two annas only, but since 1924 the licences are issued by District Headquarter Treasuries at Rs. 2 ?

(*b*) Are Government aware that the Nonias (Luniyas) are a desperately poor class of persons, and this enhancement of the licence fee, together with the trouble and additional expense of obtaining it, and the system of issuing licences from District Headquarter Treasuries instead of through the Post Offices, have resulted in the practical ruin of the saltpetre industry in Bihar and elsewhere ?

(*c*) Do Government propose to decrease the licence fee, and revive the system of issuing licences through the Post Offices, or any other cheap and readily available agency ?

The Honourable Sir Basil Blackett : (*a*) Yes, except that under the old system the fee was 4 annas and not 2 annas as stated by the Honourable Member, and the Luniya was *not* allowed to educe salt without paying duty, whereas he may do so now.

(*b*) and (*c*). The changes introduced in 1924 were made partly in order to help the Luniyas. In view, however, of the present condition of the saltpetre industry, Government are at present re-examining the whole position, including the possibility of reducing license fees charged to refiners.

ENQUIRY INTO THE WORKING OF THE MUSLIM UNIVERSITY AT ALIGARH.

443. ***Khan Bahadur Sarfaraz Hussain Khan** : 1. In what year was the Aligarh Muslim University Act passed ?

2. How long after the passing of the Act was the Visiting Board of the University constituted and its members appointed ?

3. Has the Visiting Board made any inspection since its constitution ?

4. Do Government propose to make an inquiry into the working of the University ?

Mr. A. R. Dalal : (1) 1920.

(2) April 1921.

(3) The Visiting Board has not exercised its right to inspect the University through any of its members.

(4) The question of enquiry is under the consideration of H. H. the Chancellor of the University.

†444.

APPOINTMENT OF A COMMISSION TO ENQUIRE INTO THE WORKING OF THE MUSLIM UNIVERSITY AT ALIGARH.

445. ***Mr. Ismail Khan** : (*a*) Is it a fact that the Chancellor of the Muslim University, Aligarh, has appointed a Commission for the examination of the constitution of the University, and for making an inquiry into the working of the University ?

† Not put at the meeting, but the question and answer to it will be found at page 3442 of these proceedings.

(*b*) Has this Commission been appointed with the concurrence of the Government of India ?

(*c*) If so, will the Government please give the names of the persons who have been appointed Commissioners ?

Mr. A. R. Dalal : (*a*) The Government of India understand that H. H. the Chancellor of the Aligarh Muslim University proposes to appoint a committee to enquire into the affairs of that University.

(*b*) The concurrence of the Government of India is not necessary.

(*c*) Does not arise.

RUNNING OF FIRST AND SECOND CLASS CARRIAGES WITH LAVATORIES ON TRAINS BETWEEN MEERUT CITY AND KHURJA JUNCTION.

446. ***Mr. Ismail Khan** : Has the attention of the Government been drawn to the inconvenience experienced by passengers on the East Indian Railway trains, which run between Meerut City and Khurja Junction due to the fact that the first and second class carriages have no lavatories attached to them ? If so, are Government prepared to order that carriages with lavatories be attached to these trains in future ?

Mr. A. A. L. Parsons : The answer to the first portion of the question is in the negative. A copy of the question has been forwarded to the Agent, East Indian Railway, for such action as may be necessary.

THE MADRAS FOREIGN MAIL SPECIAL.

447. ***Mr. D. V. Belvi** : (*a*) Will Government be pleased to state the number of occasions on which the Madras Foreign Mail Special was run during the last 18 months ?

(*b*) On how many occasions during the same period was the mail van carrying the inward English Mail between Bombay and Madras marked sick between Bombay and Raichur and Raichur and Madras, and on how many occasions had the mails to be unloaded and reloaded in ordinary passenger vans ?

(*c*) What were the causes of the mail vans getting sick between Raichur and Madras and the arrangements made for a more reliable supply of mail vans ?

Mr. A. A. L. Parsons : The information is being obtained and will be furnished to the Honourable Member.

OFFICIATING OR TEMPORARY SERVICE RENDERED BY POSTAL CLERKS AND SORTERS IN THE RAILWAY MAIL SERVICE.

448. ***Mr. D. V. Belvi** : Will Government be pleased to state :

(*a*) If it is a fact that the Government of India have decided to lay down a time-limit for the submission of claims in respect of the benefit of an aggregate period of actual (paid) officiating or temporary service rendered by postal clerks and sorters in the Railway Mail Service ?

(*b*) If it is a fact that a similar time-limit prescribed for the submission of representations in respect of fixation of pay was the 31st July, 1926 ?

(*c*) If it is a fact that two cases of the officials of the Bombay General Post Office for fixation of pay submitted in time, remain undisposed of for the last two years ?

(*d*) If the reply to the above be in the affirmative, do Government propose to consider the advisability of fixing some time-limit for the disposal of such cases by the Directorate ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) Yes.

(*c*) No.

(*d*) Does not arise.

INTRODUCTION OF THE TREASURY CENTRAL SYSTEM IN THE GENERAL POST OFFICE, BOMBAY.

449. ***Mr. D. V. Belvi** : Will Government be pleased to state :

(*a*) When was the Treasury Contract System introduced in the Bombay General Post Office ?

(*b*) Is it a fact that claims for duty allowance or compensation for payment of premia for higher security of three of the officials of the Old Treasury Department of the Bombay General Post Office, namely, Messrs. Savdavkar, Jadhav and Murudkar, have been under the consideration of the Director General since the introduction of the Treasury Contract System ?

(*c*) Is it a fact that the question of escort of cash bags by the Town Inspector is likewise under examination for a long period of time ?

(*d*) What is the approximate date on which the decision of the Director General may reasonably be expected ?

Mr. H. A. Sams : (*a*) The 1st April, 1926.

(*b*) The original petitions were rejected. Fresh petitions have been received and are being considered.

(*c*) No.

(*d*) No approximate date can be given.

†450.—469.

INCLUSION OF PORTIONS OF NON-BRITISH TERRITORY IN THE SHILLONG GENERAL URBAN CONSTITUENCY OF THE ASSAM LEGISLATIVE COUNCIL.

470. ***Mr. K. C. Neogy** : (*a*) Has the attention of Government been drawn to unstarred questions Nos. 79 to 82 in the Assam Legislative Council on the 20th July, 1927, and the answers thereto ?

† Not put at the meeting, but the questions and answers to them will be found at pages 3442—3454 of these proceedings.

(*b*) Have Government announced any decision as to including portions of non-British territory in the Urban constituency of Shillong for the purpose of representation in the local Council ? If so, to what effect ?

(*c*) Will Government be pleased to state the total number of electors, as in 1926, in the Shillong General Urban constituency of the Assam Legislative Council, who are also voters in the Surma Valley-*cum*-Shillong constituency of the Legislative Assembly, and how many of the said number are residents in the British and non-British portions, respectively, of the said constituency ?

The Honourable Mr. J. Crerar : (*a*) Yes.

(*b*) No.

(*c*) 503 and 171, respectively.

ELIGIBILITY OF THE HONOURABLE MR. NICHOLS-ROY FOR ELECTION TO THE ASSAM LEGISLATIVE COUNCIL.

471. ***Mr. K. C. Neogy :** (*a*) Is it a fact that the Honourable Mr. Nichols-Roy, one of the Ministers of the Government of Assam, is neither a British subject nor a resident in British territory ?

(*b*) Was the question of his eligibility for election to the Assam Legislative Council ever referred to the Government of India in any connection ? If so, with what result ?

The Honourable Mr. J. Crerar : (*a*) Mr. Roy is a subject of one of the Khasi states. By a notification of the Government of Assam issued under the Assam Electoral Rules such subjects have been declared not to be ineligible for election and not to be disqualified for registration on the electoral roll by reason only of not being British subjects. Mr. Roy resides in the non-British area of the Shillong Municipality.

(*b*) No.

SEVERE PENALTIES INFLICTED ON THE MEMBERS OF THE TRANSPORTATION STAFF, IGATPURI, BY MR. BRUCE JOY, DIVISIONAL SUPERINTENDENT, KALYAN SECTION.

472. ***Mr. N. M. Joshi :** (*a*) Will Government be pleased to state whether their attention has been drawn to an editorial in the "Railway Times" of the 23rd July 1927 under the caption of "S. O. S." from Igatpuri on the subject of severe penalties inflicted on the members of the Transportation Staff, Igatpuri, by Mr. Bruce Joy, the Divisional Superintendent, Kalyan section ?

(*b*) Has the attention of the Government also been drawn to the letter addressed to the Agent, Great Indian Peninsula Railway, by the General Secretary of the Amalgamated Society of Railway Servants of India and Burma, Limited, appearing at pages 4 and 5 of the same issue ?

(*c*) If so, will Government be pleased to state what steps have been taken by the Agent to enquire into the allegations and to institute an enquiry into the circumstances in which the severe penalties complained of were instituted ?

(*d*) Do Government propose to take steps to prevent the repetition of such "severe penalties" on the subordinate employees of all Railways by the Divisional Superintendents ?

Mr. A. A. L. Parsons : (*a*) and (*b*). The General Secretary of the Amalgamated Society of Railway Servants of India and Burma Limited has forwarded to Government a copy of the *Railway Times* of 23rd July 1927, which is edited and published by him and has drawn attention to the editorial and letter referred to.

(*c*) and (*d*). Government have no information regarding the action which the Agent, Great Indian Peninsula Railway, has taken or may propose to take in the matter. I would invite the attention of the Honourable Member to the fact that the letter was addressed to the Agent, Great Indian Peninsula Railway, and so far the Agent has not found it necessary to seek the assistance of Government in its disposal, nor do Government anticipate that the Agent will find it necessary to do so. A copy of this question and reply will however be forwarded to the Agent, Great Indian Peninsula Railway.

Removal of Delivery Post Offices in Bombay to Distant Corners of their Delivery Areas.

473. ***Mr. N. M. Joshi** : (*a*) Is it a fact that V. P. articles, the value of which is over Rs. 25, and insured articles, the insured value of which is over Rs. 200, have to be taken delivery of at the Post Office ?

(*b*) Is it a fact that the new Government Post Office building at Kalbadevi under construction is at one end of the present delivery area of that office ?

(*c*) Is it a fact that the present positions of the Mandvi and Girgaon Post Offices are also at one end of their respective delivery areas ?

(*d*) Is it intended to remove any more Delivery Post Offices in Bombay from their present central position to distant corners of their delivery areas ?

(*e*) Will Government be pleased to state whether in view of the inconvenience to the public as also in the interests of the delivery staff, instructions will be issued to stay such proposals in Bombay, if there be any ?

Mr. H. A. Sams : (*a*) V. P. articles more than Rs. 25 in value and insured articles of more than Rs. 250 insured value must ordinarily be taken delivery of at the post office. Such articles can be taken delivery of from "No delivery" Post Offices also. In offices specially authorised by the Postmaster General, selected postmen can take out insured articles valued at more than Rs. 250.

(*b*) Yes, but only five minutes' walk from the present building.

(*c*) The Girgaon post office is at one end of its delivery area, but the Mandvi office is central for delivery purposes.

(*d*) I do not admit that all the offices referred to in (*b*) and (*c*) are in distant corners of their delivery areas. As far as possible delivery offices

are located near the centre of the delivery area, but when an office has to be moved to a new building, this is not always possible.

(*e*) No.

QUESTIONS, NOT PUT AT THE MEETING OWING TO THE ABSENCE OF THE QUESTIONERS, WITH ANSWERS TO THE SAME.

EXPENDITURE ON THE COLONISATION OF THE ANDAMANS BY MOPLAHS.

348. ***Khan Bahadur Sarfaraz Hussain Khan** : Will Government please state the total expense incurred in connexion with the matter of the Andamans Settlement and the colonisation of the Moplahs from the time of the appointment of the Cardew Committee in 1920 to examine and report on the suitability of the Andamans to be continued as a penal settlement up to March 1927 ?

The Honourable Mr. J. Crerar : The total expenditure incurred on the Andamans Settlement, including the Moplah Colonisation Scheme, since the appointment of the Indian Jails Committee is given in the budget estimates and demands for the Andaman and Nicobar Islands which are available to the Honourable Member in the Library.

The Moplah Colonisation Scheme accounts for about Rs. 2,20,000 of this expenditure, besides Rs. 63,000 given out as recoverable *taqavi* loans.

OFFICIAL RECOGNITION OF RAILWAY UNIONS.

349. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will Government state if the Trade Union Act passed in March 1926 has been brought into force ?

(*b*) If so, have the different Railway Administrations given official recognition to all the Railway Unions ?

(*c*) If not, do Government propose to direct them to do so ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) Government have not got definite information whether all Railway Unions have been accepted by the respective Railway Administrations as suitable bodies for the Agent to confer within the interests of the staff. This is a matter which has hitherto been left in the hands of Agents.

(*c*) The matter is under consideration.

RESOLUTION *re* GRIEVANCES OF THE SUBORDINATE EMPLOYEES ON THE INDIAN RAILWAYS.

350. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will Government please state if the Resolution of the Assembly passed in February 1926, recommending an inquiry into the grievances of the subordinate employees on the Indian Railways, has been accepted by the Government ?

(*b*) If so, what action has been taken ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given to question No. 336 asked by Mr. M. K. Acharya on the 1st September, 1925.

APPOINTMENTS OF TEMPORARY JUDGES IN HIGH COURTS.

351. ***Khan Bahadur Sarfaraz Hussain Khan** : Will Government please state in whom the power of making temporary appointments of the Judges of the High Courts in India is vested and what criterion the Government impose in the selection ?

The Honourable Mr. J. Crerar : Appointments of acting and additional Judges of the High Courts, to which the Honourable Member is presumably referring, are made by the Governor General in Council or the Local Government as the case may be under the provisions of section 101 (2) (*i*) and 105 of the Government of India Act. Subject to the provisions of sub-sections (*3*) and (*4*) of section 101, efficiency is the main consideration in making selections for these appointments.

AWARD OF THE ROYAL HUMANE SOCIETY'S MEDAL TO TINDAL IBRAHIM.

352. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will Government please state if they have arrived at a decision with regard to the question of recommending Tindal Ibrahim for an award of the Royal Humane Society [*vide* Government reply to unstarred question No. 60 (*a*) on the 31st January 1927] ?

(*b*) If so, will they please communicate the decision to the House ?

The Honourable Mr. J. Crerar : (*a*) and (*b*). Government has decided not to recommend the tindal for the award referred to by the Honourable Member.

REVISION OF THE INDIAN RAILWAYS ACT.

353. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Is it a fact that the revision of the Railways Act is under the consideration of Government ?

(*b*) If so, have they arrived at a decision ?

(*c*) If they have, will they please communicate their decision to the House ?

(*d*) If not, will they please state the reasons of the delay ?

The Honourable Sir George Rainy : (*a*) Yes.

(*b*) No.

(*c*) Does not arise.

(*d*) It is a matter requiring full consideration and cannot be dealt with hurriedly.

TAKING OF THE OATH OF OFFICE BY BABU SATYENDRA CHANDRA MITRA, M.L.A.

354 ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to starred question No. 280 on the 7th February 1927, regarding the taking of the oath of office by Babu Satyendra Chandra Mitra, M.L.A., will Government please state if they are aware of the action taken by the Government of Bengal in the matter ?

(*b*) If they are aware, will they please communicate the decision of the Bengal Government to the House ?

(*c*) If not, are they prepared to obtain the information from the Bengal Government and place it before the House ?

Mr. W. T. M. Wright : The Government of Bengal decided that Mr. S. C. Mitra could not be permitted to attend the meetings of the

Legislative Assembly so long as he was under restraint under the Bengal Criminal Law Amendment Act, 1925.

STOPPAGE OF THE 1-UP PUNJAB MAIL AT PATNA CITY.

355. *Khan Bahadur Sarfaraz Hussain Khan : (a) Are Government aware that of late the 1 Up Punjab Mail has not been stopping at the Patna City railway station ?

(b) Why has the 1 Up Punjab Mail not been stopping of late at the Patna City railway station ?

Mr. A. A. L. Parsons : (a) Yes.

(b) It is quite impossible for the Government to take any part in the arrangement of time tables. Copies of the question and the answer will be sent to the Agent.

CONSTRUCTION OF A RAILWAY BETWEEN MUZAFFARPUR AND SITAMARHI.

356. *Khan Bahadur Sarfaraz Hussain Khan : (a) Is it a fact that the construction of a line between Muzaffarpur and Sitamarhi is under the contemplation of Government ?

(b) If so, will Government please state if any action has been taken in the matter ?

Mr. A. A. L. Parsons : (a) and (b). A re-examination of the alternative projects for a railway between Muzaffarpur and either Darbhanga or Sitamarhi is being made by the Bengal and North-Western Railway Administration.

AMENDMENT OF THE INDIAN WORKMEN'S COMPENSATION ACT.

357. *Khan Bahadur Sarfaraz Hussain Khan : (a) Will Government please state if the amendment of the Indian Workmen's Compensation Act is under the consideration of Government ?

(b) If so, by what time are they likely to introduce an amending Bill ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes.

(b) The present intention of Government is to introduce an amending Bill in the next Delhi Session.

FENCING OF THE RAILWAY LINES ON THE ARRAH-SASSARAM LIGHT RAILWAY AND THE BIHAR-BUKHTIARPUR LIGHT RAILWAY.

358. *Khan Bahadur Sarfaraz Hussain Khan : (a) Are Government aware that there is no fencing along the railway lines at places where the trains pass through densely populated villages on the Arrah-Sassaram Light Railway and the Bihar-Bukhtiarpur Light Railway ?

(b) If they are, are Government prepared to issue necessary instructions to the railway authority concerned to do the needful with a view to prevent accidents ?

(c) If they are not aware, do they propose to make an inquiry in the matter and communicate the result to the House ?

Mr. A. A. L. Parsons : (a) Yes.

(b) No. These railways were constructed as tramways in 1909 and 1901, respectively, and are administered by the Local Government, with whom any necessary action rests.

(c) Does not arise.

DEPUTY POSTMASTERS GENERAL IN THE PROVINCE OF BIHAR AND ORISSA.

359. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Is it a fact that there are no Deputy Postmasters General, Post Office, in the Province of Bihar and Orissa ?

(*b*) If so, will Government please give reasons ?

Mr. H. A. Sams : (*a*) Yes.

(*b*) The work of the Circle is not at present sufficient to justify the appointment of a Deputy Postmaster General.

DUTY ALLOWANCES OF PERSONAL ASSISTANTS TO POSTMASTERS GENERAL.

360. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Is it a fact that the number of Personal Assistants to Postmasters General in the different Postal Circles in India is 25 (twenty-five) ?

(*b*) Are these Personal Assistants granted duty allowance in addition to their salaries ?

(*c*) Is each Personal Assistant to the Postmaster General granted a fixed amount of duty allowance or do their duty allowances vary according to their salaries ?

Mr. H. A. Sams : (*a*) Yes.

(*b*) Yes.

(*c*) The amount of duty allowance (special pay) is the same in all cases.

ELECTED EUROPEAN MAJORITY IN THE LEGISLATIVE COUNCIL OF KENYA.

361. ***Khan Bahadur Sarfaraz Hussain Khan** : With reference to Government reply on the 9th February 1927, " The matter is receiving the attention of the Government of India, who are fully alive to the issues involved " to starred question No. 322 (*c*), regarding the elected European majority in the Legislative Council of Kenya, will Government please state :

(1) If they have arrived at any decision on the subject ?

(2) If not, what progress has been made in the situation since then ?

Mr. G. S. Bajpai : (1) and (2). No official proposal to this effect having been made, the occasion for the Government of India to take any decision in the matter has not arisen.

PUBLICATION OF THE REPORT OF THE FIJI DEPUTATION.

362. ***Khan Bahadur Sarfaraz Hussain Khan** : Will Government please state :

(1) If the report of the deputation sent by them to Fiji in 1921 has been published ?

(2) Whether the Fiji Government has opposed the publication of the report ?

(3) Whether the Honourable Sir Narasimha Sarma ever gave the Assembly an undertaking that he would soon publish the report ?

Mr. G. S. Bajpai : (1) and (2). The Honourable Member's attention is invited to the answers given by Mr. Bhore to Mr. Gaya Prasad Singh's question No. 245 and the connected supplementaries on the 1st February 1927. Government have nothing to add to the replies then given.

(3) The Honourable Member is referred to the answer given by Sir Narasimha Sarma in the Council of State to question No. 26 by the late Sir Ahmedthamby Maricair on the 16th July 1923.

(1) NUMBER OF BILLS AND RESOLUTIONS PASSED BY THE LAST TWO ASSEMBLIES. (2) NUMBER OF QUESTIONS ASKED IN THE LAST TWO ASSEMBLIES.

385. ***Khan Bahadur Sarfaraz Hussain Khan** : Will Government please state :

(*a*) the number of Bills passed by the last two Assemblies and the number certified by the Governor General ;

(*b*) the number of non-official Resolutions adopted by the last two Assemblies and the number not accepted ; and

(*c*) the number of starred questions asked in the last two Assemblies year by year ?

Mr. W. T. M. Wright : (*a*) The number of Bills passed by the last two Assemblies is 190 and the number of Bills certified by the Governor General is 4.

(*b*) The number of non-official Resolutions adopted by the last two Assemblies is 97. As to the acceptance of these Resolutions the Honourable Member is referred to the various statements showing the action taken by Government thereon which have been laid on the table of the House from time to time.

(*c*) A statement giving the information desired is placed on the table.

Statement showing the number of Starred Questions asked in the first two Assemblies.

Sessions.	Number of questions.	Remarks.
First Legislative Assembly.		
First Session . . .	696*	* These questions were answered orally. This was before the introduction of the Starred and Unstarred system.
Second Session . . .	1002	
Third Session . . .	1434	
Second Legislative Assembly.		
First Session . . .	2365	
Second Session . . .	1279	
Third Session . . .	999	
Fourth Session . . .	1417	
Fifth Session . . .	321	
Total .	9513	

CONSTRUCTION OF AN OVERBRIDGE AT GULZARBAGH ON THE EAST INDIAN RAILWAY.

386. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Are Government aware that there is no overbridge at the Gulzarbagh station, East Indian Railway, in the Province of Bihar and Orissa ?

(*b*) Are Government aware that the passengers, chiefly ladies, and children, are put to great hardships and are liable to meet with accidents in the night and rainy season for want of an overbridge at this station ?

(*c*) If so, are they prepared to consider the necessity of constructing an overbridge at the station ?

(*d*) If not, will they please give reasons ?

(*e*) Will Government please state the length of the two platforms at this station and the height of the platforms from the railway lines ?

Mr. A. A. L. Parsons : (*a*) to (*d*). Government are aware that there is no overbridge at Gulzarbagh station and that a certain amount of inconvenience is thereby caused to passengers, but steps are being taken to provide one after the needs of more important stations have been met. The construction of the overbridge at Gulzarbagh is programmed for the year 1929-30.

(*e*) The length of the platforms at this station is 1,000 feet each, and they are of the standard raised type which is 2 feet 9 inches above rail level.

EXPENDITURE ON NEW DELHI.

387. ***Khan Bahadur Sarfaraz Hussain Khan** : With reference to starred question No. 400 and supplementary questions and Government replies on 15th February 1927, regarding the total expenditure on Government buildings in New Delhi, will Government please state :

(*a*) How much more money is required to complete the programme for the construction of the Imperial Capital in New Delhi ?

(*b*) How many Indians and how many Europeans were employed on the works ?

(*c*) What amounts have been paid to the architects and advisers in respect of construction ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The amount required to complete the expenditure on the New Capital (inclusive of all works as well as buildings) over and above the sum of Rs. 12,55,00,000 mentioned in reply to question No. 400 of the 15th February 1927 is Rs. 1,72,50,000 of which Rs. 1,63,70,000 remain to be spent.

(*b*) The average number of employees of all classes on the regular staff throughout the project has been

Europeans	..	..	52
Indians	..	..	381

Besides these the contractors, their agents and work people who numbered many thousands were almost exclusively Indian.

(*c*) Rs. 32,95,000 have been paid to the Architects of the Central Buildings.

NUMBER OF WORKSHOPS ON THE EAST INDIAN RAILWAY AND THE BENGAL AND NORTH WESTERN RAILWAY.

388. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will Government please state the number of workshops and the names of the stations at which workshops exist on the East Indian Railway and the Bengal and North-Western Railway ?

(*b*) Is the construction of new workshops on the East Indian Railway and Bengal and North-Western Railway under the contemplation of Government, and if so, at which station ?

Mr. A. A. L. Parsons : I presume the Honourable Member refers to mechanical workshops for the construction or repair of locomotives, carriages and wagons.

On the East Indian Railway there are 4 workshops at Jamalpur, Lillooah, Ondal and Lucknow.

On the Bengal and North-Western Railway there are two workshops at Gorakhpur and Samastipur.

(*b*) On the East Indian Railway extensions are being made to the shops at Lucknow and it is proposed to extend those at Jamalpur.

On the Bengal and North-Western Railway no construction of new workshops is at present contemplated.

(1) INTRODUCTION OF THE SHIFT SYSTEM OF WORK IN MINES.

(2) PROHIBITION OF THE EMPLOYMENT OF WOMEN UNDERGROUND IN MINES.

389. ***Khan Bahadur Sarfaraz Hussain Khan** : Will Government please state :

(*a*) by what time they propose to introduce the shift system of work in Indian mines ; and

(*b*) if they have framed regulations prohibiting the employment of women underground in Indian mines ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The Bill which I introduced last Session, if passed in its present form, will come into effect on 1st April, 1930.

(*b*) No. Draft regulations have been drawn up and have been referred to Mining Boards for opinion as required by section 31 (3) of the Indian Mines Act. Thereafter the draft will have to be published for criticism as required by section 31 (2) of the Act.

INTRODUCTION OF LEGISLATION FOR THE PROMPT PAYMENT OF WAGES.

390. ***Khan Bahadur Sarfaraz Hussain Khan** : With reference to Government reply to starred question No. 339 on the 14th February 1927, regarding the introduction of legislation for the prompt payment of wages, will Government please state :

(*a*) if the replies from all Local Governments have been received ; and

(*b*) if so, whether the subject has been discussed by the Standing Advisory Committee attached to the Department of Industries

and Labour and whether they propose to introduce the Bill in the current Session ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) The subject was discussed with the Standing Advisory Committee in September 1926. I would remind the Honourable Member that the discussion of my motion for the election of a Standing Advisory Committee for my Department was twice adjourned during last Session and that, in consequence, my Department has been without a Committee since the second Assembly was dissolved. I hope, when the Committee is elected, to discuss the question again with them. No Bill will be introduced in this Session.

LOCATION OF THE PRIVATE QUARTERS OF SUPERINTENDENTS OF POST OFFICES IN THEIR OFFICE BUILDINGS.

391. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to starred question No. 357, and its replies by Government on the 14th February, regarding the use of portions of Post Office buildings as their private quarters by Superintendents of Post Offices, will Government please state any special reason why in Barisal, Bogra, Dibrugarh, Dinajpur, Mymensingh, Faridpur, Jalpaiguri, Khulna, Krishnagar, Midnapur, and Narayangunj, the quarters of the Superintendents of Post Offices are located in their office buildings ?

(*b*) Have Government completed their inquiry ?

(*c*) If they have, will they please communicate the result to the House ?

Mr. H. A. Sams : (*a*) An enquiry is being made and the result will be communicated to the Honourable Member.

(*b*) No.

(*c*) Does not arise.

ESTABLISHMENT OF HEAD, SUB OR BRANCH POST OFFICES IN BIHAR AND ORISSA.

392. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Have any Head, Sub or Branch Post Offices been established in the Province of Bihar and Orissa during the years 1925-26 and 1926-27 ?

(*b*) If so, will Government please state the number and places where they have been established ?

Mr. H. A. Sams : (*a*)

1925-26—Head Offices and Sub-offices ..	..	*Nil.*
Branch offices	..	39
1926-27—Head Offices ..	..	*Nil.*
Sub-offices	..	3
Branch offices	..	101

(*b*) The details are being supplied to the Honourable Member.

DECREASE IN THE IMPORT OF PRIVATE MERCHANDISE AND EXPORT OF INDIAN PRODUCE AND MANUFACTURES.

393. ***Khan Bahadur Sarfaraz Hussain Khan** : 1. Regarding India's Sea-Borne Trade, will Government please state :

(*a*) If the import of private merchandise totalled Rs. 21,73,00,000 in April 1927, and showed a decrease of 49 lakhs, as compared with the preceding month ?

(*b*) If the value of the export of Indian produce and manufactures decreased by Rs. 8,56,00,000 from Rs. 33,83,00,000 in March 1927 to Rs. 25,27,00,000 in April 1927 ?

2. If the facts and figures shown in (*a*) and (*b*) are correct, will Government please state reason for the large decrease ?

The Honourable Sir George Rainy : 1. (*a*) and (*b*). Yes.

2. The decrease was mainly due to smaller imports of sugar and Australian wheat, and reduced shipments of rice, tea, raw cotton and oilseeds from India in April 1927. Imports and exports fluctuate from month to month, and it is difficult to assign reasons for these fluctuations. In the month of March last, the figures for both imports and exports were exceptionally high as compared with the months immediately preceding, and the figures for April were about normal.

COLLECTION OF COMPULSORY SUBSCRIPTIONS FROM THE SUBORDINATE STAFF FOR A FAREWELL PARTY TO MR. H. B. RAU, DIRECTOR OF AUDIT, UNITED PROVINCES.

394. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to starred question No. 301 on the 14th February, regarding the collection of compulsory subscriptions from the subordinate staff to meet the cost of a farewell party to Mr. H. B. Rau, Director of Audit, United Provinces, will Government please state if the inquiry has been completed ?

(*b*) If so, will Government please communicate the result of the inquiry to the House in view of the public nature of the subject ?

The Honourable Sir Basil Blackett : A copy of the final reply, which contains the result of the enquiry, is in the Library of the House.

VISITS OF THE SUPERINTENDENT OF POST OFFICES, PATNA DIVISION, TO HEAD, SUB OR BRANCH POST OFFICES.

395. ***Khan Bahadur Sarfaraz Hussain Khan** : Will Government please state :

(*a*) The names of the Head, Sub or Branch Post Offices visited by the Superintendent of Post Offices, Patna Division, in the Bihar and Orissa Circle in the months of October, November, December, January and March ?

(*b*) The amount of travelling allowance month by month drawn by him for his visits during the said months ?

Mr. H. A. Sams : (*a*) The Honourable Member presumably refers to October, November and December 1926 and to January and March 1927.

A statement embodying the information asked for has been furnished to the Honourable Member.

(*b*) The amounts of travelling allowance drawn by the Superintendent during these months are Rs. 173, 145-5-0, 92-3-0, 144-8-0, and 202-13-0, respectively.

RECONSTITUTION OF THE ROYAL INDIAN MARINE AS A COMBATANT FORCE.

396. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) What progress has been made and constructive work done in the reconstitution of the Royal Indian Marine as a combatant force since the address of His Excellency the Viceroy to the Members of the Assembly on the 24th January 1927 ?

(*b*) By what time will Government be in a position to introduce legislation to provide for the Royal Indian Navy ?

Mr. G. M. Young : (*a*) I will supply the Honourable Member with a supplementary statement in continuation of the statement forwarded to him in reply to his starred question No. 922, dated 14th March 1927.

(*b*) A Bill has been drafted and it is hoped to introduce it in the Indian Legislature during the Delhi Session.

CIVIL AVIATION.

397. ***Khan Bahadur Sarfaraz Hussain Khan** : Will Government please state what progress has been made in the preliminary work connected with Civil Aviation, since the adoption of the motion on the subject in the Assembly on the 1st March 1927 ?

The Honourable Sir Bhupendra Nath Mitra : The Director of Civil Aviation in India has been appointed and assumed charge of his duties on the 5th April 1927. Since then he has been actively engaged in the consideration of a number of questions such as the establishment of internal air routes, the formation of light aeroplane clubs, the training of Indians in Civil Aviation, etc. There is a good deal of preliminary work to be done in most of these matters before we shall be in a position to formulate definite schemes.

SLAVERY IN BURMA.

398. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Referring to the telegram sent by His Excellency the Governor of Burma to His Excellency the Viceroy regarding slavery in Burma, published in the issue of the *Statesman* of the 8th June 1927, page 6, will Government be pleased to state if they have received any further communication from the Government of Burma on the subject ?

(*b*) If so, will they please lay a copy of it on the table for the information of the House ?

Sir Denys Bray : (*a*) Yes, Sir.

(*b*) The question of publishing the Burma Government's reports is under consideration. If published, a copy will be placed in the Library.

GRANT OF KING'S COMMISSIONS TO INDIANS IN THE INDIAN ARMY VETERINARY CORPS.

400. *Mr. Srish Chandra Dutta : (*a*) Is it a fact that the Secretary of State for India has approved of King's Commissions in the Indian Army Veterinary Corps being opened to Indians ?

(*b*) Will the Government of India be pleased to state if any Indian has yet been granted the King's Commission in the Indian Army Veterinary Corps ? If not, why not ?

Mr. G. M. Young : (*a*) Yes.

(*b*) No, because no vacancy has occurred since the decision was made.

GRANT OF KING'S COMMISSIONS TO INDIANS IN THE INDIAN ARMY VETERINARY CORPS.

401. *Mr. Srish Chandra Dutta : (*a*) Is it a fact that Earl Winterton stated in the House of Commons about the middle of June 1926, that the Government of India were willing to consider candidates, who did not pass through the Prince of Wales Royal Indian Military College, Dehra Dun, provided they were members of the Royal College of Veterinary Surgeons, and were otherwise fully qualified ?

(*b*) Is it a fact that Earl Winterton also added that it was within the capacity of Dehra Dun to produce Commissions in the Indian Army Veterinary appointments which it is desired to fill from this source ?

(*c*) Is it a fact that a number of fully qualified Indian members of the Royal College of Veterinary Surgeons have applied to the Army Department for such appointments ? If so, what reply have the Government given them ?

(*d*) How many vacancies are there in the Indian Army Veterinary Corps at present ? When do the Government contemplate to fill them ?

Mr. G. M. Young : (*a*) Lord Winterton said that he had no doubt that the Government of India would be willing to consider candidates who had not passed through Dehra Dun.

(*b*) Yes.

(*c*) Five applications have been received. Four of them were previous to Lord Winterton's statement. The applicants were informed that only qualified students from Dehra Dun were eligible for King's Commissions in the Indian Army Veterinary Corps. The fifth application was subsequent to Lord Winterton's statement. The applicant was informed that only candidates who have been educated at the Dehra Dun College, or at an English public school and have subsequently obtained the M. R. C. V. S. will be considered for King's Commissions.

(*d*) There are none at present, Sir ; and normally there will be none for some years.

TRAVELLING ALLOWANCE OF LIEUTENANT-COLONEL W. A. SMITH, SUPERINTENDENT OF POST OFFICES, NILGIRI DIVISION.

402. *Mr. Abdul Latif Saheb Farookhi : (*a*) With reference to the reply to starred question No. 364, dated the 14th February 1927, of

Mr. Amar Nath Dutt, will the Government be pleased to state if the travelling allowance bills of Lieutenant-Colonel W. A. Smith, Superintendent of Post Offices, Nilgiri Division, were examined ; and if so, with what result ?

(*b*) Was the Superintendent of Post Offices in his headquarters from the 18th to 22nd July 1926 both days inclusive ; and if not, what were the offices visited by him on those dates and for what purpose ?

Mr. H. A. Sams : (*a*) The examination is still in progress.

(*b*) Not throughout the period.

The places visited and the purposes of the visits during this period are as follows :

18th—Wellington—nalt.

19th—Springfield, and
Yedapalli—inspection.
Return to headquarters (Ootacamund).

20th—At headquarters.

21st—Coonoor and Katary—
Enquiry into complaint and inspection of site of new post office building.
Return to headquarters.

22nd—At headquarters.

POSTAL ADMINISTRATION IN THE NILGIRI DIVISION.

403. ***Mr. Abdul Latif Saheb Farookhi** : (*a*) With reference to the reply to starred question No. 370, dated the 14th February 1927, of Mr. Amar Nath Dutt, will the Government be pleased to state whether the report of the Postmaster-General, Madras, has been received ; and if so, will they please furnish a copy of the report to the House ?

(*b*) What orders were passed by the Director General of Posts and Telegraphs on the report ?

(*c*) Was any officer of the Department deputed to enquire into the allegations contained in the editorial referred to in the General Letter of the Madras Provincial Postal and R. M. S. Union ?

(*d*) If the answer to the above is in the affirmative, who was the officer deputed, when and how many days did he take to complete the enquiry ?

Mr. H. A. Sams : (*a*) and (*b*). The report has been received and is still under the consideration of the Director General. It is not proposed to lay the report on the table of the House.

(*c*) Yes.

(*d*) The Postmaster General, Madras. Government have no information as to the number of days that officer took to complete the enquiry nor do they propose to call for it.

INSPECTION OF BRANCH POST OFFICES BY LIEUTENANT-COLONEL W. A. SMITH, SUPERINTENDENT OF POST OFFICES, NILGIRI DIVISION.

404. ***Mr. Abdul Latif Saheb Farookhi** : Will the Government be pleased to state if the information called for by Mr. Amar Nath Dutt in his

starred question No. 372, dated the 14th February 1927, regarding the inspection of Branch Post Offices, etc., by Lieutenant-Colonel W. A. Smith, Superintendent of Post Offices, Nilgiri Division, has been collected ; and if so, will they please furnish the same to the House ?

Mr. H. A. Sams : Yes. The information asked for was furnished to Mr. Amar Nath Dutt on the 12th March last. A copy of the reply is laid on the table.

Reply to Question No. 372, dated the 14th February 1927.

(*a*) Hulical, Nemmara, Gomangalam, Negamum, Palayakottai and Nagamanyakanpatti.

(*b*) The records of the above branch offices were taken to headquarters for security.

(*c*) No.

PUNISHMENTS INFLICTED ON HIS SUBORDINATES BY LIEUTENANT-COLONEL W. A. SMITH, SUPERINTENDENT OF POST OFFICES, NILGIRI DIVISION.

405. ***Mr. Abdul Latif Saheb Farookhi** : With reference to the reply to the starred question No. 374, dated the 14th February 1927, of Mr. Amar Nath Dutt, regarding the punishments inflicted by Lieutenant-Colonel W. A. Smith, Superintendent of Post Offices, Nilgiri Division, will the Government be pleased to state if the information has been collected ; and if so, will they please lay a copy of the same on the table ?

Mr. H. A. Sams : Yes. The information was furnished to Mr. Amar Nath Dutt on the 12th March last. A copy of the reply is laid on the table.

Reply to Question No. 374, dated the 14th February 1927.

(*a*) A statement is attached.

(*b*) Replies to both parts are in the affirmative.

(*c*) In two cases, one for alleged impertinence to the public and the other for insubordination and disregard of rules.

	Amount realised in fines.	Other punishments.
	Rs. A. P.	
June 1926	1 0 0	One village postman dismissed.
July 1926	20 4 0	Services of one leave reserve clerk were dispensed with.
August 1926	12 0 0	Services of one clerk were dispensed with and increment of another clerk was stopped for one year.
September 1926	12 1 0	*Nil.*
October 1926	7 8 0	Increment of one clerk was stopped for three months.
November 1926	7 0 0	*Nil.*
December 1926	*Nil* ..	*Nil.*
January 1927	*Nil* ..	Increments of two clerks were stopped for three months and of another clerk for four months.

DISMISSAL BY TELEGRAPH OF A CLERK ABOVE THE FIRST EFFICIENCY BAR BY LIEUTENANT-COLONEL W. A. SMITH, SUPERINTENDENT OF POST OFFICES, NILGIRI DIVISION.

406. ***Mr. Abdul Latif Saheb Farookhi** : (*a*) With reference to the reply to starred question No. 375, dated the 14th February of Mr. Amar Nath Dutt, regarding the dismissal by telegraph of a clerk above the first efficiency bar by Lieutenant-Colonel W. A. Smith, Superintendent of Post Offices, Nilgiri Division, will the Government be pleased to state if the explanation of the Superintendent has been received ; and if so, what disciplinary action was taken against the Superintendent for his action ?

(*b*) If the answer to the first part of the above is in the negative, what is the reason for the delay in obtaining the explanation of the Superintendent ?

Mr. H. A. Sams : (*a*) Yes. Owing to a clerical error the gradation list did not show that the clerk in question was above the first efficiency bar and the Superintendent dismissed him through misapprehension. No disciplinary action against the Superintendent is, therefore, called for.

(*b*) Does not arise.

LEAVE RESERVE CLERKS IN THE OFFICE OF THE SUPERINTENDENT OF POST OFFICES, NILGIRI DIVISION.

407. ***Mr. Abdul Latif Saheb Farookhi** : (*a*) With reference to the reply to part (*b*) of starred question No. 376, dated the 14th February 1927, of Mr. Amar Nath Dutt, regarding the establishment of the office of the Superintendent of Post Offices, Nilgiri Division, will the Government be pleased to state if they have now collected the information ; and if so, will they please furnish the same to the House ?

(*b*) If the answer to the first part of the above is in the negative, when do they expect to collect the information ?

(*c*) With reference to the reply to part (*c*) of starred question No. 376, dated the 14th February, of Mr. Amar Nath Dutt, in which it was stated that action would be taken to see that leave reserve clerks are not retained in the offices of the Superintendents of Post Offices even as acting clerks, will the Government be pleased to state if necessary action was taken ; and if so, will a copy of the directions issued be laid on the table ?

(*d*) Will the Government be pleased to state the number of leave reserve clerks who were working in the office of the Superintendent of Post Offices, Nilgiri Division, from March 1927 to July 1927 ?

Mr. H. A. Sams : (*a*) The information has been furnished. A copy will be given to the Honourable Member if applied for.

(*b*) Does not arise.

(*c*) A copy of the orders issued by the Director General of Posts and Telegraphs has been placed in the Library.

(*d*) Three reserve clerks from March to June and one reserve clerk in July 1927. They were acting for permanent clerks.

TRANSFER OF MR. N. RAMACHANDRAN, HONORARY SECRETARY OF THE COIMBATORE BRANCH OF THE ALL-INDIA POSTAL AND R. M. S. UNION FROM COIMBATORE WEST TO GUDALUR.

408. ***Mr. Abdul Latif Saheb Farookhi** : With reference to the reply to starred question No. 378, dated the 14th February 1927, of Mr. Amar Nath Dutt, regarding the transfer of Mr. N. Ramachandran, Honorary Secretary of the Coimbatore Branch of the All-India Postal and R. M. S. Union, from Coimbatore West to Gudalur, will the Government be pleased to state if the information called for has been collected ; and if so, will they please lay a copy of the reply to that question on the table ?

Mr. H. A. Sams : Yes. The information asked for was furnished to Mr. Amar Nath Dutt on the 12th March last. A copy of the reply is laid on the table.

Reply to Question No. 378, dated the 14th February 1927.

(*a*) Yes.

(*b*) Yes.

(*c*) No. In accordance with a Resolution of the Coimbatore Branch Union itself, Mr. Ramachandran's turn for work in unhealthy tracts had come and he was transferred accordingly.

TRANSFER OF MR. N. VENKATARAMAN, ACTING CLERK OF THE COIMBATORE HEAD POST OFFICE, TO POLLACHI.

409. ***Mr. Abdul Latif Saheb Farookhi** : (*a*) Are Government aware that Mr. N. Venkataraman, acting clerk of the Coimbatore Head Post Office, who was elected Joint Secretary of the Coimbatore Branch of the All-India Postal and R. M. S. Union for 1927-28, was transferred to Pollachi by the Superintendent of Post Offices, Nilgiri Division, in June 1927 ; if not, will they please call for the information ?

(*b*) Is it a fact that on the representation of the Provincial Union, Madras, the Postmaster General, Madras, stated that Mr. N. Venkataraman being only an acting clerk at Coimbatore was reverted to his permanent appointment at Pollachi in the usual course ?

(*c*) Is it not a fact that about 8 officials who held substantive appointments elsewhere in the division were working in the Coimbatore Head Office at the time of Mr. N. Venkataraman's " reversion " to Pollachi ?

(*d*) Did not Mr. N. Venkataraman relieve a leave reserve clerk at Pollachi and was not the latter directed to join the Coimbatore H. O. ?

(*e*) What is the reason for reverting the official from Coimbatore to Pollachi and bringing to Coimbatore a leave reserve clerk relieved by the former at Pollachi ?

(*f*) Has not the Director General, Posts and Telegraphs, issued orders to the recognised Unions that only leave reserve clerks should not be appointed as office-bearers of a Postal and R. M. S. Union ?

(*g*) Has the Director General prohibited the appointment of clerks working in the post offices in the headquarters of a Branch Union with their substantive appointments elsewhere as office-bearers ?

Mr. H. A. Sams : The information is being collected and will be furnished to the Honourable Member in due course.

CASE OF MR. A. KRISHNIER, POSTAL CLERK, KOTAGIRI.

410. ***Mr. Abdul Latif Saheb Farookhi** : (*a*) With reference to the reply to starred question No. 733, dated the 7th March 1927, of Mr. M. K. Acharya, will the Government be pleased to state if the appeal of Mr. A. Krishnier has since been received by the Director General of Posts and Telegraphs ?

(*b*) Was any enquiry made into the various allegations therein contained against the acting Head Clerk, Mr. M. Govindan Nair ? If so, with what result ?

Mr. H. A. Sams : (*a*) Yes.

(*b*) Yes. There is nothing to show ulterior motive on the part of the Head Clerk (Mr. M. Govindan Nair).

ALLEGATIONS AGAINST MR. M. GOVINDAN NAIR, OFFICIATING HEAD CLERK OF THE NILGIRI DIVISION.

411. ***Mr. Abdul Latif Saheb Farookhi** : (*a*) With reference to the reply to starred question No. 734, dated the 7th March 1927, of Mr. M. K. Acharya, will the Government be pleased to state if it is not a fact that the Superintendent of Post Offices, Nilgiri Division, reported in his letter, dated the 18th January 1924, to the Postmaster General, Madras, that Mr. M. Govindan Nair, the acting Head Clerk of the Division had (*i*) abused his official position to obtain loans from some of the officials in the division, (*ii*) lost important records in investigation cases, (*iii*) manipulated the divisional gradation list to his own advantage, and (*iv*) submitted a false diary while acting as Inspector, Coimbatore ?

(*b*) Is it not a fact that the Postmaster General, Madras, under orders conveyed in his letter No. A.P.-354, dated the 19th March 1925, on the appeal of Mr. M. Govindan Nair, dated the 21st December 1924, removed Mr. M. Govindan Nair's name from the list of passed candidates for the amalgamated cadre of Inspectors and Superintendents' Head Clerks on the ground that he considered the official not fit for promotion above the time-scale of pay ?

Mr. H. A. Sams : (*a*) Yes, in February 1925.

(*b*) Yes.

REVISION OF THE PAY OF THE SUPERINTENDENTS' HEAD CLERKS AND INSPECTORS OF POST OFFICES.

412. ***Mr. Abdul Latif Saheb Farookhi** : (*a*) With reference to the revision of pay of the Superintendents' Head Clerks and Inspectors agreed to by the Standing Finance Committee at its meeting of the 28th January 1927, will the Government be pleased to state :

(*i*) what examination has been prescribed by the Director General of Posts and Telegraphs for the promotion of officials to such appointments ; and

(*ii*) whether the examination will be thrown open to all officials of the clerical cadre ?

(*b*) Is it a fact that the Postmaster General, Madras, has called for nominations from the divisional Superintendents, of candidates for the Inspectors and Head Clerks' examination to be held in Madras this year ?

(*c*) If the answer to the above is in the affirmative, will the Government please state if the examination to be held by the Postmaster General is the one contemplated by the Director General of Posts and Telegraphs, or that usually held by him for selection of candidates ?

(*d*) Are Government aware that only those officials who are in the favour of Superintendents get nominated to sit for the examination and competent men are left in the lurch ? Will Government take steps to remove the system of nominations ?

Mr. H. A. Sams : (*a*) A copy of the Director General's G.-O. No. 5, dated the 19th July 1927 on the subject has been placed in the Library.

(*b*) Yes, for the examination in November 1927. This has been postponed in consequence of the Director General's G.-O. referred to in part (*a*).

(*c*) It was in connection with the examination usually held by the Postmaster General.

(*d*) The reply to the first part is in the negative. Under the recently published rules for the new examination which applies also to Superintendents, Head Clerks and Inspectors, the Postmaster General and not the Superintendent nominates.

PLYING OF THE BENGAL AND NORTH-WESTERN RAILWAY STEAMER BETWEEN MAHABIRGHAT AND PAHLEZAGHAT.

420. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Are Government aware that the Bengal and North-Western Railway steamer plies only once during 24 hours between Pahlezaghat and Mahabirghat at Patna in the Province of Bihar and Orissa ?

(*b*) Are Government aware that the same steamer plies 4 times during 24 hours between Pahlezaghat and Mahendrughat ?

(*c*) If so, will they state what objection they have to increase the number of steamer trips from Mahabirghat to Pahlezaghat and back ?

Mr. A. A. L. Parsons : (*a*) and (*b*). The reply is in the negative.

(*c*) Government cannot be expected to intervene with regard to local transport arrangements which is a matter for local authorities and Local Advisory Committees.

ABOLITION OF THE POLL-TAX IN FIJI.

421. ***Khan Bahadur Sarfaraz Hussain Khan** . (*a*) With reference to Government reply to starred question No. 461 on the 18th February 1927, regarding the abolition of the poll-tax in Fiji, will Government please state if they have got the information now ?

(*b*) If not, do they propose to obtain it ?

Mr. G. S. Bajpai : (*a*) No. The Honourable Member's attention is invited to sub-paragraph (3) of paragraph 3 of the Colonial Office letter No. 9167|25, dated the 20th March 1925, which was published with the

Government of India Resolution No. 24-Overseas, dated the 12th January 1927.

(*b*) Does not arise.

STATUS OF INDIANS IN FIJI.

422. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to starred question No. 462, on the 16th February, 1927 regarding the status of Indians in Fiji, will Government please state if the question of the expansion of the municipal franchise so as to secure an adequate representation for Indians on Municipal Councils, has been examined as pointed out in the Government reply ? If so, with what result ?

(*b*) Have the negotiations been completed regarding the right of Indians to demand a jury of their own countrymen in criminal trials or any jury at all and the removal of restrictions imposed on Indians by the Emigration Ordinance, the Education Ordinance, the Flogging Ordinance, the Master and Servant Ordinance, the Prison Ordinance enforcing street and menial labour on Indian prisoners, etc. ; and, if so, will Government please communicate the result to the House ?

Mr. G. S. Bajpai : (*a*) Government have no information at present, but have made enquiries.

(*b*) No ; correspondence regarding these matters is still proceeding.

LOCAL ADVISORY COMMITTEES FOR RAILWAYS.

423. ***Khan Bahadur Sarfaraz Hussain Khan** : 1. (*a*) Will Government please state the number and names of Indian Railways on which Local Advisory Committees have been formed and the number and names of Indian Railways on which they have not been formed ?

(*b*) If Local Advisory Committees have not been formed on all Indian Railways, will Government please state the reasons ?

2. In whom is the power of appointing and removing members of Local Railway Advisory Committees and of fixing the number of members of such Committees vested ; and who has got the power of deciding whether a Local Railway Advisory Committee on a certain Indian Railway is to be formed ?

Mr. A. A. L. Parsons : (*a*) A list giving the required information is laid on the table.

(*b*) Local Advisory Committees have been constituted for all State Railways. All Company Railways have been requested to initiate similar action and all important railways have done so. As regards the remaining Railways the matter rests with the Companies.

2. The rules governing the appointment of members of Advisory Committees vary to some extent on different Railways. On State-managed Railways provision is made for the appointment of members as follows :

> Two Local Government members nominated by the Local Government in whose jurisdiction the headquarters of the railway in question is situated ;

three representatives of the Legislative Council of the Government in whose jurisdiction the headquarters of the railway in question is situated. These members should be selected to represent rural interests and the travelling public ;

one member from the local municipality or corporation at the railway headquarters ;

five members representing industries, commerce and trade.

This provision has also been adopted by the majority of the Company-managed Railways. The power of removing members who are nominated by Legislative and local bodies lies with the Local Government. The powers of deciding whether a Local Advisory Committee shall be formed and the number of members of the Committee rests with—

(*a*) the Railway Board in the case of State Railways,

(*b*) the Local Government with the approval of the Railway Board in the case of Railways under the control of Local Governments,

(*c*) Agents of Company Railways with the approval of their Boards in the case of Company Railways.

List of Railways on which Local Advisory Committees have been formed.

1. Assam Bengal Railway.
2. Bengal and North-Western Railway.
3. Bengal Nagpur Railway.
4. Bombay, Baroda and Central India Railway.
5. Burma Railways.
6. Eastern Bengal Railway.
7. East Indian Railway.
8. Great Indian Peninsula Railway.
9. Madras and Southern Mahratta Railway.
10. North Western Railway.
11. Rohilkund and Kumaon Railway.
12. South Indian Railway.
13. H. E. H. the Nizam's Guaranteed State Railways.
14. Jorhat Provincial Railway.

List of Railways on which Local Advisory Committees have not been formed.

1. Ahmadpur-Katwa Railway.
2. Arakan Light Railway.
3. Arrah-Sasaram Light Railway.
4. Bangalore-Chikballapur Light Railway.
5. Bankura-Damoodar River Railway.

6. Baraset-Bashirhat Light Railway.
7. Barsi Light Railway.
8. Bengal Dooars Railway.
9. Bengal Provincial Railway.
10. Bhavnagar State Railway.
11. Bikaner Railway.
12. Bukhtiarpur-Bihar Light Railway.
13. Burdwan-Katwa Railway.
14. Cutch State Railway.
15. Darjeeling Himalayan Railway.
16. Dehri Rohtas Light Railway.
17. Dholpur Bari Railway.
18. Dibru-Sadiya Railway.
19. Futwah Islampur Railway.
20. Gaekwar's Baroda State Railway.
21. Gondal Railway.
22. Gwalior Light Railway.
23. Howrah-Amta Light Railway.
24. Howrah-Sheakhula Light Railway.
25. Jagadhri Light Railway.
26. Jamnagar-Dwarka Railway.
27. Jessore-Jhenidah Railway.
28. Jodhpur Railway.
29. Junagad State Railway.
30. Kalighat-Falta Railway.
31. Kolar District Railway.
32. Kulasekarapattam Light Railway.
33. Morvi Railway.
34. Mysore Railways.
35. Porbandar State Railway.
36. Shahdara (Delhi)-Shaharanpur Light Railway.
37. Tarikere-Naramsinharaja Light Railway.
38. Tezpur-Balipara Light Railway.
39. Trivellore Light Railway.
40. Udaipur-Chittorgarh Railway.

EXEMPTION FROM INDIAN INCOME-TAX OF PAY, ALLOWANCES, PENSIONS AND GRATUITIES PAYABLE IN THE UNITED KINGDOM.

424. *Lala Rang Behari Lal : 1. Will Government be pleased to state if it is a fact that all payments made in the United Kingdom of Great Britain and Ireland on account of the following items are exempt from the payment of the Indian Income-tax ?—

(*a*) Pay and allowances of officers and others (including leave and furlough pay) ; and

(*b*) Pensions and gratuities.

2. If the answer to the above is in the affirmative will Government kindly state the total loss of revenue every year to the Indian Government on this score ?

3. Are Government prepared to consider the advisability of so amending the Indian Income-tax Act that all payments made from the Indian revenues at any place outside India are liable to the Indian Income-tax ?

4. Will the Government kindly place on the table a list of payments to civil and military officers, including payments in kind, which are exempt from the payment of Indian Income-tax ?

The Honourable Sir Basil Blackett : The answer to part one of the question is in the affirmative. In regard to part two, the calculations that would be involved in framing a close estimate of the tax that would be payable were these items taxable would be elaborate and the results even so would be very conjectural. I would point out to the Honourable Member that, since the officers in question now receive these payments free of Indian income-tax, it is not strictly accurate to describe the non-received tax as a loss. It is necessarily questionable whether a decision to make them taxable would not have to be accompanied by some increase in the amounts payable to the officers concerned. In these circumstances the Government do not at present propose to consider the question raised in part three of the question. In regard to part four the Honourable Member will find the desired information in paragraphs 16 and 20 of the Income-tax Manual.

GRIEVANCES OF THE INCOME-TAX ASSESSEES IN THE DELHI PROVINCE.

425. *Lala Rang Behari Lal : (*a*) Are Government aware of the fact that copies of assessment orders are not supplied free of cost in the Delhi Province ?

(*b*) Will Government be pleased to lay on the table a statement showing the amounts realised yearly from 1922 up to date by the Income-tax Department, Delhi, for supplying copies of assessment orders ?

(*c*) Are Government aware of the fact that assessees are required to produce books of accounts of their branches at the principal place of business thereby causing great inconvenience and expense ?

(*d*) Are Government prepared to consider the advisability of issuing orders to the effect that branch books may be inspected by the Income-tax Officer of the place where the branch is situate and a report sent to the Income-tax Officer of the principal place of business ?

The Honourable Sir Basil Blackett : (*a*) Till recently, the position was as stated by the Honourable Member, but instructions have since been issued that copies of assessment orders should be supplied free of charge.

(*b*) The Government understand that the average amount realised in a year is about Rs. 200 ; they do not propose to obtain the figures for each year.

(*c*) and (*d*). It will be seen from paragraph 22 (4) of the Income-tax Manual that the intention is that, as far as possible, the accounts of branches should be inspected by the Income-tax Officers of the places where the branches are situated ; but it is undoubtedly legal and may sometimes be necessary for the Income-tax Officer of the principal place of business to call for the branch books. It is not therefore desirable, nor would it be legal, to issue orders as suggested by the Honourable Member. If any Income-tax Officer abuses his powers in this or other respects the persons aggrieved should bring the matter to the notice of the Commissioner of Income-tax.

PREVENTION OF OPIUM SMOKING IN BALUCHISTAN, BIHAR AND ORISSA AND BENGAL.

429. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply :

" It is proposed to prohibit it in Baluchistan and in Bihar and Orissa and Bengal. In the two provinces last mentioned the introduction of registration and rationing is also under contemplation. The Government of Assam now propose to introduce a Bill prohibiting opium smoking altogether. The Government of Madras also propose to undertake legislation prohibiting opium smoking altogether and the Government of Bombay propose to prohibit absolutely the possession of Chandu "

to starred question No. 469 (*f*) on 18th February, 1927, regarding the abuse of opium, will Government please state if the Local Governments referred to in Government reply, have taken any further action in the matter of opium smoking ?

(*b*) How do matters stand with regard to opium smoking in Burma ?

The Honourable Sir Basil Blackett : (*a*) Smoking in company has been prohibited in Baluchistan since 1st April 1927. Proposals to prohibit such smoking and to introduce a system of registration and rationing are still under consideration by the Government of Bihar and Orissa. A Bill to penalise opium smoking by other than registered smokers is being drafted by the Government of Bengal. A Bill introduced by the Government of Assam prohibiting opium smoking altogether has recently been passed by the Assam Legislative Council. The Government of India have not heard further from the Governments of Madras and Bombay in regard to their proposals.

(*b*) A system of registration and rationing is in force in Burma. On the 31st December 1926, the number of Burmans and non-Burmans registered as smokers was 761 and 15,118, respectively. No new names can be added to the register and with the gradual disappearance of the persons now on the register, opium smoking will cease to exist in Burma.

NAMES OF THE NATIONS REPRESENTED IN THE LEAGUE OF NATIONS AND THEIR RESPECTIVE CONTRIBUTIONS TO THE LEAGUE.

430. *Khan Bahadur Sarfaraz Hussain Khan : (a) Will Government please make a statement showing the names of the nations represented in the League of Nations and their respective contributions to the League for the year 1927 ?

(b) Will Government please state if the representation of Indians on the League Secretariat is in proportion to the contribution of India to the League of Nations ?

Mr. W. T. M. Wright : (a) The desired information will be found on pages 73—75 of the League of Nations' Official Journal, January, 1927, 8th Year, No. 1, a copy of which is in the Library.

(b) The Honourable Member is referred to the answer given to the last part of question No. 24 put by Kumar Ganganand Sinha, on the 18th August, 1927.

REVISION OF THE SCALES OF PENSION OF THE MENIAL STAFF IN GOVERNMENT DEPARTMENTS.

431. *Mr. Fazal Ibrahim Rahimtulla : (a) Will Government be pleased to state whether the scales of pension of the menial staff in some Departments have been recently revised ? If so, in what Departments ?

(b) Are the new pension rules applicable to the Record Suppliers and Jamadars in the Currency Department ? If not, why not ?

The Honourable Sir Basil Blackett : (a) No, the question is under consideration.

(b) Does not arise.

PENSIONS OF MENIALS.

432. *Mr. Fazal Ibrahim Rahimtulla : (a) Are Government aware that menials who have completed more than thirty years' active service are given only Rs. 4 as pension ?

(b) In view of these amounts being fixed many years back are Government prepared to revise them ? If so, when ?

The Honourable Sir Basil Blackett : Local Governments of Governors' Provinces have now full powers to make rules regulating the pension of this class of Government servants under their control. Those under the control of the Central Government are entitled to a temporary increase of pension up to Rs. 2 per mensem in addition to their ordinary pension of Rs. 4 per mensem.

PROVIDENT FUND FOR GOVERNMENT SERVANTS.

433. *Mr. Fazal Ibrahim Rahimtulla : (a) Will Government be pleased to state when the Provident Fund system as passed in the Council of State in 1924 is likely to be introduced in Government offices ?

(b) Are Government prepared at the same time to consider the grant of bonus to all the Government servants or their heirs in case of death before retirement ?

The Honourable Sir Basil Blackett : (*a*) The matter is still under consideration and it is not possible to say when a final decision will be reached.

(*b*) If a Provident Fund is introduced in lieu of pension, the Government will make some contribution, but cannot yet say what form that contribution will take.

GRANT OF INCREMENTS TO THE EMPLOYEES OF CURRENCY OFFICES WITH MORE THAN TEN YEARS' SERVICE.

434. ***Mr. Fazal Ibrahim Rahimtulla** : (*a*) Are Government aware that there is great discontent amongst the staff in all Currency Offices in India for not applying retrospectively the revision of June 1924 ? If so, do they intend to alleviate the feeling by granting some increments to those who have put in more than ten years' service ?

(*b*) Is it a fact that the Deputy Controller of the Currency, Madras, and the Currency Officer Mr. Murphy had recommended some such relief ? If so, why was it not granted ?

The Honourable Sir Basil Blackett : (*a*) I would refer the Honourable Member to the reply given to the second part of question No. 471 asked by Mr. M. K. Acharya on the 2nd September 1926. Government do not propose to grant additional increments to those who have put in more than 10 years' service.

(*b*) Government are not prepared to publish the opinion of their officers in such cases.

PROVIDENT FUND FOR THE STAFF OF THE CURRENCY OFFICE.

435. ***Mr. Fazal Ibrahim Rahimtulla** : (*a*) Will Government be pleased to state whether they have reconsidered the question of a Provident Fund for the Currency Office Staff ?

(*b*) If so, has it been considered in the light of the present legislation as stated in the answer to the Questions Nos. 731—737 on the 3rd February 1925 ?

(*c*) If the answer to part (*b*) be in the affirmative have Government introduced the practice of adding their share to the Provident Fund of the employee every year ? If not, why not ?

(*d*) Will Government be pleased to state whether it is not also a fact that by the addition of the Government's share at the end of the employee's service he loses the interest on that share ? If so, are they prepared to take steps to abolish this practice and introduce the one prevailing in other services ? If not, why not ?

(*e*) Will Government be pleased to state whether they are aware that on Railways, Port Trusts, etc., the employee gets under certain conditions some gratuity over and above the benefit that he is entitled to get under Rule 26 of the Provident Fund Rules ? Are Government prepared to consider the desirability of introducing the same practice in the Currency Offices ? If not, why not ?

The Honourable Sir Basil Blackett : In view of probable changes in the control of the Currency Department, the Government do not propose

to consider any modifications in the existing Provident Fund arrangements for the staff employed in the Treasurer's Department in the Currency Offices. I may add that the rest of the staff is on a pensionable basis.

EXTRA CHARGES FOR THE DELIVERY OF TELEGRAMS BEYOND A FIVE-MILE RADIUS FROM THE TELEGRAPH STATION.

444. ***Khan Bahadur Sarfaraz Hussain Khan** : 1. Is it not a fact that telegraphic messages are not delivered by telegraph peons beyond a five-mile radius from the telegraph station ?

2. Are extra charges made in cases of delivery of telegraph messages beyond a radius of five miles from the telegraph station and, if so, at what rate ?

The Honourable Sir Bhupendra Nath Mitra : (1) and (2). The Honourable Member is referred to clause 401 of the Indian Post and Telegraph Guide.

NUMBER OF DEATHS OF POSTAL EMPLOYEES FOR THE LAST TEN YEARS IN THE SPECIALLY UNHEALTHY LOCALITIES IN THE VARIOUS POSTAL CIRCLES AND IN THE CITIES OF BOMBAY, CALCUTTA AND MADRAS.

450. ***Mr. Abdul Latif Saheb Farookhi** : (*a*) Will the Government be pleased to furnish a statement showing the number of deaths of postal employees for the last 10 years in (*i*) the specially unhealthy localities in the various postal circles in India and Burma, and (*ii*) the cities of Bombay, Calcutta and Madras ?

(*b*) Do Government propose to safeguard the health and lives of postal employees and their dependents in the specially unhealthy localities ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The information is being collected and will be furnished to the Honourable Member in due course.

(*b*) Yes. The Director General has already issued orders and will, if necessary, issue further orders to this effect.

INCREASE OF THE POSTAL STAFF IN HOWRAH.

451. ***Mr. Abdul Latif Saheb Farookhi** : (*a*) Has the attention of the Government been drawn to an article under the caption " Premature Decease " appearing at page 429 in the November 1926 issue of " Labour ", the organ of the Bengal Provincial Postal and R. M. S. Union, Calcutta ?

(*b*) Will the Government be pleased to state as regards the Jalpaiguri Division :

(*i*) The number of post offices located in notoriously unhealthy localities ;

(*ii*) The total number of postal clerks, postmen, and lower grade staff employed in those offices ; and

(*iii*) The number of postal employees and their dependents who died in those localities on account of fever during the past 10 years ?

(*c*) Is it a fact that 11 postal clerks out of a sanctioned strength of 59 in Howrah died of consumption during the last 7 years as stated in that article ?

(*d*) Is it a fact that the clerks attending the office there at 10 A.M. cannot leave it till 8-30 P.M. or even later ?

(*e*) Was any representation received by the Postmaster-General, Bengal and Assam Circle for an increase of the staff of the office by 16 clerks and 3 sorting postmen ?

(*f*) Were only three sorting postmen sanctioned by the Postmaster-General ? If so, what is the reason for not increasing the clerical staff ?

(*g*) Are Government prepared to direct the augmentation of the clerical staff of the office on account of its special conditions ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

Information relating to parts (*b*) to (*g*) is being collected and will be furnished to the Honourable Member in due course.

DEATH OF BABU DINESH CHANDRA BANNERJEE, SUB-POSTMASTER, BORJULI, IN THE LOWER ASSAM DIVISION.

452. ***Mr. Abdul Latif Saheb Farookhi :** (*a*) Will the Government be pleased to state if it is a fact that Babu Dinesh Chandra Bannerjee, sub-postmaster, Borjuli, in the Lower Assam Division, died on the 9th January, 1925, for want of prompt relief while he was sick ?

(*b*) Is it a fact that Babu Dinesh Chandra Bannerjee was pressing the Superintendent, Lower Assam Division, for relief from the 6th December, 1924, on the ground of illness ?

(*c*) Did he submit on the 10th December, 1924, a medical certificate of illness recommending three months' rest, treatment and change of air, granted by the officer in charge of the Borjuli hospital and countersigned by Dr. Ernest T. Jameson, Medical Officer, Empire of India and Ceylon Tea Company, Limited, to the Superintendent, Lower Assam Division ?

(*d*) Was it not stated in the medical certificate that the sub-postmaster was suffering from low fever with constipation and loss of appetite, had become thin and emaciated, often forgot things and was unfit for work ?

(*e*) Is it a fact that no action was taken by the Superintendent on the medical certificate for nearly a fortnight ?

(*f*) Did not the sub-postmaster remind the Superintendent in his letter No. 147, dated the 25th December, 1924, of the medical certificate and ask for immediate relief stating that he was still suffering from low fever ?

(*g*) Is it a fact that the Superintendent wrote to the sub-postmaster in a letter No B.-2-44, dated the 27th December, 1924, that owing to want of hands it was quite impossible to relieve him just then ?

(*h*) Did not the low fever which the sub-postmaster was suffering from develop into black-water fever in the meanwhile ?

(*i*) Did the sub-postmaster send a telegram on the 6th January, 1925, to the Superintendent as follows :

" Bedridden. Impossible manage work. Solicit help.'

(*j*) Did the postman of that office also send the following telegrams to the Superintendent on the 7th and 8th January, 1925, respectively ?

"Postmaster Borjuli attacked with black-water fever. Send reliever immediately."

"The reliever has not yet arrived. Since 17 hours 30 minutes patient gradually weakening."

(*k*) Is it a fact that the Superintendent wrote to the sub-postmaster in his letter No. B.-2-44, dated the 6th January, 1925, as under :

"Your telegram coded of date 5th January, 1925. You must carry on till I can arrange for your relief. No relieving hand is available just now and there is no great urgency in your case. Take medicine in the meanwhile. Please send the cost of the service message issued by you, see rule 295, Volume IV, T. Manual."

(*l*) Is it a fact that no relief was sent till Dr. Jameson himself sent a telegram to the Superintendent from the Rangapara station on the T. B. Railway regarding the serious illness of the sub-postmaster ?

(*m*) What disciplinary action was taken against the conduct of the Superintendent of Post Offices, Lower Assam Division ? If no action taken, why ?

(*n*) Was any pension granted to the widow and children of the deceased sub-postmaster, Babu Dinesh Chandra Bannerjee ? If so, how much, and if not, why ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) to (*h*). Yes.

(*i*) Yes. On the 5th January 1925.

(*j*) Yes, on the 7th, but not on 8th.

(*k*) Yes.

(*l*) Yes.

(*m*) The Superintendent was reprimanded.

(*n*) No pension has been sanctioned, but a gratuity of Rs. 500 has been granted. The question of a pension is under consideration in connection with the general question of pensions in such cases.

DEATH OF BABU UPENDRA NATH BOSE, SUB-POSTMASTER, BARDUAR, ASSAM.

453. ***Mr. Abdul Latif Saheb Farookhi** : (*a*) Will the Government be pleased to state the date on which Babu Upendra Nath Bose, sub-postmaster, Barduar, died ?

(*b*) Is it a fact that he was on leave on medical certificate before he was posted to Barduar and he assumed charge of it on the 21st August, 1924 ?

(*c*) If the answer to the above is in the affirmative, for how many months was he on leave and what was the medical history recorded by the doctor who recommended the leave ?

(*d*) Did he work at Barduar till the 13th September, 1924 ?

(*e*) Is it a fact that at Barduar his fever developed into black-water fever and he applied to the Superintendent for leave ?

(*f*) Is it a fact that no relief was sent to him by the Superintendent till the 18th September, 1924 ?

(*g*) Did the sub-postmaster lock up the office, make over his cash, stamps and seals to the Head Clerk, Barduar Tea Estate, and admit himself in the Gauhati hospital where he died ?

(*h*) Was not the then Superintendent of Post Offices the same Mr. A. Vernieux, who did not arrange prompt relief to the sub-postmaster, Borjuli, as a result of which he died ?

(*i*) Was any pension or gratuity sanctioned for the support of the widow and dependents of the deceased Babu Upendranath Bose ? If so, how much, and if not, why ?

Mr. H. A. Sams : (*a*) 18th September, 1924.

(*b*) Yes.

(*c*) Three months and 18 days on account of fever. The medical history of the case has been sent for.

(*d*) Till the 14th September, 1924.

(*e*), (*f*) and (*g*). There is no information that at Barduar his fever developed into black-water fever. On the morning of the 15th September, two telegrams were received in the office of the Superintendent of Post Offices, Lower Assam Division, simultaneously. In the second telegram, Babu Upendra Nath Bose intimated that he was making over charge to the Manager, Barduar Tea Estate, and was leaving for Gauhati Hospital. He was not prohibited from doing so and no question of his relief, therefore, arose.

(*h*) Mr. Vernieux was Superintendent of Post Offices. During the time Babu Upendra Nath Bose was in the Gauhati Hospital, Mr. Vernieux himself saw the Civil Surgeon and arranged for the regular treatment of the patient there and took special care to secure his comfort.

(*i*) The general question of granting family pensions in such cases is under consideration.

DEATH OF TWO SUB-POSTMASTERS OWING TO NOT BEING RELIEVED WHEN ILL.

454. ***Mr. Abdul Latif Saheb Farookhi** : (*a*) Is it a fact that during the regime of Mr. A. Vernieux, Superintendent of Post Offices, a sub-postmaster of Sukna (Terai) died at night in the office room due to being compelled to work during illness ?

(*b*) Is it a fact that the next morning the postman of the office found the sub-postmaster dead and communicated the information to the Superintendent by telegraph ?

(*c*) Is it a fact that when Mr. A. Vernieux was in charge of the Jalpaiguri Division some years ago, a sub-postmaster of the Mal Post Office fell ill, but was not relieved although he applied for leave ?

(*d*) Is it a fact that about a week after the submission of the leave application, finding that his death was imminent, the sub-postmaster called the clerk, postmen and runners of the office, handed over the keys and requested them to remove him to Dacca so that he might die in his home and amidst wife and children ?

(*e*) Is it a fact that the sub-postmaster was removed as desired but died on the way at Lalmonirhat where his funeral rites were performed by the sorters ?

(*f*) If the Government have no information regarding the death of above two sub-postmasters, are they prepared to institute inquiries ?

The Honourable Sir Bhupendra Nath Mitra : I understand that the cases occurred in 1915. It is not possible for Government at this distant date to collect the information asked for by the Honourable Member in regard to them.

PROMOTION OF MR. A. VERNIEUX, AS OFFICIATING DEPUTY POSTMASTER GENERAL, NORTH WEST FRONTIER CIRCLE.

455. ***Mr. Abdul Latif Saheb Farookhi** : (*a*) Will the Government be pleased to state if it is a fact that Mr. A. Vernieux, Superintendent of Post Offices, has been promoted as Officiating Deputy Postmaster-General, North-West Frontier Circle ?

(*b*) If the answer to above is in the affirmative, what is the date from which he holds that position ?

Mr. H. A. Sams : (*a*) Yes.

(*b*) 6th April, 1925.

GRANT OF COMPENSATORY ALLOWANCES TO POSTAL EMPLOYEES OF THE CLERICAL CADRE STATIONED IN UNHEALTHY LOCALITIES IN THE NILGIRI DIVISION.

456. ***Mr. Abdul Latif Saheb Farookhi** : (*a*) Will the Government be pleased to state if it is a fact that the minimum rate of allowance or special pay sanctioned for the postal employees of the clerical cadre stationed in the specially unhealthy localities in the Wynaads and the Anaimalais in the Nilgiri Division is the same as that sanctioned for such officials working in the healthy localities on the Nilgiris excepting Ootacamund Head Post Office ?

(*b*) Are Government aware that the Madras Government have sanctioned as far back as the year 1923 higher rates of allowances for their subordinates of the clerical cadre in the specially unhealthy localities than the Post Office ?

(*c*) Is it a fact that the Postmaster-General, Madras, intimated to the General Secretary of the All-India Postal and R. M. S. Union, Madras, in reply to the Resolution No. 13, passed at the Seventh Session of the Provincial Postal and R. M. S. Conference held at Coimbatore in June 1926 that a proposal to enhance the rate of compensatory allowance was under consideration ?

(*d*) Will the Government be pleased to state how long the matter of revising the allowances for the specially unhealthy localities has been under their consideration ? What is the reason for the delay in coming to a decision ?

(*e*) Do Government propose to pay the postal officials of the clerical cadre allowances or special pay on a par with Local Government rates in the Madras Circle ? If not, why ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) Yes.

(*c*) Yes.

(*d*) The question has been under consideration since 1923, but owing to the heavy demands upon the finances of the Department in connection with allied schemes for revising the scales of pay of various classes of employees, it has not so far been found possible to remove the existing anomalies in the matter of these allowances. A general review of compensatory allowances and special pay is now in progress and proposals for the revision of these allowances, etc., will shortly be submitted to Government by the Director General.

(*e*) The question is under consideration.

GRANT OF COMPENSATORY ALLOWANCES TO POSTMEN AND THE LOWER GRADE STAFF STATIONED IN UNHEALTHY LOCALITIES IN THE MADRAS CIRCLE.

457. ***Mr. Abdul Latif Saheb Farookhi :** (*a*) Will the Government be pleased to state if it is a fact that the postmen and the lower grade staff stationed in the unhealthy localities in the Madras Circle are not granted allowance or special pay sanctioned for the clerical cadre ?

(*b*) If the answer to the above is in the affirmative, what is the reason for such discrimination ?

(*c*) Are Government aware that the Madras Government have sanctioned compensatory allowance to all classes of their subordinates stationed in such localities ?

(*d*) Do Government propose to pay compensatory allowance to the postmen and lower grade staff in those localities ? If not, why ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) The scales of pay sanctioned for postmen and lower grade staff in these localities are those accepted by Government on the recommendation of the Postal Committee of 1920.

(*c*) Yes.

(*d*) The question is being taken up as part of the general question of the revision of the pay and allowances of these subordinates.

LOCAL ALLOWANCE OF THE CLERKS OF THE HEAD POST OFFICES IN OOTACAMUND, ETC.

458. ***Mr. Abdul Latif Saheb Farookhi :** (*a*) Will the Government be pleased to state if it is a fact that the minimum rate of local allowance sanctioned for the clerks of the Head Post Office at Ootacamund is Rs. 12 and that that for the staff of the Willowbund and Kandul Bazaar Post Offices and the office of the Superintendent of Post Offices, Nilgiri Division, is Rs. 10 ?

(*b*) Are Government prepared to remove the anomaly, or if not assign reasons for maintaining disparity in the rate of allowance to officials stationed in one and the same town and within the same municipal limits ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) With the object of removing such anomalies, the existing rates of compensatory allowance and special pay are under review.

CHANGES IN THE PERSONNEL OF THE SUB-POSTMASTERS AND CLERKS IN EACH OF THE POST OFFICES LOCATED AT VALPARAI, ATTAKATTI AND CHERAMBADI IN THE NILGIRI DIVISION.

459. ***Mr. Abdul Latif Saheb Farookhi** : (*a*) Will the Government be pleased to lay on the table a statement showing for the last 5 years :

(*i*) the number of changes in the personnel of (*a*) the sub-postmasters, and (*b*) clerks if any,

(*ii*) the number of (*a*) sub-postmasters, and (*b*) clerks if any, who worked continuously for one year and more,

in each of the post offices located at Valparai, Attakatti and Cherambadi in the Nilgiri Division ?

(*d*) What is the amount of expenditure incurred by the Department for the last three years as travelling allowances for the officials deputed to each of the above offices ?

Mr. H. A. Sams : (*a*) (*i*). The number of changes in personnel in all three post offices for the last five years :

(*a*) Sub-Postmasters 54

(*b*) Clerks 22

(*a*) (*ii*) (*a*) 2 Sub-Postmasters at Cherambadi.

(*b*) *Nil.*

		Rs.	A.	P.
(*b*)	Attakatti	487	14	0
	Cherambadi	348	4	0
	Valparai	323	14	0
	Total ..	1,160	0	0

EXPANSION OF THE POST OFFICE BUILDING AT VALPARAI IN THE MADRAS CIRCLE, AND CONSTRUCTION OF QUARTERS FOR THE CLERKS.

460. ***Mr. Abdul Latif Saheb Farookhi** : (*a*) Will the Government be pleased to state the dimensions of (*i*) the office room, and (*ii*) the residential quarters of the sub-postmaster at Valparai ? Is that a notoriously unhealthy locality in the Madras Circle ?

(*b*) When was the office building constructed and what was the strength of the clerical establishment at that time ?

(*c*) Was the clerical establishment strengthened in subsequent years ? If so, in what years and by how many men in each of those years ?

(*d*) What is the area of space occupied by the furniture in the office room ?

(*e*) Is it a fact that some of the furniture and records are kept in the residential quarters of the sub-postmaster for want of space in the office ?

(*f*) Is it a fact that quarters have been built only for one clerk there ?

(*g*) Are Government aware that residential quarters are not available at Valparai even for exorbitant rent ?

(*h*) When were the annual repairs for the clerk's quarters and the office building last made ?

(*i*) Is it a fact that in spite of the remarks in the order book of the office made by the Postmaster-General and the Superintendents for the last many years regarding the inadequacy of accommodation in the office and for the Sub-Postmaster and clerks, no steps have been yet taken for the expansion of the post office building and construction of quarters for the clerks ?

(*j*) Are Government aware that the rest of the clerical staff is experiencing very great difficulty in finding accommodation for cooking, bathing, sleeping, etc., when the senior clerk occupies the quarters ?

(*k*) Are Government prepared to take up immediately the question of providing quarters for all the clerks and adequate accommodation for the office and the sub-postmaster ?

The Honourable Sir Bhupendra Nath Mitra : Government do not think it necessary to obtain all the details asked for in the Honourable Member's question in view of the fact that steps have already been taken for the expansion of the office and quarters and for the construction of additional quarters.

PROVISION OF FREE QUARTERS FOR CLERKS OF THE GUDALUR POST OFFICE IN THE NILGIRI DIVISION.

461. ***Mr. Abdul Latif Saheb Farookhi** : (*a*) Will the Government be pleased to state the date on which the residential quarters for the clerks of the Gudalur Post Office in the Nilgiri Division built by the Department were made available for occupation ?

(*b*) Did not the then Superintendent of Post Offices recommend to the Postmaster-General, Madras, that the clerks of that office should be given the quarters rent free owing to the notoriously unhealthy and other special conditions of the locality ?

(*c*) Is it a fact that for a period of two years from the date of occupation of the quarters, no recovery of rent was made from the clerks ?

(*d*) Is it a fact that orders were issued by the Superintendent in January this year directing the recovery of rent at 10 per cent. of pay of each clerk who occupied the quarters from the date they were taken over by the Department for use.

(*e*) Is it not a fact that the postal clerks of Valparai another notoriously unhealthy locality in the same division were exempted two or three years ago from paying rent for the residential quarters constructed there by the Department until such time as the scales of compensatory allowances were increased ?

(*f*) Were not also the amounts of house rent recovered from the clerks of Valparai refunded to them ?

(*g*) Do Government propose to provide free quarters for the clerks of the Gudalur Post Office as for those of Valparai and direct the refund of amounts recovered from them ? If not, why ?

Mr. H. A. Sams : (*a*) 1st August 1925.

(*b*) Yes. but the Superintendent did not base his recommendation on the unhealthiness of the locality, but on the scarcity of accommodation.

(*c*) No. The period was about 1 year and 3 months.

(*d*) Yes.

(*e*) Yes, not however for the reasons stated, but because the quarters were inadequate.

(*f*) No, as no recovery had been made.

(*g*) The matter is under consideration.

REFUND TO BABU RATIRANJAN SEN GUPTA, A SIGNALLER OF THE KHARAGPUR COMBINED OFFICE, OF RENT CHARGED FOR QUARTERS NOT OCCUPIED BY HIM.

462. ***Mr. Abdul Latif Saheb Farookhi** : (*a*) Has the attention of the Government been drawn to an article headed " House Accommodation—Kharagpur ", appearing at page 493 in the January 1927 issue of " Labour ", the organ of the Bengal Provincial Postal and R. M. S. Union, Calcutta ?

(*b*) Is it a fact that the two signallers of the Kharagpur combined office were compelled to occupy the quarters in the upper flat of the old telegraph office building ?

(*c*) Is it a fact that the quarters in the said upper flat were considered unsuitable for the telegraphists when there was a departmental telegraph office there and were not therefore occupied by the telegraphists who were paid house rent allowance in lieu ?

(*d*) Is it a fact that Babu Ratiranjan Sen Gupta, one of the signallers of the Kharagpur office, did not occupy the said quarters finding them unsuitable ?

(*e*) Is it also a fact that even when the quarters were not occupied Babu Ratiranjan Sen Gupta was made to pay 10 per cent. of his pay towards house rent ? If so, why was the recovery made from him ?

(*f*) Is it compulsory on the part of the officials to occupy Government quarters even if they are unsuitable and inconvenient for themselves and their dependents ?

(*g*) Are Government prepared to consider the question of refunding to Babu Ratiranjan Sen Gupta the sum recovered from him towards house rent for the period he did not occupy the quarters ?

Mr. H A. Sams : (*a*) Yes.

(*b*) There was no compulsion. On account of scarcity of residential accommodation in Kharagpur the quarters were allotted to two signallers for occupation on payment of rent.

(*c*) No.

(*d*) and (*e*). Information is not yet available. It will be communicated to the Honourable Member on receipt.

(*f*) No not if the quarters are really unsuitable.

(*g*) The question will be considered when the facts are known.

GRANTS TO RECREATION CLUBS FOR POSTAL AND TELEGRAPH EMPLOYEES.

463. ***Mr. Abdul Latif Saheb Farookhi** : (*a*) Will the Government be pleased to state the number of recreation clubs in existence on the 31st March 1927 for officials in the (*i*) Postal, (*ii*) R. M. S., and (*iii*) Telegraph Departments in India and Burma to which departmental grants are made ; and the amount of grants made to each class of recreation clubs during the last 5 years ?

(*b*) Are the grants made from any special fund or from the revenues of the Postal and Telegraph Department ?

Mr. H. A. Sams : (*a*) (*i*) *Nil.*

(*ii*) *Nil.*

(*iii*) 47

The grants made to the Telegraph Recreation Clubs during the last five years were :

Year.	Rs.
1922-23	1,875
1923-24	1,430
1924-25	2,150
1925-26	3,445
1926-27	2,755
Total ..	11,605

(*b*) From the revenues of the Posts and Telegraphs Department.

AMOUNT OF FINES RECOVERED FROM POSTAL, R. M. S. AND TELEGRAPH EMPLOYEES.

464. ***Mr. Abdul Latif Saheb Farookhi** : (*a*) Will the Government be pleased to state the total amount of fines inflicted and recovered from the Postal, R. M. S. and Telegraph employees for the years 1922-23, 1923-24, 1924-25, 1925-26 and 1926-27 ?

(*b*) Is there any " Fines Fund " in the Postal and Telegraph Department ? If not, under what head in the accounts are the amounts credited ?

(c) Are Government prepared to consider the question of instituting a Fines Fund as in some of the Railway companies ?

Mr. H. A. Sams : (a) The collection of the information asked for would involve a detailed examination of the establishment pay bills of all offices for the past five years. From statistics collected, however, in another connection, it has been ascertained that during the three years ending February 1927, the average annual amount of fines recovered from the Postal, R. M. S., and Telegraph employees was Rs. 15,882.

(b) There is only one such fund maintained, namely, that in respect of the workmen employed in the Telegraph Workshops at Alipur. In all other cases the amounts recovered on account of fines are credited to Government.

(c) The matter is under consideration.

APPOINTMENT IN THE SELECTION GRADE OF THE BOMBAY GENERAL POST OFFICE OF TWO INSPECTORS OF THE FOREIGN MAIL DIVISION.

465. ***Mr. N. C. Kelkar** : Will Government be pleased to state :

(a) whether Inspectors of Post Offices or the Railway Mail Service were eligible to be graded with the selection grade officials or transferred to the selection grade before they reached the minimum pay of the selection grade ;

(b) whether the first selection grade of the Bombay General Post Office is a self-contained cadre ;

(c) whether two qualified Inspectors of the Foreign Mail Division are provided for in the selection grade of the Bombay General Post Office, overriding the claims of hundreds of senior men in that office ;

(d) whether the Bombay Presidency Postal and R. M. S. Association protested against the importation of these officials in the Bombay General Post Office, and requested their provision to be made only as Inspectors of Post Offices or R. M. S. and not in the selection grade ;

(e) whether both the Inspectors of Foreign Mails Division were confirmed in the selection grade of the Bombay General Post Office, as Accountant, Foreign Parcel and Joint-Head-Clerk, Foreign Post ;

(f) whether the request made by the Association was refused on the ground that the duties of the Inspectors of Post Offices and Foreign Mails Division were " Quite different " ; and if so, whether the duties of Inspectors of Foreign Mails Division and the Accountant, Foreign Parcel and Joint Head Clerk, are not still more different ;

(g) what were the grounds of their appointment in the selection grade of the Bombay General Post Office ;

(*h*) whether it is a fact that at the time of their transfer to Bombay General Post Office one unpassed official was working as Inspector in the Foreign Mails Division and whether this official was examined after the protest and was "adjudged" as passed; and

(*i*) whether any selection grade appointments in the Foreign Mail Division were transferred to the Bombay General Post Office and, if not, whether it is proposed to retransfer these Inspectors to the Foreign Mails Division or Railway Mail Service with a view to remove discontent amongst the officials of the Bombay General Post Office?

The Honourable Sir Bhupendra Nath Mitra: The information is being collected and will be supplied to the Honourable Member in due course.

APPLICABILITY OF THE PROVISIONS OF THE INDIAN EMIGRATION ACT, VII OF 1922, TO MEN RECRUITED FOR SERVICE IN THE PORT OF ADEN.

466. ***Sir Purshotamdas Thakurdas**: (*a*) Will Government be pleased to state if it is a fact that they are considering the question of the applicability of the provisions of the Indian Emigration Act, VII of 1922, to men recruited for service in the Port of Aden?

(*b*) If the reply to the above be in the affirmative, will Government be pleased to state why they consider this to be necessary, and whether they are doing this on their own initiative or under instructions from His Majesty's Government?

Mr. G. S. Bajpai: (*a*) No.

(*b*) Does not arise.

SAFEGUARDING OF THE INTERESTS OF INDIANS IN PANAMA.

467 ***Khan Bahadur Sarfaraz Hussain Khan**: (*a*) What is the total number of Indians in Panama?

(*b*) In view of the passing of the Panama Immigration Law by the Panama Republic, will Government please state what steps they propose to take with a view to safeguard the interests of the Indians residing in the Republic (*vide* starred question No. 525 on the 21st February 1927)?

Sir Denys Bray: (*a*) About 300.

(*b*) As the result of representations by His Majesty's representative the Panama authorities have promised to amend the immigration law so as to enable Indian residents, who may temporarily leave the country, to return. In the meantime they have stated their intention to administer the law with "benevolent leniency".

EXCLUSION OF INDIAN SEAMEN FROM THE UNITED STATES OF AMERICA UNDE THE NEW AMERICAN IMMIGRATION BILL.

468. ***Khan Bahadur Sarfaraz Hussain Khan**: (*a*) In view of the Government reply "Inquiries have been made but no official confirmation

has yet been received " in reply to starred question No. 542 on 21st February 1927, regarding the exclusion of Indian seamen from the United States of America under the new American Immigration Bill, will Government please state if they have received the official confirmation ?

(*b*) If so, will they please communicate the result of inquiries to the House ?

The Honourable Sir George Rainy : The Bill was not passed during the last Session of the Congress, and it is understood that it has now lapsed.

RECRUITMENT FOR THE INDIAN CIVIL SERVICE FROM 1922 TO 1927.

469. ***Khan Bahadur Sarfaraz Hussain Khan** : 1. (*a*) With reference to Government reply " The recruitment for the year 1926-27 is not yet complete " to starred question No. 587 on the 25th February, 1927, regarding nominations to the Indian Civil Service, will Government please state if the recruitment for the year is complete now ?

(*b*) If so, will they please communicate the result to the House ?

2. Will Government please state the total number of candidates recruited for the Indian Civil Service province by province, both by competition and nomination since the present system came into force ?

The Honourable Mr. J. Crerar : In the year 1926-27, 29 Europeans and 20 Indians have been recruited for the Indian Civil Service by competition, and 7 Indians (including 4 Burmans) by nomination. One Mussalman was recruited by competition and two by nomination.

2. I assume that the Honourable Member refers to the province of origin, and place a statement on the table prepared on this basis. The Honourable Member is doubtless aware that candidates are not in all cases posted to their province of origin.

The total number of candidates recruited for the Indian Civil Service since 1922 is 188.

The total number of Indians recruited since 1922 and their provinces of origin, so far as can be ascertained, are as follows :

Province.	By competition.	By Nomination.	Total.
Madras	24	..	24
Bombay	18	1	19
Bengal	17	1	18
U. P.	11	3	14
Punjab	10	4	14
Burma	1	8	9
B. & O.	3	2	5
C. P.	3	1	4
Assam	..	1	1
Total . .	87	21	108

STATEMENT OF BUSINESS.

The Honourable Sir Basil Blackett (Leader of the House) : Sir, with your permission I desire to make a statement regarding Government business for next week. On Monday, the 29th August, a motion will be made to take into consideration the Gold Standard and Reserve Bank of India Bill as reported by the Joint Committee and the remaining days of the week, namely, the 30th and 31st August and the 1st and 2nd September have been allotted for its discussion. If the discussion on that Bill is concluded earlier, a motion will be made to take into consideration, and if that motion is carried, to pass the Imperial Bank of India (Amendment) Bill, as reported by the Joint Committee. If time should permit, thereafter, a motion will be made to take into consideration, and if that motion is carried, to pass the Criminal Law Amendment Bill which was introduced yesterday.

12 NOON

RESOLUTION *RE* IMPROVEMENT AND EXPANSION OF BANKING FACILITIES.

Mr. President : The House will now resume the further discussion of the following Resolution moved by Mr. Sarabhai Nemchand Haji on the 10th February, 1927 :

"This Assembly recommends to the Governor General in Council that a Commission consisting of a majority of Indian members with an Indian Chairman be appointed to investigate the present position of the banking institutions, facilities and conditions in India and to make recommendations for their improvement and expansion, with particular reference to the provision in adequate quantity and appropriate form of the capital or finance necessary for the development of the industries and agriculture of India."

Mr. M. S. Sesha Ayyangar (Madura and Ramnad *cum* Tinnevelly : Non-Muhammadan Rural) : Sir, it may be in the recollection of this House that when the Honourable Mr. Haji moved this Resolution in last Delhi Session, he made out a clear and convincing case showing why his Resolution ought to be accepted by this House. He also charged the Government with indifference and inaction in this matter, and the Honourable the Finance Member repudiated that charge by suggesting that since the inauguration seven years ago of the Imperial Bank of India and the establishment of over 100 branches of this Bank the Government had done its duty in the matter. It was further said that the war loans granted during the war and the raising of the Government loans since 1922 had also facilitated the development of banking institutions in this country. It was further urged that the Post Office Savings Bank Account and the Postal Cash Certificates had also helped the country in promoting banking facilities in this country. I am afraid, Sir, that none of these things really touches the fringe of what is involved in my friend Mr. Haji's Resolution. What he wants, as I see from his Resolution, is the grant of an inquiry "to investigate further the present position of the banking institutions, facilities and conditions in India and to make recommendations for their improvement and expansion with particular reference to the provision in adequate quantity and appropriate form of the capital necessary for the development of the industries and agriculture of India." Now, Sir, I do not know what section of the population really is served by the Imperial Bank of India and its several branches. I really do not understand to what

[Mr. M. S. Sesha Ayyangar.]

extent the Imperial Bank and its several branches are able to meet the needs and requirements of 7 lakhs of villages and over 2,000 towns in this country which are bankless, and how far this institution is able to help the joint stock and other concerns in this country. What is really involved in the Resolution is that something must be done by Government by starting an inquiry, if need be, and then determining the measure that might be considered necessary for the expansion of banking facilities and for promoting agriculture and other industries in this country. I submit, therefore, Sir, that none of the measures suggested by the Honourable the Finance Member really touches the fringe of this question.

No doubt, the Honourable the Finance Member expressed his sympathy for the Resolution, and he said that he also felt the imperative need for an inquiry of this kind, but he added that the time was not yet ripe ; in fact, he said, it was too early to think of the nature of an inquiry of this character or even the personnel of the inquiry. In furtherance of that argument, he said that we have the Reserve Bank Bill on the anvil of the Legislature and that there is also the Agricultural Commission sitting now, and therefore we might await the result of these two and then think of the necessity of starting this inquiry. Now, Sir, so far as the Reserve Bank Bill is concerned, no doubt it was just now announced that it might come up next week or the week after. I also feel that the Honourable the Finance Member is very sincere in his belief that this Bill of his is really a panacea for all the Indian ills, either economic, financial banking or currency. I wish I shared in that belief ; but unfortunately I differ from him *in toto*. Even assuming for argument's sake that all the amendments of which he has given notice about the Reserve Bank Bill are carried, so long as the facilities sought to be given to the Imperial Bank of India under the separate amendments regarding the Imperial Bank of India are there, I rather feel strongly that all these things would really stifle or retard the growth of banking institutions rather than develop indigenous banking in this country. So that, there is absolutely no use, I submit to the House, in waiting to see what becomes of this Bill ; and further I am not sure as to the fate of this Bill or even as to the form in which it might ultimately emerge from this House. I therefore do not think that there is any good ground at all why this enquiry should be deferred on account of the consideration of the Reserve Bank Bill which is impending.

Next it was submitted to the House that we might as well wait till the Report of the Agricultural Commission was published. Now, I want to put to the Honourable the Finance Member whether the terms of that Commission do really cover the ground that is sought to be involved in this Resolution. If that were so, if only a frank statement had been made to that effect, it would have set matters right, but inasmuch as the terms of reference to the Royal Agricultural Commission do not include what is sought to be covered by this Resolution, I do not see again any reason why we should wait till the Report of the Royal Agricultural Commission is out.

Lastly, urging these grounds, the Honourable the Finance Member gently persuaded the Honourable Mover not to press this Resolution. I do not know if the Honourable Mover is going to be successfully seduced to that position—I do not think he is. I submit, therefore, that I have very good reasons to support this motion, and I would request the House to carry it.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : **Sir, I** want to support this motion on the basis of some personal knowledge and experience of the working of one of the biggest joint stock Indian banks and of the difficulties under which Indian banking in general suffers at the present day. I do not want to prolong the debate as I find that the Honourable the Finance Member has in a way given promise of an early inquiry in the matter. Speaking on the 10th February, he said :

" Speaking for Government, I am prepared to say that the Government are most desirous that immediate steps should then be taken by some means or other to start a searching inquiry into banking facilities in India and the best means for improving them."

That statement would have been satisfactory if he had not laid down certain other conditions, and made certain other observations which raise a fear that the inquiry contemplated by this Resolution might be postponed indefinitely. First of all, I think he labours under a misapprehension about the intentions of the Mover when he in the last sentence said :

" I rather doubt if the House would care to commit itself to that Resolution as it actually stands with the demand for a Royal Commission at this particular moment."

That is not the demand of the Mover as far as I have been able to ascertain from him. No doubt, he has used the word " Commission " in the Resolution, but that does not mean a Royal Commission. It may be any Committee or Commission which the Honourable the Finance Member may think fit to institute for the purpose of making the inquiry which the Honourable Mover asks for. Therefore, the fear that this House will commit itself to the appointment of a Royal Commission should not deter Members from voting for the motion as it stands now.

I want to emphasise, Sir, the necessity of such an inquiry at an early date, because it is held even by the Honourable the Finance Member that the economic progress of the country depends upon providing adequate banking facilities. In the opening part of his speech on the 10th February he said " Idle money means idle manhood ". Then further on he said :

" If the Government of this country, or any Member of this House knew means by which we could induce the people of this country to make their savings available for the development of their country, we should be contributing to the future of this country a boon far exceeding any that any existing or previous Government has given or that even a Swaraj Government will be able to bring.

Well, Sir, this is a Resolution which has the same object as the Honourable the Finance Member has at heart. But if the Government continues to postpone this inquiry from day to day under one pretence or other, then that day will never come nearer, because I know from personal experience that, unless a sifting inquiry is made into the existing conditions of Indian banking, no such improvement as is desired both by the Government as well as by the people for the development of Indian banking is possible.

I know, Sir, the difficulties under which Indian banking has suffered throughout, and for these difficulties the Government is also partly responsible—I do not say wholly responsible but partly responsible. I know from personal experience that during the Indian banks failures in 1913, several banks failed for want of sympathy and help on the part of the Government. I was at that time concerned with the management of the Punjab National Bank, one of the biggest banks in the Country, which has as many as 34 branches scattered all over the country. It was with great difficulty

[Lala Lajpat Rai.]

and in the absence of any sympathetic help from the Government and the Government Bank at the time—I considered the then Bengal Bank the Government Bank—that we tided over a crisis at that time. It is that knowledge which deters many investors, particularly small investors, from giving their money over to the Indian Banks. No amount of branches opened by the Imperial Bank will solve that problem for them. The small Indian investor is not likely to go and invest his money in the Imperial Bank or in any of these European managed banks. I know that the European managed banks have not been looking at the Indian banks, even the joint stock banks, with a favourable eye. They have been trying to discredit them and to say to people that they should not trust these Indian banks. An inquiry of this kind will help the small investor as well as the big investor to know how the Indian banks stand. If they could be assured, under reasonable conditions and on reasonable terms, of the sympathetic attitude of the Government towards Indian banks in times of crises, the small investor will be encouraged to put his money in the Indian banks, and it is these Indian banks alone that can properly take the money of these small investors. The Imperial Bank with its highly paid machinery will be unable to solve that problem at all. Therefore, in the interests of the Indian banking industry, it is necessary that such an inquiry should be hastened, should be proceeded with at an early date though I am quite in agreement with him as to the undesirability of having the matter sifted by a Royal Commission. I agree with him that these Commissions are not very cheap things ; on the contrary they are very expensive things and the cost incurred on them is entirely disproportionate to the benefit they bring to the tax-payer by their conclusions. In fact in most cases the tax-payer has to pay very heavily for that inquiry and also for the carrying out of the conclusions which these Royal Commissions arrive at. Therefore, that is not what the Honourable Mover wants or what this House wants to commit itself to. What we want is a committee of experts and non-experts to inquire into the conditions at present existing in Indian banking and to provide such facilities and checks as will encourage small investors and those people who have money to invest, to go and invest their money in these banks under certain guarantees. I think the Government will be well advised to provide after such an inquiry certain checks upon the auditing of these banks and also upon their investments, such as will assure the small investors about their safety. At present, while the European managed banks do not attract the Indian investor, they are rather afraid of entrusting their savings to Indian banks as well because of so many failures in the past, and because they know that at present legislative provisions do not exist that provide such a necessary check or restrictions on their investments as will put heart into the small investor to go and put his money into these banks. We know the Government is anxious to make this enquiry, but mere statements of anxiety and mere good wishes will not help us. We want a speedy inquiry into this matter, as soon as possible. It should not be postponed from time to time under one pretence or another, either one referring to the Agricultural Commission or the Reserve Bank Bill. As my friend Mr. Sesha Ayyangar said, these questions even if solved properly are not going to solve all the problems. The problem is an extensive one and it will take time to go into it. I therefore desire that the Government should give us a more definite assurance about the time when they are going to institute that inquiry, and to appoint a committee for the purposes of the inquiry contemplated by the

Resolution moved by my friend. I have every sympathy with the Resolution and I hope the House will accept it.

Mr. R. K. Shanmukhan Chetty (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Sir, my Honourable friend, Mr. Haji, had done a distinct service in calling the attention of the House to the need for a comprehensive inquiry into the banking facilities that exist in India at present. Honourable Members will recollect that this is not the first occasion when this question of the need for such an inquiry has been brought to the notice of the Government of India and the Indian public. As far back as 1914, the Chamberlain Commission drew the attention of the Government to this aspect of the question of monetary reform in India. Again, the Indian Industrial Commission in 1918, drew the attention of the Government and the public to the necessity for increasing banking facilities in India if Indian industries were to develop at all in this country. Again, in 1919, the attention of the then Imperial Legislative Council was drawn to this question by a Resolution moved by a non-official Member ; and at that time the spokesman of Government accepted the Resolution and gave an undertaking that the inquiry would be started in the very near future. Again, in 1923, the matter was brought up for discussion in another place, and there again, the Resolution was unanimously adopted by that body. And, lastly, in 1925, the External Capital Committee again drew attention to the necessity for such an inquiry. My Honourable friend, Mr. Haji, rightly complained that the Government of India, though they on these different occasions expressed their sympathy with the object underlying the Resolution and gave an undertaking that the inquiry would be started, have practically done nothing. And my Honourable friend, Sir Basil Blackett, in the speech which he delivered on the last occasion, observed that my Honourable friend Mr. Haji was not justified in levelling this charge against the Government of India. I am afraid, Sir, the Honourable the Finance Member has not convinced this House that the Government of India have yet taken any very definite steps towards the starting of such a comprehensive inquiry.

The latest pronouncement on the subject, as I said, is the recommendation of the External Capital Committee and that recommendation runs as follows :

> " India possesses a vast store of dormant capital awaiting development and in order to make this available for investment banking facilities ought to be increased and extended. The examination of various technical measures suggested in the replies with this object is outside the scope of the Committee, but we would emphasise the importance of a co-ordinated survey being undertaken at the earliest opportunity of the whole field of banking in India. This could be followed by a detailed examination by an expert committee or committees on the lines along which progress should be effected."

It was in 1925 that this recommendation was made by the External Capital Committee. They suggested that a co-ordinated survey must be undertaken at the earliest opportunity of the whole field of banking in India, and they said that this survey must be followed by a detailed examination on the lines along which progress should be effected. My Honourable friend, Sir Basil Blackett, the other day gave an account to this House of the action that he took as a result of this recommendation of the External Capital Committee. What was it that the Honourable the Finance Member did ? As a result of this recommendation the Honourable the Finance Member delivered a very interesting lecture on banking to the Delhi

[Mr. R. K. Shanmukhan Chetty.]

University and in that lecture he gave a very lucid exposition, as he always does, of the needs of banking in India and the lines along which reform must be undertaken. Beyond this, I submit, he has not devoted as much attention to the question as the importance of the subject deserves. Sir, in dealing with the question of increasing banking facilities, the Honourable the Finance Member dealt with various aspects of the question. He pointed out that with a view to increase the investing habit of the Indian people he had taken great pains to popularise the Post Office Cash Certificates. I recognise that by the introduction of this system of Post Office Cash Certificates and by the steps that have been taken to popularise them a great advance has certainly been made in encouraging the investment habit of the Indian people. But in this connection I should like to point out to him whether, after all, he has done wisely in reducing the interest rate on the Post Office Cash Certificates. No doubt, when the interest rate stood higher, somewhere in the neighbourhood of 6 per cent., probably the Post Office Cash Certificates system was availed of by the larger investors rather than by the smaller investors. But I have a suspicion that, as a result of the drastic cut in the interest rate, the popularity of the Cash Certificate has been jeopardised. I would, therefore, ask the Honourable the Finance Member to consider, in the light of the experience gained after the reduction of the interest rate, whether it would not be worth while to increase it slightly.

The Honourable the Finance Member then dealt in his lecture with the need for banking education and I must congratulate him on having succeeded in bringing into existence the Indian Institute of Bankers, and I hope that this new institution that has come into existence will be of great help in promoting banking education in this country. He has also taken the right step in removing the stamp duty on cheques and also in introducing the Negotiable Instruments Bill which is now before a Select Committee. In this connection I would like to draw his attention to the need for early action in abolishing the stamp duty upon *hundis* also. I know that the Honourable the Finance Member feels the necessity for bringing about this reform and I hope that he will take steps to bring about this reform at an early date.

There is another aspect of this question of banking in India which has not yet been discussed and gone into, and that is the question of providing long-term credits for industrial and agricultural purposes. So far as the question of providing long-term credits for agricultural purposes by the creation of land mortgage banks and such other institutions is concerned, the Honourable the Finance Member is evidently of opinion that the result of the enquiry of the Royal Commission on Indian Agriculture must be awaited. I am prepared to concede that what the Royal Commission on Agriculture will have to say on this subject would be very useful in determining the ways by which we may give facilities for long-term credits. There is also another aspect of the question which to my mind has not yet been dealt with at all, and that is the co-ordination of indigenous banking and banking methods with the more advanced western system of banking. In the evidence that Governor Strong gave before the Royal Commission on Indian Currency and Finance, he said about the indigenous system of banking in India :

"I would liken it, if you please, first to the construction of a foundation for a superstructure, and the foundation for a central banking system in India to my mind must be carefully introduced among, and interwoven with the existing

banking practices, the existing customs of business, the existing methods of Government in managing its fiscal affairs and the existing business that India conducts, but that it should not be applied, as was done to a considerable extent in America, as a sort of forced readjustment of methods.''

This question of studying the relation of indigenous banking and banking methods to the more advanced western methods of banking, to my mind, seems to be the most important that this Committee, if, and when, it is appointed, must undertake. I do not see why the appointment of this Committee which is asked for in this Resolution should be postponed till the Reserve Bank Bill is passed. I do not know whether it was the intention of my Honourable friend, Mr. Ayyangar, that this question should be postponed till the Reserve Bank Bill is passed by this House, or till the Reserve Bank actually comes into existence. If the Reserve Bank Bill passes this House in this Session, the Reserve Bank itself will probably be established on the 1st July 1928, and I do not see how, even if this Committee is appointed immediately after the 1st July 1928, the new Reserve Bank, which would just have been started, would be in a position to give any material assistance to this Committee. I hope Government will realise that this question of an enquiry into banking facilities in India has been postponed for a very long time, that Government have been, in fact, shirking such an enquiry, and I do hope that the Honourable the Finance Member will realise the urgent necessity of appointing a Committee at as early a date as possible to undertake this much needed survey of banking in India.

Mr. K. C. Roy : (Bengal Nominated Non-Official) : With your permission, Sir, I will first move the amendment that stands against my name:

'' That at the end of the Resolution the following be added :—

' and also to report what, if any, measures are desirable to regulate and control banks and banking business in this country ' ''.

Sir, the subject which my amendment initiates is by no means a new issue. It was discussed in the old Imperial Legislative Council in the year 1914, and among the old Members present to-day I notice my Honourable friend, Pandit Madan Mohan Malaviya, who, I am sure, will recall the debate. The debate arose out of a series of bank failures to which my Honourable friend, Lala Lajpat Rai, has briefly referred. My Honourable friend, Mr. Sesha Ayyangar, has reminded the House that it was on the 10th February of this year that my Honourable friend, Mr. Haji's Resolution was partially discussed and the last speaker was the Honourable Sir Purshotamdas Thakurdas. In concluding his speech, Sir Purshotamdas Thakurdas said :

'' The Indian investor, Sir, in banking institutions has proved to be childlike, oversuspicious, easily misled, and not treating these banking institutions with that seriousness and confidence which alone can give India successful banking institutions.''

I am only sorry that my Honourable friend had no time to develop this theme. What is the cause of this shyness ? If we look back to the history of India since 1913, what do we find ?

There has been a series of banking failures causing immense financial crisis and distress to many humble investors. My amendment only aims at protecting those investors. Against fradulent Bank Managers and bad creditors. There is not a single Province or Presidency which was not affected. In the province in which the House is sitting there

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have been not less than 12 bank failures. I shall only name 4—two banking institutions which were controlled by Mr. Harkishen Lal, and the Allience Bank of Simla, and the Punjab Banking Corporation. I shall go to the neighbouring province of the United Provinces. There was the failure of the Bank of Upper India. Going to Burma, there was the failure of the Bank of Burma. I will go to my own province, Bengal. There is the regrettable failure of the National Bank which only took place the other day. What have the Government done since to restore public confidence ? We were told in 1914 by Sir William Clark that they were waiting for the termination of the liquidation proceedings. The liquidation proceedings are unhappily continuing even to-day. These bank failures have given a new harvest to liquidators. We were promised that the Local Governments would be consulted, and as soon as the consultations were over, they would consider the necessity of a special inquiry or any other Government action which might be deemed to be in the interests of investors. But nothing has been so far done. I feel that my friend Mr. Haji's Resolution has given an excellent opportunity to the Finance Minister to redeem the promise which was held out in 1914. I am quite sure that Sir Basil Blackett will not lose this opportunity. Much has been said against the attitude of Sir Basil Blackett in regard to the institution of the inquiry which has been suggested by my friend Mr. Haji. The House will forgive me if I put in a word on behalf of Sir Basil Blackett, although he is quite able to take care of himself. I have known him for four years. He is ever industrious, ever busy and no Finance Minister has had a more strenuous time than he has. If he had delayed the solution of the question, it is not because he does not like it but it was inevitable. Sir, I move my amendment.

Mr. N. C. Kelkar : (Bombay Central Division : Non-Muhammadan Rural) : I rise to support the Resolution of my friend Mr. Haji. In doing so I wish first of all to say this. I am quite aware that the attention of Government has been already directed to the importance of this question. and the recommendations of the Currency Commission also may be taken to be an indication in the same direction. The Commission said :

"We should welcome any steps which can be taken in the direction of making an extensive and scientific survey of banking conditions in India. In any scheme of banking reform that may be planned, we trust that due emphasis will be laid on the provision and extension of cheap facilities to the public, including banks and bankers, for internal remittance."

Since this Report steps have been taken to bring a Reserve Bank into being. This is not the place for saying anything about the Reserve Bank. I can say this, at any rate, that by bringing that bank into being the question of banking facilities for the up-country and the mofussil and the small investor is not going to be tackled. Then again, it is said that something is expected in this direction from the Report of the Agricultural Commission. Personally I do not expect that the Agricultural Commission will help us by its recommendation to a large extent in the particular direction to which this Resolution is directed. I am conscious that the Agricultural Commission is bound to make certain recommendations which will go to a certain extent to help the agriculturist. But the agriculturist is not the only person who is covered by the Resolution. There are other people who have to be thought of and

the question will not be solved in my opinion by the recommendations of the Agricultural Commission. Then, there is the question of facilities to be given to the co-operative banks ; because those are also banks to be considered along with other banks. If I may anticipate a certain matter for a limited purpose I may say this that the majority report on the Reserve Bank Bill does provide for one director to represent provincial co-operative banks. Since then I have seen an amendment put in which, in my opinion, restricts the scope of that amendment and makes it applicable only to the protection of agricultural interests. But I think urban depositors, urban unions and urban co-operative societies have also got to be though of in this connection. In this Bill again it will be found that the indigenous and joint stock banks go without any representation on the Reserve Bank and, therefore, you cannot say that the Reserve Bank will take adequate care and give adequate protection to the interests of the joint stock banks and indigenous banks. Then it is said that the Imperial Bank has extended its branches on a wide scale. In spite of that, I do not think that it has successfully established a point of contact with the small investors and the small savings man in the mufassil and up-country. If Sir Purshotamdas Thakurdas were here he might perhaps have corrected me if I made any misstatement ; but judging from my little experience I can say this that the Imperial Bank is not a popular institution up-country and in the mufassil. I am quite aware that the Imperial Bank does minister to the wants of a certain class of people, namely, those people who want loans ; and I am conscious again that the Imperial Bank does accommodate these needy people at a rate of interest which is lower than what they may get anywhere else. But there is something also to be said to the contrary. Even taking into account, that the Imperial Bank accommodates those who want loans at a smaller rate of interest, my point in this connection is that if you really want to advance banking facilities and banking habits in the up-country you should take care of only those people who want loans. I cannot make a calculation, but I may say off hand that perhaps only 5 per cent. of those who have got dealings with the Imperial Bank may require loans ; and they again will be people who have got securities or gold or such other things and can offer that security and get loans. But what about the 95 cent. who cannot have adequate banking facilities in the up-country ? It is a matter of common knowledge that the Imperial Bank does not maintain a good point of contact with the small depositor in this that it refuses to give interests on current and small deposits. This is exactly the thing I should say that the Imperial Bank should do if it wants to attract small depositor and the small savings man. It should offer adequate and proper interest on the deposits, and this it should be able to do in view of the fact that the bank gets a very large amount of assistance from Government balances. With regard to the branches established by the Imperial Bank it is my opinion that the working of these branches is not successful and it has been stated that these branches are not being run at a profit but at a loss. The reason in my opinion is that there is extravagance and a highly paid supervising staff with regard to the management of these banks.

Other banks I suppose would do the same business with a little less cost. Therefore, Government must see to it that the Imperial Bank should not only extend its business in the mufassil but the bank should be

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advised to economise its expenditure so that the extension may go on with greater rapidity. Government have already taken one important step in this matter, namely, the removal of the stamp duty on cheques. I quite recognize that, but that is not enough for the purpose which is at the bottom of the Resolution brought by my friend Mr. Haji. In this connection I would quote Sir Phiroze Sethna, who is the Chairman of the Central Bank in Bombay, one of the largest banks in India. Speaking of the Bankers Institute he says :

"Our Indian youths aspiring to high offices in the banking line also read for the qualifying examinations of the Institute. They are, however, at a great disadvantage in this respect, inasmuch as while the curriculum of studies includes such subjects as English Banking, Law and Practice, and the Bill of Exchange Act, for their daily duties they are required to know the Indian Law and Practice of Banking and the Law and Custom regarding Local Bills and Hundies which subjects naturally do not form part of the curriculum of studies for the examinations of the English Institute. An Indian Institute of Bankers will do away with this anomaly. But we shall look forward to the Institute, if established, not only for educational facilities for students but for a general diffusion of the knowledge of the theory and practice of Banking among the people and for measures for the adoption of common banking practice and procedure."

I would advise the Government in this connection to imitate what is being done by the Provincial Governments as a parallel in respect of giving aid on a substantial scale to co-operative institutions whose main functions and purpose is not to do any co-operative business as such but to diffuse a knowledge of the co-operative movement in the country. I call upon the Government of India therefore to do something like this and to come forward with a generous offer of assistance to any central banking institute which is prepared to serve this purpose. Now, I do not wish to say much with regard to the Reserve Bank Bill. It is well known that we are in a state of transition and we also know that the transition stage is a period of crisis for some people. In this respect I may say this, that while we have before us a Reserve Bank at the top what we find at the bottom is that the private banker is fast losing ground and corporate indigenous banks are not taking his place. I had a specific complaint the other day from a private banker who has been doing all his life business as a *hundi wallah*. His complaint was that owing to the facilities given by Government of adjustments and transfers of money on their treasuries the *hundi wallah* is fast losing his business. I should like to state clearly that I do not stand here, and I do not plead here, the cause of the private *hundi wallah*. In course of time he is bound to go, and I should like to see him go, because I am anxious that corporate bodies of banking should take the place of private *hundi wallahs* who can charge rates without any limit. But my present point is that the Imperial Bank which gets the benefit of large Government balances at very low rates is actually competing even with the private *hundi wallah*, and, of course, also with other indigenous banks. I therefore bring this point to the notice of the Finance Member and request him to suggest a remedy if he can think of one.

Now the Resolution is important in this respect that India is far more backward than other countries in the matter of banking facilities. Government must of course be aware of this, but I will just give a few figures in this connection. I will quote the case of America because that country has been taken as a model for our Reserve Bank, but on the other hand you will see the great difference in banking facilities which

the two countries enjoy. There is one bank in India for about 7,000 villages. There are 670 banking offices in 267 towns out of 2,300 towns. Of these 670 offices 177 are in about 11 towns, 96 are in small towns and the rest are in towns with one office each. On the other hand America has got 35,000 banking offices for a population of 11 crores. Now with regard to England, owing to the recent fashion of amalgamation of small banks, the actual number of banking offices in England has of course decreased, and the figures I am quoting are for 1911 from Sykes on Banking. In that year there were 6,413 banking offices in England, or one to every 5,630 of the population. Just compare that with India where I think there is one banking office for about 5 lakhs of people. That at once gives an idea of the great difference which exists with regard to banking facilities between America and England and India. And if you take America as a model for India in connection with the Reserve Bank, you ought certainly to do much more in the way of establishing banking facilities in India.

With regard to the Imperial Bank, of course, I have already expressed my opinion. In the joint memorandum presented by the Central Bank, the Allahabad Bank, the Bank of India and other banks the same thing has been clearly pointed out. I know that that is also opinion of the Chairmen of several indigenous banks, namely, that the Imperial Bank is unnecessarily competing with them. I think even the Exchange Banks also have a grievance in this respect. I have of course stated the Indian view, but if the Finance Member would like to hear the non-Indian view I can refer him to *Times of India* of a recent date, the 29th September, 1926, in which the editor says this :

"Sir Basil has been a keen advocate of the extension of banking facilities and the banking habit in India. Does he appreciate the point that the present proposals to allow the Imperial Bank to operate as an ordinary commercial bound, absolutely unfettered in all its activities, will tend to stifle further banking development in this country and will force out of existence such local banks as now exist."

And with regard to the unfair competition carried on by the Imperial Bank the same writer observes :

"What we have to bear in mind is that this is a country the bulk of whose population is illiterate. If banking ideas and banking habits are to filter through to this huge population it must be through institutions that are by and of, the people. We put it to Sir Basil Blackett that his present proposals to make the Imperial Bank with its huge resources go out as a free lance into the banking field would prevent the growth of small peoples' banks all over the country, and drive the existing ones sooner or later to the verge of extinction. Does Sir Basil consider this desirable ?"

Mr. President : Order, order. The Honourable Member has exceeded his time.

Some Honourable Members : I move that the question be now put.

Sir Victor Sassoon : (Bombay Millowners' Association Indian Commerce) : Sir, we are all agreed, as I take it, that indigenous banking in this country should be developed, and therefore, on the face of it, one might wonder why this present motion cannot be accepted by the Government, and a committee of inquiry, which I understand is what is wanted, appointed. The reason given, if I have understood the Government point of view rightly, is that the ground to be covered is so large, the information required so great, the information existing so little and what does exist probably not available, that the time taken would be too long, so it would not be practicable to appoint a committee at once,

[Sir Victor Sassoon.]

because their labours would have to be so extended that they could not send a report in in a reasonable period of time, and consequently the expense would be very large. But if that is, as I understand, the difficulty of the Government, I am going to suggest that something might be done to advance the subject by Government seeing its way to institute a committee of inquiry ; they should at any rate appoint an expert or a Government official to co-ordinate the information that is existing, to collect the facts that they may consider necessary, or if they think fit, they may appoint two or three independent experts to collect facts in different spheres so as to hasten the time when it will be practical politics for them to appoint a committee which can consider these facts and make recommendations. That is the only point I want to put forward before this House and the Government, that something should be done and, if it is not considered advisable to appoint a committee of inquiry to-day, that at any rate something be done to advance the position to the point where it will be useful to appoint a committee.

Mr. J. T. Donovan (Bengal : Nominated Official) : Sir, I think there can be no two opinions about the necessity of the inquiry which is suggested in the Resolution moved by my Honourable friend, Mr. Haji. Everybody whom I have consulted on this, all the papers which I have read, all have one point in common : they agree about the necessity of such an inquiry ; and the Honourable Finance Member has not concealed his agreement about the necessity of such an inquiry, nor have his admissions been half-hearted admissions. He is equally desirous with the Mover to get the information and to put the information into use for the good of India. Now, Sir, if I intervene in this debate, it is not with any other purpose except to show that the present moment is not a suitable moment to set up this committee ; that it is in the interests of India that we should accept the suggestions of the Honourable the Finance Member and wait until the Reserve Bank has been established, or till the question of a Reserve Bank has been dealt with and the Report of the Agricultural Commission has been received. In order to do this, Sir, I propose to consider two important phases of banking activity in this country.

1 P.M.

This country is a country of mysteries. When we first came to the East we were struck by the mango trick and we heard of the rope trick, and of course, even excluding politics, there are many other classical contributions to the magic art. But, Sir, to the serious student of Indian economy, one of the greatest mysteries that meets him at the gate of his investigation is the mystery of the internal trade and traffic in this country and the manner in which it is financed. The volume of that trade has not been ascertained. If it had been ascertained, very probably a great deal of the heat which distinguished the debates of the Delhi Session might have been avoided and the brick which so rudely disturbed the gravity of the Assembly might still be in its place. But an expert like Mr. Madan, has been able to say that the volume of that trade is 5 to 10 times the volume of the external trade in this country, and the volume of the external trade in this country is able to produce 354 crores of bills on foreign destinations. I have met nobody who is willing to venture a closer approximation than Mr. Madan, but in any case, taking his lowest estimate, the volume of the

internal trade and traffic in this country is 5 times the external trade which produces 354 crores of bills. Now, all that is financed and the mystery of that finance is one of the greatest mysteries of India. One of the duties of this committee will be to inquire into that mystery and find out all the facts about it. These facts are very, very numerous ; there are 100 phases of that finance, from Karachi to Mandalay, from Tuticorin to the Terai. A committee must inquire into all these phases.

Sir, you have reminded Mr. Kelkar that there is a limit to the time for which one may speak.

Mr. President : The Honourable Member has 10 minutes more.

Mr. J. T. Donovan : I wish to be as brief as possible. I have therefore no intention of going into details or attempting to discuss the enormous number of details about the inland trade and traffic in this country. I pass on, Sir, to another main branch to which I wish to invite the attention of the Assembly, something which has been touched upon, but which certainly has not received the attention which it deserves. I mean the financing of the agriculture of this country. Sir Basil Blackett in his speech on this Resolution in February last referred to the co-operative movement and he paid a compliment to it. He described it as a most important growth of banking in the last 20 years in this country and a most hopeful one. Mr. Kelkar, Mr. Joshi and myself are amongst the few pioneers of that movement in this Assembly and we can remember 15 or 20 years ago, long before Sir Basil Blackett came here, that there was scarcely anybody who valued his name as a business man or his connection with banking who did not pooh-pooh the idea; and when Mr. Joshi and Mr. Kelkar and I were rejoicing over Rs. 50 or Rs. 1,000 or Rs. 10,000 that we got for that movement, we met with nothing but sneers or contempt from many sources. Now, Sir, the co-operative movement has dug out from the mine—in the absence of accurate statistics which the Retrenchment Committee has unfortunately rendered unavailable to us—I would say something between Rs. 25 and Rs. 50 crores in 20 years. In my province alone the amount is about five crores of rupees. This, Sir, is the result of the labours of 20 years. If we go on for another 20 years at the same rate of progress, the co-operative banking and the co-operative financing of this country's agriculture will certainly be among the most important features of the financial life of this country.

Now, Sir, here are two important features, namely, the financing of the internal trade and traffic of this country and the financing of the Agriculture of this country. One must be done by some banking system; it is done by some indigenous system. The other must be done by co-operative banking. We have now two events impending. One is the decision of this Assembly upon the fate of the Reserve Bank Bill and the other is the Report of the Agricultural Commission. Whether this Assembly thinks fit to pass the Reserve Bank Bill or not, the existence or non-existence of that Bill is bound to have a considerable influence on the banking policy of this country and any attempt to evolve a system from the information which this Committee will collect, into which the indigenous banking system of this country will be fitted, must be affected by the decision to have a Reserve Bank or not. Similarly, Sir, it is only natural to expect that the agricultural policy of this country in the immediate future must be affected by the decisions of the Agricultural

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Commission. And, now, Sir, are we going to start off immediately on an inquiry? Perhaps in the course of a year we shall find two policies being laid down which will seriously affect the course of the inquiry and which may perhaps compel us to scrap a good deal of work that has been done.

The form which the committee should take will undoubtedly be influenced by these two impending events. It may be necessary to have separate committees, it may be necessary to have experts and it may be necessary to have a superior committee extracting from the findings of the others the substance which is valuable to the country. These things, Sir, to my mind make it most desirable that we should wait until the two events I have referred to are realised. There can be no danger by adopting this course, there is no intention of indefinite procrastination. As Mr. Roy has magnanimously said about the Finance Member, he is a hard worker and I am sure it is not his intention to postpone this merely to waste time. It is only common sense to await the decision of these two events and then to appoint a committee.

Mr. President : I may inform the Honourable Member that he is not bound to speak for 15 minutes.

Mr. J. T. Donovan : I accept your suggestion, Sir. I have nothing more to say except to reiterate the wisdom of awaiting the decision of these two events.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : I Move, Sir, that the question be now put.

Mr. Sarabhai Nemchand Haji (Bombay Central Division : Non-Muhammadan Rural) : Sir, it is now over six months that I had the honour of moving this Resolution in the Delhi Session of this Honourable House on the 10th February, and I hope the period of time that has elapsed since will enable the Government to regard this motion in a more favourable light than they agreed to regard it at that time.

Particularly, Sir, this point is of special importance because, as we have heard just now the Honourable gentleman who has just finished his speech, has suggested that there was no harm in waiting for a further period in order that we might have the benefit of the recommendations of the Agricultural Commission and the establishment of the Reserve Bank. Now, Sir, I am in the fortunate position of being able to quote in this connection the Honourable Sir Basil Blackett himself against his own argument last time and against the arguments of some of the gentlemen at the present moment who have suggested that we should postpone this enquiry until these two matters have been disposed of. With regard to the Agricultural Commission, the Honourable Sir Basil Blackett speaking last time on this Resolution stated that the Agricultural Commission was covering ground from the point of view of the interests of agriculture and not from the point of the development of banking, and this sentence lends immense weight, to my mind, to the contention that it is not necessary to await the findings of the Agricultural Commission in order that we may make progress with the present enquiry as recommended by the Resolution Of course those who want to find argument

for delaying this matter for ever, will say, even after the recommendations of the Agricultural Commission have been made, that the recommendations of the Commission have been made only just now and that we should wait for a few years until the recommendations have been in action. Then the enquiry will begin. Sir, I hope, therefore, that the House will pay no attention whatsoever to the delaying tactics underlying this kind of argument. As regards the Reserve Bank Bill and the relation of that Bank to the Banking Commission, here is the opinion of the Honourable the Finance Member as given at page 696 of Legislative Assembly Debates, Volume IX (10th February 1927) :

" After discussions have taken place in this House and in the country in connection with the creation of the Reserve Bank, when that Bank has been brought into existence or is about to be brought into existence "

—let us hope next week—

" and when the Agricultural Commission's Report has been received, that will be the time for further action."

Now, Sir, it follows from this sentence of the Honourable the Finance Member and from what my Honourable friend Mr. Donovan said a little while ago that we could have a Banking Commission immediately after the Reserve Bank. In that case, Sir, I beg to suggest that we shall all be pleased to support an amendment, if one is brought by the Government to the effect that a Banking Commission be appointed immediately after the Reserve Bank Bill is passed. Here, however, I must add an " if " because it is quite possible that if the wishes of this House are not met in the matter of the details of the Reserve Bank, that Reserve Bank may never be put up at all ; so that with the proviso that we shall have an enquiry in any case, I am prepared to await until the Reserve Bank Bill is through. But it is not necessary to bind ourselves down to not having a Banking Commission, if we do not have a Reserve Bank. As a matter of fact, in that case, the necessity for having this Banking Commission would be all the greater. Now that I mention the word " commission ", I should like to make it clear that I really do not understand why Honourable gentlemen in this House seem to imagine that the word " commission " could be used only for a Royal Commission. Have we not had the Fiscal Commission ? Why should it be necessary to call by a diminutive word like " committee " the bodies that are appointed by the Government of India ? I hope, Sir, that by my not wanting the Commission being a Royal Commission—as I never intended that it should be—it will be easier for the Honourable the Finance Member to accept the Resolution and to proceed with the necessary spade-work.

With regard to the question of spade-work, Sir Victor Sassoon suggested that the Government of India should go ahead with the spade-work in order that in the near future the Banking Commission may be appointed. I do hope, Sir, that in view of the fact that this Resolution was moved six months ago the Government have been doing all that they can—at least I hope they have—in order to get as much material as possible on which this Commission may work. But as a matter of fact my case is that one of the soundest reasons why we should have this Commission is that the Government of India until now have been indifferent to their duty in this matter. The Honourable the Finance Member himself admitted that he had no statistics with regard to indigenous

[Mr. Sarabhai Nemchand Haji.]

banking institutions. Mr. Donovan stated this morning that this is a land of mysteries and the greatest mystery is the internal trade of this country and its financing. Sir, is it a compliment to this Government that in spite of the insistent recommendations of their own Commissions and of non-official organisations—Indian organisations I mean—in this country for so many years past nothing has been done? The Indian Industrial Conference passed a Resolution to develop Indian banking as early as 1890. Other Commissions appointed by the Government since, like the Industrial Commission, the Chamberlain Commission, the External Capital Committee, etc., have all recommended an enquiry, and I think they must have been greatly impressed by the fact that there is no information available upon a subject which touches us in a very important manner. It is, as Honourable Members are well aware, very easy to get at the figures of joint stock companies, organisations that are working on Western models; but when you come to indigenous banking—that banking which finances a volume of trade which is, to take the lower figure, at least five times the value of the foreign trade of this country, nobody knows exactly what the figures are. And yet we are told banking enquiry can await this and await that. That is my case with regard to this enquiry being taken up immediately, because so far as these two subjects are concerned, the two subjects of the Agricultural Commission and the Reserve Bank, as I have pointed out, there is no particular reason why we should wait. If we do not want to do anything in this matter, it will further be very easy to say that the subject is so vast that it is very difficult to find out how to prepare the terms of reference for the Commission in order that the Commission might finish its labours in a reasonable time at a reasonable cost. Now this is an argument, Sir, which if admitted will prevent progress for ever. Therefore, I suggest that whatever the cost and however wide the issues—as a matter of fact the wider the issues the greater the need for their immediate examination—an enquiry should be taken up by the Government. As regards the cost, Sir, we have to remember that in the past the Government of India have spent lakhs of rupees on Commissions, the result of the findings of which has been the further saddling of this country.....

Mr. President: Order, order. I do not know why the Honourable Member imagines difficulties and proceeds to answer them.

Mr. Sarabhai Nemchand Haji: I was not imagining any difficulties; I was merely referring to one of the arguments of the Honourable the Finance Member last time. His very words are:

> "Royal Commissions and Committees are not very cheap things. They are apt to be rather costly, and before you appoint one you want to be quite sure that you are giving it a subject matter which it can reasonably cover in a reasonable time and in respect of which it can make concrete suggestions."....

Mr. President: That applies to Royal Commissions.

Mr. Sarabhai Nemchand Haji: May I suggest, Sir, that the phrase "Royal Commission" used by the Finance Member is possibly due to the fact that he misunderstood me to say that a commission always meant a Royal Commission. Anyway, Sir, my point was that if the Government in the past had been very willing to appoint Commissions whose recom-

mendations they knew would be costly, why not appoint immediately a commission, whatever its cost, whose recommendations are bound to lead to the scientific growth of banking in the country ? In order, therefore, that we might fully realise the situation with which we are faced to-day, it is necessary to observe that most of the arguments that have been brought in so far refer to what you, Sir, described as imaginary difficulties ; and I do feel myself that if the Government were willing, the way is quite clear. It has been said that the terms of the Resolution, as I have moved it, are very wide and that they are also very vague. I am quite prepared, Sir, to accept any definite suggestions the Honourable Finance Member may have to make in this connection and I am sure we shall all be very pleased if he is good enough to let us know the terms of reference of the Banking Commission which we propose he should appoint. The Honourable Member who spoke on the subject the last time on this side of the House made reference to the Imperial Bank and the many sins of omission and commission that that body had committed. I do not therefore propose to tackle that subject this morning. But before I sit down I should like to draw the attention of this House to one point made by the Honourable the Finance Member to the effect that I had accused the Government of being indifferent and inactive in this matter, that is to say, in connection with the growth of banking in this country. Now, Sir, I should like to make it quite clear that our charges of indifference and inactivity referred not merely to his administration but to the many administrations that have gone on before he came—administrations which did not care how the internal trade of the country was financed, which did not know the number of the indigenous bankers in this country. So far as that is concerned, we very much appreciate the fact that ever since he came he has been trying his best to provide India with means of better banking education ; and as we are well aware recently his efforts have been crowned with success so far as the Indian Institute of Bankers is concerned. But even that is not enough. Mere instruction in banking, though very desirable, is not sufficient to meet the requirements of the growth of banking in this country. I should like to admit also that the Honourable the Finance Member has done a lot by way of providing facilities for better investment by various classes of people. That too is a matter which though important and useful as providing additional investing facilities, is not one that meets directly the requirements of the Resolution. As a matter of fact, it is my opinion that the present Finance Member is one of a type quite different from the Finance Members we have had before. He has an interest in banking which other Members have not had. They were quite content with the figures of Budgets, and they never looked outside their office rooms. But in the present Finance Member we have a gentleman who is very keen on banking matters, and it is therefore all the more necessary and desirable that before he vacates his office we should have an inquiry into the whole problem started in order that all the various different items which he has been trying to put together may find a coping stone in the recommendations of the Banking Commission I suggest. Sir, I beg to move the Resolution that stands in my name.

But before I sit down, I should like to mention that I have great pleasure in accepting the amendment of my friend Mr. K. C. Roy.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I thank the Honourable Member who has last spoken for the kindly words with which he tried to soften the hard things which he really meant about my relation with banking. It has been said that this is a land of mysteries, and it has been repeated by the last speaker. I think one of the great mysteries is that this House has such an affection for the appointment of Committees and Commissions. But why do they love them so much. They always fail to accept the majority reports. When the Government of India tries to produce a Bill or a measure or to take some steps in accordance with the recommendations of a Committee or Commission, where action is proposed to be taken, it is extraordinarily difficult to get this House to acquiesce.....

Mr. R. K. Shanmukham Chetty : Even Government do not accept the unanimous recommendations of those Committees.

The Honourable Sir Basil Blackett : It is extraordinarily difficult to get this House to acquiesce in the recommendations when it happens that the Government and the majority of the Commission are in agreement. It has been suggested for example that it will be a very good thing to have a Banking Commission but that it is very doubtful whether we ought to have a Reserve Bank. The Honourable Member who last spoke hoped that now that six months have elapsed since he introduced this subject, the Government of India and he were nearer the solution. Well, Sir, the Honourable Member flatters himself. The Government of India began the spade-work long before his Resolution was moved, and I think that his Resolution was rather the result of our spade-work, and not the spade-work the result of his Resolution. Six months have certainly elapsed since that date, and I may perhaps let the House into a secret that in consequence we are six months nearer the appointment of the Committee.

I explained at full length on the last occasion the attitude of Government towards this recommendation. We do not think that the present is a suitable moment ; we do not think that it necessarily should be in the form of a big Committee that the inquiry should be made. Nor do we think that the time is really ripe for deciding either the scope or the exact nature or form of the inquiry to be made. But with reference to what the Honourable Baronet who represents the mill-owners said, I would like to inform him that all this time the spade-work is going on. We have not got an officer on special duty for this purpose, but we are endeavouring to complete the survey of existing conditions relative to banking which is spoken of by the External Capital Committee, a rough outline of whose task I gave in a speech that I made before the Delhi University in November 1925. All this time the spade-work is going on, and some of its fruits are visible such as the creation of the Indian Institute of Bankers, which, I am very glad to say, has finally been brought to a successful issue.

I should like to take this opportunity, in case another does not arise, to say a word in connection with the establishment of this institution about the debt which India owes to a very great banker and a great friend of India, I mean Sir Norcott Warren. Sir Norcott Warren is about to retire from India, for the last time. He did it before, but on a pressing invitation, which was fully concurred in by the Government of India, he came back again. And it is now I believe 42 years since he first came

to India and he has been in India almost the whole of those 42 years and he has identified himself with Indian banking and in particular with the renewed Imperial Bank which grew out of the previous Presidency Banks, so much so that it is hard for anybody, I think, who thinks of the Imperial Bank, to think of its existing without Sir Norcott Warren. I am sure that all who hear me will join with me in wishing him, when he retires from these shores a long and happy life in which to enjoy the rest which he has so thoroughly earned by his services to India.

But, Sir, I return to the less pleasant subject of this Resolution. I have urged the Honourable Member who moved it to accept the assurance of the Government of India that they are at least as keen as he is that the right steps should be taken to improve banking conditions in India and that at the right moment an inquiry should be made. I would suggest to him and to a certain number of other speakers to-day and on the previous occasion, to whose speeches all the same I should like to pay a tribute of admiration for what they contain, I should like to suggest to them and to the House generally that the thing that is going to make banking grow in India is the desire of the Indian people for banking facilities and the Government of India is not going to create banking by building banks in every village in India. It really is a thing in which Government can do something but the essential and driving powers must be the demand of the Indian people for banking in India, and no Commission, no Reserve Bank and nothing else except the desire of the Indian people to have facilities for banking will create facilities for banking in India.

Sir, the Government regret that they are unable to accept this Resolution. They do not disagree with the main principle that it is desirable that there should be an examination into banking in India at an early date. But beyond that, they are not able to go and they are unable to accept the Resolution as it stands. I hope still at the last moment that the Honourable Member will be satisfied with that promise and will recognise that it is all that he can usefully get and that even if it is my successor and not I myself who has the pleasure of being in at the birth of this Banking Committee, he will not get it a day earlier by pressing for a promise from the Government for more than I have been able to give. I would urge him, therefore, to withdraw the motion.

Mr. President : The original Resolution was :

"That this Assembly recommends to the Governor General in Council that a Commission consisting of a majority of Indian members with an Indian Chairman be appointed to investigate the present position of the banking institutions, facilities and conditions in India and make recommendations for their improvement and expansion, with particular reference to the provision in adequate quantity and appropriate form of the capital or finance necessary for the development of the industries and agriculture of India."

Since which the following amendment has been moved :

"That at the end of the Resolution the following be added :—

'and also to report what, if any, measures are desirable to regulate and control banks and banking business in this country'."

The question I have to put is that that amendment be made.

The motion was adopted.

Mr. President: The question then is that the following Resolution, as amended, be adopted, namely :

"This Assembly recommends to the Governor General in Council that a Commission consisting of a majority of Indian members with an Indian Chairman be appointed to investigate the present position of the banking institutions, facilities and conditions in India and make recommendations for their improvement and expansion, with particular reference to the provision in adequate quantity and appropriate form of the capital or finance necessary for the development of the industries and agriculture of India and also to report what, if any, measures are desirable to regulate and control banks and banking business in this country."

The motion was adopted.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

RESOLUTION *RE* INDIANISATION OF HALF THE CADRE OF OFFICERS IN THE INDIAN ARMY.

Dr. B. S. Moonje (Nagpur Division : Non-Muhammadan) : Sir, I beg to move the Resolution that stands in my name :

"This Assembly recommends to the Governor General in Council that as a beginning in the direction of preparing India for self-defence immediate steps be taken to bring about the Indianisation of half the cadre of officers in the Indian Army, unanimously recommended by the Skeen Committee, within a period of fifteen years, and to carry out the unanimous recommendations of the Committee with regard to the establishment of an Indian Sandhurst and the recruitment of Indian officers in those arms of the defensive forces, paid for out of Indian revenues, from which they are at present excluded."

The subject-matter of the Resolution is such as affects us Indians vitally, and if we take a historical review of the situation we find that from the time when the Hindu Empire in India of Mahrattas as well as that of the Sikhs was subverted up to the present time, the whole of India has been disarmed and the intelligentsia of India has been ruthlessly dissociated from the defence of their country. This has created a situation which even from the Government's point of view to-day is most anxious—of course, from the peoples' point of view it is very very anxious. It may be asked why we submitted so meekly and so submissively to the disarmament of the country, why we submitted so meekly and so submissively to the policy of not being allowed to take our part, our due share, in the defence of our country ? That is a question which has to be answered. I would like to answer it in a way which might perhaps lead one to think that we were not capable at the time of resisting the vigorous subtleties of those days. When the British came over here, they established novel methods of warfare. They established completely a new system of military organisation in the country, and their administration was so characterised by a sense of discipline and punctuality that we felt completely dumb-founded for the time being and were dazzled. We continued in that state of mind for some time, but soon the national self asserted itself and we started what is called the Indian National Congress. From the very beginning of the Congress we realised the difficulties of the situation. We found out the mistake that we had made and we wanted to correct

it, and therefore we started an agitation from the very beginning for the repeal of the Arms Act. It may be remembered that the agitation of the Congress was understood and appreciated and the Commander-in-Chief of those days, His Royal Highness the Duke of Connaught, about 40 years ago, thought that our agitation had a lot of point in it and he said that he would do his utmost to see that a military college was established in India or that military education was given to Indians. But nothing has been done so far. Our grievance from that time up to the moment the Anglo-German War was declared could have been said to be sentimental, to be merely academic, because the British Government thought that the Indian people had no right to ask for a share in the military administration of the country as they had guaranteed the defence of their hearths and homes. From their point of view there could have been some meaning in that, but even that is now lost. We do not get even that protection at the present moment. The Anglo-German War for the first time revealed both to them as well as to us that in an Empire like the British, over which the sun never sets, it is very risky for a country of the vastness of India to agree to be entrusted to the care of one people alone. They found that they could not protect the shores of India even at a time when they thought they had the command of the seas. The *Emden* raids were enough to teach them a lesson and a very much greater lesson to us. Of late the methods of warfare have been so developed and science has so progressed that it is feared that perhaps the next war—God forbid another war—that might come may find England not capable of maintaining its communications with India. What then would be the position at that time ? What would be the situation ? Military science has so progressed, and military appliances are so mechanised that a vast country like India cannot be expected to be prepared in a single day to take its place in a battle-field to defend its home. It is from that point of view that I urge that the Resolution which I move should be accepted.

The situation thus has so changed that our grievance has assumed an aspect which is most material and mundane. From the Indian point of view we find the situation very grave. The gravity of the situation is also appreciated by the Government, though they have not expressed it in so many words. I may here quote what no less a person than His Excellency Sir Malcolm Hailey, the Governor of the Punjab, has said in his evidence before the Skeen Committee on this point. He said :

> " The matter is in my opinion one of supreme importance. India is gradually losing the somewhat isolated position it has occupied for the last two generations in the politics of Asia and we have to meet obligations of a different character than the purely frontier disturbances with which it has been familiar of late years. It is a point on which I need not enlarge. The facts are too well known but it appears to me of supreme importance to secure the best possible material for Indian officers of the army."

If the Government have so changed its view, what would be the aspect of the situation, if seen from the Indian point of view ? India has realised for the first time that there is a possibility that Britain's communication with India may be broken or suspended. What would happen if such a contingency happened ? Look at the physical situation of India. It has a coastline of nearly 6,000 miles. To defend such a length is a difficult task. The coastline traffic in commercial business is in itself sufficiently tempting for a foreign invasion. Now developments in China and Japan are taking place, and there is no knowing what the situation

[Dr. B. S. Moonje.]

will be five years hence or ten years hence. Looking to the land frontier India may be divided into two parts—the North-East Frontier and the North-West Frontier. In the North-East Frontier there is a line of a thousand miles which borders on China and Tibet. There are turbulent tribes on this Frontier who are still amenable to influences from China. China at the present time is in a state of turmoil. This turmoil may prove to be the throes of a new birth for nationhood and if it happens to be that, we shall have another great nation, militarily consolidated as our next-door neighbour. Suppose she fails—God forbid—and she falls into the clutches of a European nation like Russia. What will be the result ? Can we conceive with equanimity of the constant troubles and the constant anxiety that would be caused by this line of a thousand miles which is amenable to the Chinese and Russian influences. We can imagine that, Government can imagine that. It has been expressed by Sir Malcolm Hailey in such guarded words. Now looking to the North-West Frontier we find that from time immemorial the key to the defence of India lies in what are known as the passes, and these passes run through territory which has long mountain ranges on its sides and are inhabited by people who could be said to be in the words of a historian " ferocious, martial and uncivilised ". Such are the people inhabiting the passes which are the key to the defence of India. Beyond the passes there is a country known as Afghanistan. That country, whether for good or ill, was up to 1919 a kind of vassal of the English Government in India. The English Government in India could control her foreign policy, could control her military progress. But that situation has gone. Afghanistan, the vassal of the British Government, was very wise in taking her opportunity in selecting the time for attack upon the British Government in India. The British Government had come out exhausted from the world struggle and Afghanistan thought it a good time for making its pressure felt. And that pressure was felt so heavily that the British Government had to yield, and Afghanistan made itself independent of the overlordship of Britain. The situation to-day has thus changed tremendously since 1919 from our point of view. The Amir of Afghanistan is to-day an absolutely independent monarch of his country. He can import all the implements of warfare. He can send his students by hundreds to European countries to learn the science and art of modern war. If everything goes on smoothly as it is now going, it is not impossible to suppose that in 10 or 15 years' time Afghanistan will be another nation, militarily developed, militarily consolidated, with a reformed and improved administration, and in every sense like a modern European nation just next door to India. Then we shall have two great nations, one a great land power, *i.e.*, Afghanistan, and one equally strong on land and sea, *i.e.*, China. We shall have these two nations militarily organized as next-door neighbours to India. Now, having seen what the possibilities are in the near future with regard to Afghanistan, having seen the characteristics of the tribes that live round about our passes, we can understand the anxiety of Indians as regards the defence of India I could very well quote from a book to give you an idea of the situation that is now before us from this point of view. Here is a book which has been written by Arthur Vincent, called the " Defence of India ". It is a book which deserves very careful and very earnest study by all Indians who can conceive the prospect of a self-governing India prepared for defence against all foreign aggression. From the

naval point of view this author has said, and everybody will appreciate that, that now that Germany has disappeared as a naval power the centre of gravity of all possible naval activity is no longer now in the European seas but in the East and in the Pacific. From the defence point of view, therefore :

" Times are no longer when the naval defence of all the Dominions either may or can be left to Great Britain alone. Nevertheless the plans for Imperial naval security entail a good deal of contribution from each of the component parts of the Empire and as the individual independence of each component increases, more responsibility must automatically be shouldered by them in State matters of which defence is the most vital of all."

So much from the naval point of view. From the land frontiers point of view, he says :

" Generally speaking, the tribes on the Burmese side are comparatively quiescent, while those on the Chinese side are equally hostile both to ourselves and to their nominal rulers. Many of the latter have blood and marriage relations with their tribes, a fact which complicates political relations to no small extent. The present lack of authority on the Chinese border makes the States that side a happy hunting ground and refuge for dacoits and criminals, forming also natural ' jumping off ' places for raids and encroachments on our frontier."

China being so weak as at present it is, this frontier gives us so much anxiety, as criminals, dacoits and freebooters find it so very easy to raid our country and go back at once for safety beyond our Frontier.

Sir Denys Bray (Foreign Secretary) : I rise to a point of order, Sir. Is not the Honourable gentleman trespassing very near the Government's relations with foreign powers ?

Mr. President : The Honourable Member knows that the very question at issue is whether India should be prepared for self-defence or not, and the Honourable Member is giving his reasons why India should be prepared for self-defence. I do not think these technical objections will weigh with the Chair in such a case.

Dr. B. S. Moonje : I do not want to interfere with the Government's relations with their foreign neighbours, but I have every right to bring forward what the responsibilities of the Government are, and what the situation in India will be from the military point of view. It is a task of Himalayan magnitude, and we all must have a good idea of the colossal magnitude of the situation that is going to face India in the near future. Now as for the North-West Frontier. The key to the defence of India from aggression from beyond the frontier lies in what are called passes. These passes run through highly inaccessible mountain ranges which are inhabited by fierce warlike and uncivilized tribes. By temperament these tribes are " raiders bent at every opportunity upon raiding the plains for loot and rapine, reckoning themselves, not without reason, secure from any effective retribution once they had returned to their mountain fastnesses ".

Such are the people we have to deal with in the passes which are connected with the defence of India : We can have a good idea of their capacity to give us trouble. This is what Mr. Vincent writes in his " Defence of India ", page 27 :

" In all, the fifties witnessed a total of seventeen expeditions of appreciable size ; and in the 72 years during which we defended the frontier in India's behalf there have never been as many as seven consecutive years of freedom from major operations, without count of a host of minor ones."

[Dr. B. S. Moonje.]

We can thus certainly have an idea as to where we would be if the time should come, which God forbid, when the connection between England and India in the time of a great war ceased for the time being. It was in connection with this very fact that our noble Lord, the Secretary of State, Lord Birkenhead, wanted to frighten us out of our wits and also to frighten us out of our demand for full responsible government. He said :

"I put on one side for the purposes of this anticipation, the perils obviously afforded by the existence of two or three million turbulent and martial tribesmen, living precariously between the frontiers of India and the borders of Afghanistan."

Now, speaking from our Indian point of view, there is no Arms Act in that territory which is inhabited by two or three millions of people. Almost every adult person—there is no medical examination too on that side—almost every adult person, whether medically fit or unfit, has got the power, has got the right, to wield a rifle. He knows shooting ; and 3 million people reside there. Out of the 3 million people you may take away half, womenfolk and 1½ millions remain, and if you divide it by three, we have an army of 5 lakhs of men, young sturdy sharp shooters, to give us trouble at a time when we shall have been cut off from all communications at a time of war from England. That will give you some idea of the period we have to face. As regards Afghanistan, this author says :

"As regards Afghanistan, it is most strongly to be hoped that future years may develop the present treaty into one of such an alliance as will remove any ordinary possibilities of war from India's contingencies. At the same time the fact must not be lost sight of that the freedom to import arms and ammunition restored under the treaty allows Afghanistan to build up a strength and reserve of warlike equipment such as she has never possessed before. The attitude of His Majesty the Amir is now that of a friend determined upon sincerity, but Afghanistan"

he gives here a warning—

"Afghanistan is an unstable nation and in the vicissitudes of her future history it is by no means impossible that a less friendly successor should turn the strength of preparedness to the test of war. Upon purely military grounds, the treaty gives India no better position than before in regard to Afghanistan. The Afghan army is moreover reaching a pitch of efficiency which it never knew in the old days, as are the communications and the development of the country."

Therefore this state of things causes an amount of anxiety to us, people of India, and also must cause, we hope, anxiety to the British Government if they want to maintain their position of redeeming their promise of becoming the safe trustee of India. Now, such being the situation, how can the defence of India be organised is a question which has to be answered. By the Britishers alone as heretofore ? Or by the Indians alone as we aspire for ? Or by the unstinted and willing co-operation between the Britishers and Indians on terms of perfect equality ? We have to choose either of these three. Speaking for myself, taking into consideration the fullest possibilities of the present situation, I do not think anybody will doubt the idea that the most practical proposition for the defence of India at present is complete co-operation, unstinted co-operation on perfectly equal terms between Indians and the Britishers. I have already proved and I shall prove again that Britain alone is not capable now of guaranteeing the defence of India. Of course as for us Indians, as we are at present,—you know it is a fact, it does not require to be mentioned—we are absolutely incapable of defending India to-day,

not because the desire, the capacity, the capability, to defend one's country —the blood which inspires—is not in us. We are descendants of those races in India who had established their empires, defended their empires in India. To establish empires and to lose empires can be done by people who are great inherently and who can defend themselves. The Hindus and Muhammadans of this country are inheriting that blood which in India itself hardly a hundred years ago was conducting an empire. There are representatives of a race in this House called the Sikhs who hardly 75 years ago were masters and rulers in their country of the Punjab, and it is said of them that they were capable and had already wielded a strong hold and control over these martial tribes of the passes in respect of which our noble Lord, the Secretary of State, has been frightening us. Therefore, looking at it from this point of view, if it could be contended that England alone ought to be able to defend India, at least here is an author who says that the situation as it is developing will not allow England to maintain her hold upon the defence of India as she has been able to do in the past :

"Upon all sides, therefore, it is clear that India has a greater task to be prepared for in the future than she has had in the past.... Yet she must perform worthily her own share in that protection (which she is receiving as a member of the Empire). None but herself can defend herself against the first aggression by land save where the war might be so great as to be a battle of the Empire fought on Indian soil. It is for her and her alone to rule with a firm hand the frontier tribes, to stave off the invasion that may yet come from Russia."

And also from Afghanistan, as it did come in the year 1914.

"Should the task of her defence become too great she will receive help from Imperial resources, but only as soon and for as long as they can be spared from other theatres. Should she ever perform her own task less than adequately or even go so far as to adjure it, although that be a most likely contingency, she can count on none but herself to make good the deficiency. Her immediate responsibility is one to herself, to defend herself within the Empire. Self-defence is a first principle of national existence. In India without it there can be neither consolidation nor development within her frontiers."

So far I have tried to prove that the primary responsibility for the defence of India under the changed situation falls upon India, but if there be an idea that England might perpetuate her policy of being alone responsible entirely for the defence of India and of keeping the Indian intelligentsia quite dissociated from her military organisation, she is ultimately bound to find the task even beyond her, great and powerful though she is. I will here quote another passage from the same book :

"India's ultimate task may thus be a great one. In the future, in such wars as that of 1914-1918, the absolute continuity of British protection can never be guaranteed. In that war Britain's naval supremacy was such as to render India immune from any invasion by sea, and the great issues both by sea and land were fought out many thousand miles away. Also the continued British command of the sea afforded her the certainty of swift reinforcement should her tasks upon land have ever grown greater than she could cope with. It can never be safely prophesied that in future wars of magnitude the conditions will be the same. They might be greatly different. May be Britain will have to contend with Powers possessing Navies far superior to those of the late Central Powers, may be British command of the sea will be temporarily insufficient to protect Indian waters, may be wars will be fought out with weapons as yet undiscovered which greatly depreciate the value of the sea command and which, we are told, Germany is trying to do."

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : What about the air craft ?

Dr. B. S. Moonje : Now, my friend has reminded me of the air craft. I have said that the position has been rightly appreciated by no less a person than the Governor of the Punjab. He has said that as far as the position of India is concerned now, it is a factor which has to be taken into account. India is not now a land which can be considered to be beyond the grabbing reach of her rival marine powers of the world. Air craft have still further enhanced the seriousness of the situation, by having annihilated distances. India is therefore now a country which is not far off from England or from America or from Afghanistan. About 150 years ago, it took six months for people to come to India from England, about a year and a half for people from America to come here. Now-a-days they take only about 15 days or 12 days. Now times are changing rapidly and it may not be long when people from England would be coming to India in two or three days' time and from Afghanistan in two or three hours.

Mr. President.—The Honourable Member must bring his observations to a close now.

3 P.M.

Dr. B. S. Moonje : In short the advent of aeroplanes has complicated the situation and it has become worse, so much worse that we can never trust our national defence to England alone, and we can never remain satisfied with the situation as it stands. In view of the fact that these recommendations of the Committee are unanimous, I trust the Government will show the grace of accepting them but if, as so very often happens, the Government may not be inclined to accept them now, I feel the circumstances are so moulding themselves that soon, in the near future, the Government may feel compelled to accept them but then all grace shall have been gone. With these words, I commend my Resolution for the acceptance of the House.

Mr. S. Srinivasa Iyengar (Madras City : Non Muhammadan Urban) : Mr. President, I would request you to grant me permission to move the substituted amendment of which I gave notice yesterday. The other amendment which stands in my name on the printed paper was given notice of two or three days ago to the office. But this amendment which I am just moving is a revised amendment and is an agreed amendment, and I think the Honourable Mover of the Resolution will accept it and it will find support on this side of the House. I would therefore request you, Sir, to give me leave to move this amendment without formal notice. The amendment that I have got to move runs as follows :

"That for the original Resolution the following be substituted :

'Subject to the revision of the whole scheme of the defence of the country in any future constitution for India acceptable to the people of India, and while feeling that the recommendations of the Indian Sandhurst committee, specially relating to the continuance of British recruitment, do not satisfy Indian public opinion, this Assembly is of opinion that the acceptance of the unanimous recommendations of that Committee will mark a definite beginning in the Indianisation of the Army in India, and it therefore recommends to the Governor General in Council that he may be pleased to accept those recommendations and give immediate effect to them.'"

Sir, the reasons for this amendment are shortly stated. We want at the outest to make it quite clear that India has claimed and claims to-day her right to defend herself and has never refused to discharge her duty or the burden of defending herself. But no chance has ever been given to India and therefore we want to make it plain that if this House is to accept these recommendations, it is subject to this clear safeguard that we want the entire military defence, including organisation and control and legislation, and in fact everything connected with that, to be in Indian hands, to be with us Indians under a scheme of full responsible government for India such as self-governing Dominions enjoy within the British Empire.

If I move this amendment and if this House accepts it, it is therefore without any prejudice whatever to the fullest claim for full Dominion status and the completest control of military and naval defences in connection therewith which every self-governing Dominion now enjoys.

Secondly, we want also to make it clear that the unanimous recommendations of the Committee, though they are such as to mark a definite beginning in Indianisation and may therefore be accepted for the present by the House, are still inadequate and unsatisfactory and do not represent all that we are entitled to to-day or all that we claim to be entitled to to-day, nor do they represent real Indian opinion throughout the length and breadth of this country.

I must however congratulate the Committee on its admirable labours, and I must say that in the history of Committees of this description in India, it is for the first time that we have got a unanimous report of this far-reaching importance arrived at after a most unbiassed examination of the whole question. Speaking for myself and everyone on this side of the House, though I do not agree that the actual specific recommendations are at all satisfactory, the analysis of the position, the elucidation of the causes, which has been made in this Report, and the way in which the question has been approached, deserve all the praise that Members of this Assembly can give to the disinterested labours of those who have worked so hard to bring the matter to a successful conclusion. I make no distinction between European and Indian, between Lieutenant-General Skeen and Mr. Burdon on the one side, and the Indian members on the other; nor do I make any differentiation whatever between the military officers and the non-official members of the Committee. Our gratitude is particularly due to my friend Mr. Jinnah who has identified himself so thoroughly with the work of the Committee. I must mark my personal appreciation that the Report is a document which self-respecting Indians can read with whole-hearted praise and without any " inferiority complex ". It has been written in a spirit which is free from racial bias, and I congratulate the European members of the Committee on the collaboration which they have given the Indian members and on the way in which they have arrived at this Report.

But having said so much, I must add that the recommendations are certainly not satisfactory. There is no definite goal which has been stated; and the time-limit which is imposed by these recommendations is certainly not a time-limit with which we can agree though the exigencies of the moment may be responsible for the amendment. It is obvious however that this time-limit, which has been generally stated to be 25 years, is

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very materially qualified by the unanimous agreement of the Committee stated at page 24 of the Report which runs as follows :

"It is however unanimously agreed that whether a slower or more rapid rate of progress is ultimately adopted the scheme actually in operation should be reviewed in 1938, that is, five years after the inauguration of the Indian Sandhurst, with a view to considering whether the success achieved is not sufficiently solid to warrant a further acceleration of the rate of progress."

I regret that in the formal summary of recommendations this recommendation has not been put in with a letter against it. We have no definite recommendation as to the stoppage of British recruitment that is necessary; nor is the college recommended in this Report provided with a sufficient strength. I do not consider, speaking for myself, that 100 is a sufficient number. There are also other important features of this Report upon which one must express dissatisfaction ; there is no recommendation for the establishment of an Indian Cranwell or an Indian Woolwich—arms which are no less important than the infantry or the cavalry arms of the services. It is quite clear that they should have been started at about the same time as the Indian Sandhurst was intended to be started. But anyhow the recommendations are there. And I am perfectly certain that where historical or statistical material is required to be supplied to the Members of the Assembly abler and more competent hands will deal with it. I am content to place my amendment upon the short ground that it is the only amendment which India at the present day—self-respecting, demanding full Dominion status and asserting her right to defend herself and not refusing an iota of the burden which that right involves—can at all agree to for this moment. Therefore it is that as a compromise this agreed amendment is moved with a view to show that the foreword to this Report should not be regarded as of any value at all. We have got a most characteristic foreword, from which I gather that the terms of reference which were originally framed and which are given in the first page of the Report are not wide and that the Committee somehow was not competent to survey parts of the subject. I have read those terms as given in the Report and I think they are wide enough, and I do not understand how this skilful use of language is justified in this foreword. I also disagree with the suggestion made that the Government, when called upon to deal with any scheme of increasing Indianisation extending over a number of years, must leave themselves free to consider whether the basis of that scheme offers a sure and stable line of advance towards the creation of a Dominion army or whether alternative methods which do not fall within the Committee's terms of reference might not be more profitably explored. Of course we all know how, instead of creating disappointment, the psychology is sought to be created that you will not get all that the Committee is recommending, but that you will get some parts of it, while other parts will not be given effect to. You are told that there are alternative methods by which your demands might be satisfied—phrases like Dominion army and things like that are stated in the foreword : but I have not the slightest doubt whatever that nobody is going to be taken in by this *Tartuffian* language.

I consider, Sir, that the time has come for us to make it perfectly plain that no pretext whatever can be availed of by the Government here or in England for delay in connection with this matter ; and that is the only reason why men like me and my friends on this side of the House have

agreed to the amendment which I am moving to-day. It is not to be said that this Indianisation in the Army should be shelved till the constitution for India is settled. It is not to be stated : " Oh, we are exploring ways and perfect ways of creating a Dominion army. Why should you not wait till then ? " The Leader of the House said—and I thank him for the present which he made to us a few minutes ago—the Leader of the House said that he was not particularly enamoured of Committees because the non-official members on this side of the House generally rejected the majority recommendations of their Committees, and there was no use in the Government embarking upon the appointment of Committees. But this is a Committee which the Government appointed themselves ; the terms of reference were made by the Government, and I suppose the Government knew that the training of King's commissioned officers for whatever service was essentially an Imperial concern ; and I presume that the appointement of this Committee and the terms of reference were settled in consultation with the Government at home ; and if they were not so consulted, they should have been consulted. Therefore I presume all these things have been done in the way in which these things are done. We are not to be put off by the distribution of responsibility and the divisions of jurisdiction, and the whole apparatus of dilatory procedure to which we have been accustomed is sought to be employed even in this case where the unanimous recommendations of their own Committee, which was presided over by their most responsible officer, the Chief of the General Staff, are involved. When those recommendations are made, they are sought to be diluted and put a side, and all the arts of trained and evasive diplomacy are directed against us. I say that every Member of this House who realises his responsibility must set his face sternly against such an attempt on the part of Government to let down their own Committee. Here is an instance, Sir, in which at least the Leader of the House will be pleasantly disappointed, because we are willing to give effect to the unanimous recommendations of the Committee, and as he was anxious that this side of the House should agree with him in that respect, I would ask him to accept these recommendations and to see that the Governments here and in England accept those recommendations without any difficulty or without any delay and give immediate effect to them.

Sir, Indianisation of officers of the Indian Army and the connected demands have been long overdue. There is not the slightest doubt whatever that, as the Members of the Committee say,

> " for more than forty years the exponents of political and national aspirations of the Indian people had demanded insistently on the platform of the Indian National Congress and elsewhere that Indians should be given opportunities of service in the Indian Army equal to those enjoyed by their British fellow-subjects, but this demand has so far met with no substantial response from the Government ".

Now, Sir, Government's own responsible Committee has recommended that Indians should be given greater opportunities in the Indian army, and not anybody else desiring to cause trouble to this very very easy-going Government.

I would also very briefly run over the causes which have been stated in the Report as demanding that no further delay should take place in the Indianisation of the Indian army, and also in adopting the various recommendations, particularly the recommendation for the establishment of an Indian Sandhurst of the same standard of efficiency as the one existing in England. I am glad to notice that in no page of this Report is to

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be found any plea that Indians are or want to be in any way less efficient than the standard of efficiency claimed by the British people. That is really the one great thing which has prompted me to move this amendment. We do claim that we are as efficient as any other race on the face of the earth. Clive and Dupleix demonstrated that Indians, according to the history of English writers which I have read—if the history is false let the other side contradict it—Clive and Dupleix had demonstrated for the first time that if Indians are trained and organized by European officials they will be quite as efficient and equal to any other race on the face of the earth. We have also known on the civil side of the administration that Indians are equal to Europeans in all departments, as heads of Government, as Members of the Executive Council, as Judges and as Secretaries to important Departments,—in fact in all departments they have proved that they are in no way inferior to the English or any other European race, either in moral courage, or in efficiency, any other quality which is necessary for leadership of men. If therefore adequate opportunities have not been given to Indians, it is the Government only that is to blame, but if the chance is given, undoubtedly Indian Captains, Indian Majors, Indian Colonels and Indian Generals will be found in quite large numbers and will be found to be quite as efficient as their European compeers. I have not the slightest doubt about it.

There is however another question which has been very ably dealt with in the Report, and that is, the question whether there is sufficient material in India. I would only refer to that part of the Report which deals with this aspect of the question :

"We have already said that we believe good potential material to exist which the efforts of Government have not yet succeeded in reaching. This belief is based upon evidence of a substantial and credible character. There are a number of young King's commissioned officers already in the Indian Army who are pronounced by their Commanding Officers to be efficient, according to the single standard of efficiency which the army recognises, and many of these have reached their present position in the face of far greater disadvantages and difficulties which a British boy has to overcome. The Royal Military College at Dehra Dun which has been in existence for nearly 4½ years has shown that even average Indian boys, given proper facilities, can pass with credit not only into Sandhurst but out of it. So far no Dehra Dun boy has failed at Sandhurst, and the Dehra Dun boys, as a class, have earned the good opinion of the present Commandant of Sandhurst. Sir John Maynard, formerly Member of the Executive Council of the Punjab, who served for forty years in India, has assured us that in the Punjab alone there are many boys who do not appear for the Sandhurst examination but are of better quality than accepted standard candidates whom he himself had seen. We have similar testimony from other witnesses and also from those of our colleagues who are well acquainted with the standard and type of qualifications required in a King's commissioned officer".

The difficulties that have so far existed have been very clearly analysed by the members of the Committee. They have shown that the method of selection of candidates has been rigidly official and antiquated, and requires them to pass through a hierarchy of officials, so as to eliminate every possible efficient person and to let in practically nobody at all. The meshes are so very fine that nobody is able to come into the Military Department. That is the way in which the method of selection has been till now pursued, and that method of selection has been very severely condemned by the Committee and they have suggested a new method of selection which is certainly better than the existing method of selection. They also pointed out that if till now advantage has not been taken it is because

the cost of military training and of the preliminary education and other things has been so prohibitive to the middle classes in India that facilities which exist in Canada and the United States or even in England and France are not given to Indian candidates here ; and that of course is half the trouble. The State ought certainly to bear a much larger proportion of the cost than it does. And again it has been pointed out that having a Sandhurst in England will not be a sufficient attraction. There is the difficulty of people going from here, and there is the difficulty of guardianship and various other difficulties can be imagined. The need therefore for the establishment of military colleges in India of the type of Sandhurst, Woolwich and Cranwell is obvious on the face of it. And it is a wonder that all this has not been till now done. Therefore, Sir, I submit that, while I agree with the case that has been stated and also with the general explanation which has been given of the entire military position, we differ from the members of the Committee in the recommendations themselves, which are unsatisfactory in scope and extent and as to which, I am sure, many of them will certainly agree with us on further reflection. Whether they arrived at it by way of a compromise or whether they arrived at it merely because they thought that was a beginning which ought to be attempted at present, is a different matter. But anyhow we on this side of the House must express our emphatic opinion that it does not at all represent all that we are entitled to. We are not satisfied with them, but at the same time we are not going to make the Government a present of the excuse, that one side of the House is against this recommendation, another side of the House is for that recommendation, therefore we will hang up this matter and we will not start these reforms. That sort of thing should not be allowed. It is that reason and that reason alone which has made many who are for full Dominion status, and who are for the fullest expression of the right of defence, and who are very much dissatisfied with these recommendations, to agree to this amendment. I hope, Sir, that the opinion which will be expressed by most of the Members of the Assembly, if as I hope this motion is carried by all the Members of this House or at any rate without any contradiction on the part of the Members on the Government Benches, if it is carried, I hope that will be sufficient evidence of the desire and capacity of India to defend herself. Let it not be said again and again, as it has been said, that India is not fit for Swaraj because she is not fit to defend herself. Give us a chance to defend ourselves. Give us the right to defend ourselves and you will find whether we are able to defend ourselves or not. I am not going to deal with the cheap gibes against the virility of the Indian people and the malicious propaganda that is recently in evidence about our incapacities. I am now dealing with the more general aspects of the question, and I may say that the history of India shows, the history of the military races in India shows, the history of all the peoples and provinces in India shows in an abundant measure that in no part of India can it be said that there is not manhood enough to man the Indian Army, or for the matter of that, the Navy, or that we cannot have Captains and Generals and leaders of men for all purpose. Is it to be assumed for a moment that the English people when they came to India found the Muhammadan people, the Mahratta people, or the other peoples easy foes to conquer ? If they were alive to-day, if their ghosts could revisit the scenes of their former wrestlings, they would praise in enthusiastic terms the valour and gallantry of the Mahratta, the Muslim, the Sikh, the Punjabi, the Rajput

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and Jat and all the other races in India, and that is the only testimony to which I would appeal. Therefore, I say that this cannot be delayed a moment longer. Whether the Statutory Commission comes or not ; whether a Swaraj constitution is framed or not, this Indianisation of the officers in the Army should forthwith proceed, and this establishment of colleges for the training of Indian youths in sufficient numbers and with sufficient equipment, supported by sufficient expenditure on the part of the State should be undertaken without a moment's delay without prejudice to our claim for Swaraj, civil and military. I trust that His Excellency the Commander-in-Chief and the Leader of the House and other responsible Members of the Government will look at this question just as the members of the Committee have done without any difference of race, without any difference of Government and governed, and without any difference of officials and non-officials. I would like that they should see that this is a matter on which they ought to support the non-official Indian opinion. This will be a critical matter, a test of good faith on the part of Government before the bar of Indian public opinion. I have not the slightest doubt as to the result of the division. But if perchance this is opposed and lost, why, then, that will be all to the good, and will be a great advantage to men like me. With these words I would cordially request Honourable Members of this House to vote for the amendment.

Colonel J. D. Crawford (Bengal : European) : I rise thus early in the debate after the Movers of the original Resolution and the amendment, because I cannot find myself so enthusiastically in favour of the recommendations of the Skeen Committee as they do, if we are to solve the problem with which this House is faced. What is the problem that we are really discussing to-day ? It is the problem of building up an Indian army of all arms,—by that I mean infantry, cavalry, air force, artillery,—so that it shall be capable under Indian officers of undertaking the defence of the country. Now, those were not the terms of reference to the Skeen Committee, but it is practically the problem with which they tried to deal. There is one factor of special consideration in that problem which we must think of, and that, Dr. Moonje, has already, I am glad to say, elaborated for me. In fact both the speeches of Dr. Moonje and Mr. Srinivasa Iyengar support largely the point of view that I am going to take at a later stage in this debate. I must congratulate Dr. Moonje on at last having got a very clear appreciation of the military problem in India, although he put it in much stronger terms than I would. If those words had come from my lips there would have been howls of derision from the benches opposite and cries of " bogey, bogey ". I trust he will stand up when the time comes for the discussion of the Military Budget and say, " What we want is not 50 crores but 100 crores ". That is one factor in the problem. The facts are that we in India are placed in a geographical position which necessitates the maintenance of an army of the highest efficiency, and on that point I am glad to say the Skeen Committee are thoroughly in agreement and I take it that the House is thoroughly in agreement with me on that point. Efficiency must be our watchword. Why do I say that I find myself not in favour with the recommendations of the Skeen Committee when I come down to find a solution of this problem ? To my mind there is only one word written across the Committee's Report and that is failure, failure to solve the problem with which we are faced. Why do I say

failure ? Because they have laid down that for the success of their scheme certain factors are absolutely essential. The first of these factors is efficiency and with that the House agrees. Now what is our experience when we lay down for ourselves a scheme of Indianisation ? What will be our experience ? We will concentrate, not upon the question of efficiency but upon the question of how many men are we going to take in. That is really what the Report does. I am convinced that that is what will happen if we are going to accept this method of solving the problem. In the summary of recommendations they say :

> " A substantial and progressive scheme of Indianisation should be adopted and subject to the present standard of efficiency being maintained, should be faithfully carried out."

The House and the Benches opposite know well that when the time comes they will insist not upon the question of efficiency, but that the proposals be faithfully carried out.

The second point is that the Committee insist that steps should be taken to maintain the proportion of British recruitment required. I believe that this is essential to any scheme of building up the Indian Army. I brought out certain facts in this connection last Session in a series of questions. Are we able to-day to get the number of British officers which we require ? No. We are faced with the fact that we are 50 per cent. short. We are faced with the fact that to-day under existing conditions we cannot get the British officers we require and faced with difficult military situation along our frontiers ; we are already short of the very men on whom we must rely. Now we must face the facts. It is no good blinking at the facts. The success of our scheme is dependent upon the fact that we maintain a sufficiency of the British element until we have got our own Indians trained. I say that neither under the conditions existing to-day nor under the conditions existing under the recommendations of the Skeen Committee can we hope to get the British element that we require.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : Why ?

Colonel J. D. Crawford : My friend Mr. Jinnah has asked " why ". The reason in my opinion is that to-day service in India is not popular in England. The strongest point of all is that the men of one country, be it France or Spain or England, prefer to work in their own surroundings and among men of their own race. That is a perfectly recognised fact. " Birds of a feather flock together ". They naturally go where their interests are common. That is the point. Indians have no desire that the social systems of England should be imposed upon them when they come to the question of their social life in the army. Similarly, Englishmen will not freely and willingly serve under social conditions in the army with which they are not content. That is the position. There is no question of inferiority. That is really the reason why you will find that you will not get your British element.

There is a third point upon which the Committee insisted as an essential, and that is the reform of the educational system in India. With that recommendation I entirely agree, but what, Sir, in the immediate future is the hope that we shall carry out any reform of our educational system ? I am reminded that we have already had the Sadler Commission recommending reforms in our educational system. But to what extent have those suggestions been carried out ? Those are the three points which

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the Committee say are essential to the success of their scheme, and if they cannot make good on those three points then the scheme falls to the ground. I can tell them now that they cannot make good on those points and the scheme has already fallen to the ground.

Now, Sir, I have given my mature consideration to the recommendations of the Skeen Committee. There is one other point to which I may refer. The material which we require for the stamp of officers that shall be of the requisite standard of efficiency, that is, the standard of efficiency of our present British officers, is not available. It is due, as the Committee have rightly said, to the failure of our educational system. It is due to another thing as well, and that is the failure of the education in the home. If you are going to recruit men with the requisite qualities of leadership, not only have you got to give them that education of character in your preparatory schools and in your public schools, but you have also to give it to them in your homes. Now that is a question which only Members on the opposite side can touch upon, which they probably realize much better than we do. But I had hopes that out of this Committee would have come something worth while when I heard one of the Members say : " I believe the crux of this question lies in the education of our women ".

Now, Sir, I have criticised the Skeen Committee's Report and I do not want to be entirely destructive in my criticism. I believe entirely that we must concentrate all our energies on the building up of an Indian Army of all arms officered entirely by Indians if we are ever to make this country capable of Dominion self-government. That army has got to be capable of undertaking a large proportion of the defence of India ; I will not say the whole, because I think a portion of the defence of this country will surely be an Imperial responsibility. How are we going to set about it ? It seems to me that your best method of setting about it is the one which the Skeen Committee actually rejected, and that is to keep your present army to meet the dangers you have to-day. Keep up their standard of efficiency. The dangers are real. Keep your present army and start to build up your own Indian Army alongside. That is the major portion of the scheme. (*An Honourable Member* :—" That is, double the army ".) That is the method by which the problem should be tackled. And as your Indian Dominion army is ready to take over then reduce the redundant units in the existing army. That is the main basis of my proposal. Now, Sir, to-day we keep on talking only about Indianizing the higher ranks. But the officer establishment of an Indian battalion does not consist only of British officers. In Indian as in British battalions it consists of 30 officers. To-day we have 19 Indian officers already in our Indian Army regiments. But for various reasons, they are not up to the standard that we require of our officers, and my first proposition to you therefore is, " Let us raise and improve the standard of our Indian officers "; and for that, I would recommend that we should start at once in India a military college to which we should send from the ranks of our Indian Army men selected and thought suitable to eventually become officers. Also we would have recruited for this College from the various civil walks of life. After three years' training I would have drafted them to the Indian army as platoon commanders, that is into the position which the Indian officer holds to-day. They would be men with a higher training, better education and more capable of carrying out their responsibilities. That is one of the

steps which I would have recommended ; and instead of taking the men from the ranks at a very late age in life after 15, 16 or 17 years' service, I think I would have taken them after about 4 years' service when I had some chance of judging as to their character and educational qualifications, and as to whether they were likely in due course to be at persons to become officers ; and I would have given all those Indian officers a better status than they have got to-day. I would have done away with the Viceroy's Commissioned officers. I would not have worried about the King's Commissions. I would have had our own King's Dominion Commissions similar to those in other Dominions. In addition to that, I would have got my trained candidates through Sandhurst and the military colleges at home, and I would have drafted them in also as platoon commanders. I would have, as they rose in rank, given them the opportunity to pass to the higher commands, company commands, and I would have drafted them gradually, in order to retain my British element, into my Indian Dominion Army. Now that is the type of scheme which I believe might have been adopted. I am not concerned with the time-limit : we are not concerned to-day with the question of time-limit, because we have got a military problem to face. We have now got a very efficient army, and we cannot risk allowing that efficiency to drop in any way. On that I am absolutely at one with my friends, and as I say, I would have gone on building up and increasing the position of our present Indian officers of the Indian Army, and alongside that, I would have started my full-fledged Dominion Army, of which I should have had every reason to be proud. I cannot understand, I fail to understand, why Indians should consider the eight-unit scheme a scheme of segregation. Now to my mind, if that is really your opinion, it shows that you think your men have got an inferiority complex : and if your men have got this inferiority complex, if they have got no confidence in themselves, how will they lead their own men or inspire confidence in others ? I ask that. It seems to me that those men who had the honour of being in the first regiments which were to be Indianised should have felt proud that they had the opportunity to show that they were as good and could turn out as good regiments as their British comrades on the other side. That would have been true patriotism if they had the grit to do it and we would have had greater chances of building an Indian Army. I am afraid, Sir, I cannot find myself in the least bit in sympathy with the recommendations of the Skeen Committee's Report. I believe that that Report will fail entirely to solve the problem which we are all anxious to solve, and therefore, I find myself in opposition to the Resolution of my friend, Dr. Moonje and the amendment of my friend, Mr. Srinivasa Iyengar—not in opposition to the problem ; the problem has got to be solved, but it will not be solved by the Report of the Skeen Committee.

Mr. K. C. Roy (Bengal : Nominated Non-official) : Sir, there are at the present moment two propositions before the House, the substantive motion of my Honourable friend Dr. Moonje and the amendment moved by my friend Mr. Srinivasa Iyengar. I have an amendment also standing in my name ; I have no wish to move it, because I know that it will not meet with support either from the non-official or official benches. I therefore support the amendment of my friend Mr. Srinivasa Iyengar. (Hear, hear). His amendment may be divided into two parts. The first is the preamble. I sympathise with the preamble. He has laid it down that it will be the duty of the forthcoming Statutory Commission to

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examine the question of Indian defence, not Indian defence alone, but Indian defence in its relation to Imperial defence. This was not considered by Mr. Montagu and Lord Chelmsford. We are therefore facing considerable difficulties. The Statutory Commission will undoubtedly have to consider the interdependence of civil and military administrations in India. In the domain of civil administration we have advanced very greatly in recent years ; but in the domain of military affairs, we are where we were ; and for the backwardness the responsibility does not belong to us ; it belongs to the Government of India and to His Majesty's Government. Shortly after the introduction of Reforms the question was taken up by a Committee over which my esteemed friend General Sir John Shea presided, and we have not seen any results so far from the recommendations of that Committee.

Then, Sir, the second part of the Resolution is the operative part. The operative part represents the amendment of which I have given notice. The operative part of the Resolution recommends to the Governor General in Council to accept the recommendations of the Skeen Committee. I think, Sir, it is their clear duty to do so. It is the Government of India which appointed this Skeen Committee. It is the Government of India which determined its terms of reference. It is the Government of India and Army Headquarters which were in constant touch during the progress of the Committee in India. I consider that it will be a clear deviation from the normal conduct of Government if they raise serious objections to the acceptance of the unanimous recommendations made by the Skeen Committee.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Who appointed the Frontier Enquiry Committee ?

Mr. K. C. Roy : Sir Denys Bray will give you the reply.

Before I come to the Skeen Committee's Report, I have a word to say about the preface. When I saw the famous " foreword ", about which I asked a few questions the other day, for the first time, it came upon me as a surprise. I have been a keen student of the Government of India for nearly 25 years. I have seen many Commissions and Committees come and go, but I have never seen a " foreword " before. I therefore thought it my duty to table a few questions which I did, but the masterly way in which my Honourable friend Mr. Mackworth Young replied to my questions left me speechless. I left it to my friend Pandit Hirday Nath Kunzru to put supplementary questions, and so he did and I hope that when the discussion proceeds further, my friend Mr. Jinnah will be able to elucidate the points further. But there is one point to which reference has been made both by my friend Mr. Srinivasa Iyengar and my gallant friend Colonel Crawford, and that is about the possibility of developing a Dominion army. But what is the genesis of a Dominion army ? A Dominion army implies immediate autonomy of this Legislature to legislate for the defence of India and also a Dominion Civil Service. Is Colonel Crawford prepared to give it ? A Dominion army also postulates the withdrawal of the King's Army from India. Is Colonel Crawford prepared for this ? A Dominion army further implies citizenship rights to a Dominion citizen. A Dominion citizen can enter the King's army

in any branch he likes ; but to-day Indians are ineligible for admission to the various arms. Is he prepared to wipe that away ? I will leave Government to answer these questions.

Now, Sir, let us take the composition of the Skeen Committee. Who presided over it ? The next man to the Commander-in-Chief, a man well-known and respected throughout the whole of India and among the Indian army, (Applause)—a man with whom it was my privilege to work during the Great War, a man of unimpeachable character and integrity and a man who would only do the right thing. And who were the members ? My Honourable friend Sardar Jogendra Singh and Mr. Jinnah, men who could speak on India's behalf with unimpeachable authority. And who were the representatives of the Indian Army ? Two distinguished officers whose loyalty cannot be questioned, whose sincerity for the good government for India is beyond a shadow of doubt. Now, we are asked by our friend, Colonel Crawford to dismiss the Skeen Committee's Report as a failure and to accept his wholesome advice. (Laughter.) If the House were to accept Colonel Crawford's advice to-day, it will take another thousand years for the Indianisation of the Indian Army. (Hear, hear). And, then, Sir, we are asked to reject the Skeen Committee's Report ; and on what grounds ? The grounds suggested are precisely the same on which we shall urge the acceptance of that Report. My friend Colonel Moonje (Laughter)—I am sorry to have suddenly promoted my friend to that rank—has given a very graphic description of the external conditions of India. I accept his description and I can assure my friend Colonel Crawford that these considerations were ever present in the mind of General Skeen who, as the Chief of the Indian General Staff, knew the external conditions of India much better than an intelligence officer who retired from the Army Headquarters about ten years ago. (Hear, hear.)

Then, Sir, I come to the four points which Colonel Crawford has urged. I accept his criticism of the test of efficiency. In my boyhood I was connected with educational institutions. I can assure His Excellency the Commander-in-Chief that India could produce 100 to 200 men for the Indian Army every year. Indeed if they do not satisfy the test of efficiency do not have them. I say that efficiency shall be the sole test and that we have not so far failed to produce this in any walks of life.

Then, Sir, I come to his next point. He says that there is the lack of British recruits and that they are not coming in sufficient numbers. I accept that position. But, Sir, I look upon it as a temporary phase. The British youth knows his responsibility and his obligations ; the British youth knows the value of India ; the British youth knows the important place that India occupies in the chain of Imperial defence. It is his duty to come. But I would ask my gallant friend to look at the other side of the picture. What about the Indian youths and what about the Indian population ? Suppose you have a war in the North-West Frontier to-morrow. Colonel Crawford was associated with me during the publicity work and I know the value he attached to Indian public opinion in those days. I want him to consider, if there is a war in which His Majesty's Government is engaged and in which you do not get the co-operation of the Indian people, what will happen ? In fact, by making a speech like the one which Colonel Crawford has made to-day, I can assure the House that you are straining the loyalty of the Indian sepoys and the Indian people. (Hear, hear.) I want you again to consider the other side of the shield. You cannot fight another

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European war without the fullest co-operation in money, in munitions and in men from India. When my gallant friend was associated with me during the publicity campaign in the days of the Great War, he did not find a single Indian who was not willing to assist us. Is that the reward he is proposing now ?

And, Sir, what is his next point that he talked about ? He talks against the abandonment of the 8-unit scheme. I remember, Sir, the day when the announcement was made. I was sitting in the Press Gallery and my friend Mr. Burdon came up to me with a bundle of papers in his hand and said : " Here is the 8-unit scheme " and asked me what I thought of it. I told Mr. Burdon : " Take it from me, it is foredoomed to failure." I am sorry he is not here to bear his personal testimony to that effect, but that is what I told him.

Now this is the finding of the Skeen Committee and not the finding of the Indian people. We are not afraid of taking risks and of showing our own merit if we are given opportunities. But what we very strongly object to is the racial discrimination involved in the scheme. In the civil government of India, in our private, social and political life, racial discrimination is practically gone. (*Honourable Members* " No, no.") Well, I have been in Simla for over 25 years and I know what the position was 25 years ago and I know what it is to-day. In the civil government of India racial discrimination is well-nigh gone. Please do not substitute it in the Army. (*An Honourable Member* " Communal appointments ! ") Well, these communal appointments are all your contribution. Please do not introduce racial discrimination in the Army.

Lastly, Sir, before I sit down, I wish to acknowledge the deep debt we all owe to the Commander-in-Chief for the early orders that he has obtained on the Shea Committee's Report (Laughter) I deprecate laughter. You are not conversant with the methods of the British Government. I know His Excellency is straining every nerve to secure an early decision on the Skeen Committee's Report, but I may tell him that if that decision be not the acceptance of the entire recommendations of the Skeen Committee, then it will create widespread dissatisfaction all over the country, and it will really mar the political, economic and social progress which this House has so much at heart. I support the amendment.

Maulvi Abdul Matin Chaudhury : (Assam : Muhammadan) : Sir, I rise to offer a few brief observations on the Resolution that is before us to-day. I confess I am not one of those who went exactly into raptures or ecstasies over this Report of the Skeen Committee. Though I do not withhold my tribute of admiration from the members of the committee, both European and Indian, for the courageous and the conscientious way in which they tried to discharge their duties, I must say, Sir, at the same time, that it falls far short of Indian expectations (Hear, hear.) The Report, Sir, was evidently in the nature of a compromise. But whatever enthusiasm I might have felt for the recommendations of the Committee, my enthusiasm reached its freezing point as I went through the ingenious " foreword " with which the Government of India has taken care to fringe the Report. There is a saying, Sir, that the sting of the scorpion

lies in its tail ; we find that the sting of the Government of India lies in the small slips of paper which they always attach to the otherwise admirable reports. Such was the case with the Resolution on the Textile Enquiry Committee's Report, and such is the case with this " foreword " also.

Since the introduction of the reforms, no Committee or Commission had aroused such a high expectation in the minds of the Indians as this Skeen Committee. The terms of reference were so explicit and definite that we were hypnotised into the belief that probably the Government of India were really earnest and sincere in the matter. With the appointment of this Committee, we began, Sir, in our credulity to see visions of swarms of Indian Captains strutting along the Mall in spick and span uniforms, of Indian Majors swaggering on railway platforms ; we dreamt, Sir, of Indian Colonels in command at Jutogh or of Indian Generals installed at Razmak. The prospects seemed so rosy, that it induced even Pandit Motilal Nehru, the Leader of the Swaraj Party in the Assembly, to give up the position of a dignified dissociation from the Government and walk quietly into the spider's parlour. (Laughter.)

4 P.M.

But, Sir, with one stroke of the pen the Government of India have dashed all our hopes to the ground. The Government now tell us that the recommendations of the Skeen Committee possess no more than a mere academic value as a basis of discussion. The Government unblushingly tell us that they have more cards up their sleeve than they produced before the Skeen Committee. They tell us that we have been living in a fool's paradise if we believed that anything substantial would come out of the Committee's recommendations.

Now I am very much struck by the difference of treatment that is accorded by the Government to the recommendations of Commissions, which concern Indian interests and those which concern the European. When a Commission recommends an extra allowance for officials of non-Asiatic domicile, we are asked to bow unquestioningly to the superior wisdom and expert knowledge of the Commissioners ; we are asked to take it as a gospel. When, again, a Committee recommends some preferential treatment for an article of British manufacture, we are reminded that this House can hardly be expected to improve within two hours upon the recommendations of a Committee which it has taken the experts eight months to produce. But, Sir, when a Committee, one of the ablest and the most representative that can be found in this country, after two years of hard labour and searching investigation, takes the unusual course of recommending a general advance for Indians in a particular direction, the Government of India at once become very uneasy ; like an old garrulous woman, they begin to fumble and flutter and set about inventing excuses to shelve the whole matter.

The position, Sir, is this. When we ask for Swaraj or Dominion status or Home Rule or anything of that sort, the retort is hurled at us : " It is absurd for people to talk of Swaraj who cannot defend their own country ". When, Sir, we ask for opportunities, we are told : " That is no concern of yours ; these are Imperial questions to be decided by the Imperial statesmen at Downing Street or Whitehall ". Sir, in the spacious days of post-war promises we were encouraged to toy with the idea of self-determination ; we were deluded with the prospect of being equal

[Maulvi Abdul Matin Chaudhury.]

partners in what is euphemestically called the British Commonwealth of Nations. The attitude of the Government towards this Resolution, Sir, will be the test (*Lala Lajpat Rai* : " Acid test "), an acid test of the sincerity or otherwise of Government professions. From it, Sir, the Indian public will judge whether the Government are really desirous of leading us to a progressive realisation of responsible government in India or whether they want to keep us down by the " sharp edge of the sword ", as our brilliant Secretary of State has so beautifully put it. We shall, Sir, wait and see.

His Excellency the Commander-in-Chief : Sir, I think I need hardly assure the House that I have listened to the speeches which have been made with the very greatest interest, and before I go any further I would crave the indulgence of the House in the difficulty I feel in making anything like an adequate reply to the speeches and for reasons which will very shortly appear. I was not quite certain when my Honourable friend the Mover of this amendment, Mr. Srinivasa Iyengar, was speaking whether he was speaking on the majority or the minority report of his party. I understood that he was advocating the report of either the majority or the minority, and that he hoped later on to be able to move on behalf of that section which he, at present, is not representing. I did gather from his speech, however, that he was under the impression that Government were inclined to burke or to shelve the issues raised by the Skeen Committee's Report. When Government formed that Committee they naturally realised that the issues roughly would be to some extent what they have been. They are prepared to face those issues and they are prepared to give information regarding their policy after having due time for consideration. Mr. Srinivasa Iyengar talked about the possibility of our deferring consideration on this Report until the arrival of the Statutory Commission in India. Well, as a matter of fact, had Government decided on such action, I think it might not have been very difficult to justify it, because I know that there are a good many people, and certainly some Members of this House, who have felt that Indianisation of the Indian Army is a matter which might so vitally affect the constitution and administration of India that it would have been suitable to refer a big question like this to that Commission when it comes out here. I may say that Government have not taken that attitude. As soon as Government received the Committee's Report, they at once set to work upon it, to examine it as quickly as they possibly could, considering the very great importance of the Report concerned. Indeed, I had hoped that to-day I might have been able to give this House some information as regards the policy of Government in this matter. It is to me a matter of great regret that I am unable to do so. Government, however, were only able to arrive at their own provisional conclusions shortly before Parliament at Home rose, and there was therefore no time for the Home Government to form a considered judgment on the matter. Government, however, have submitted their provisional views by telegram to the Secretary of State, and later on we hope that as a result of this debate to-day, when we are more in a position to know what the wishes of the House are, we shall be able to send a full despatch on the subject to the Secretary of State. I gather that from what Mr. Srinivasa Iyengar said, he and other Members of the House are of the opinion that Government might have been quicker in this matter. I would ask

them to remember the great magnitude of the question and what very far-reaching and indeed irrevocable results might come from a faulty or over-hasty decision in this matter. I think I am right in saying that from the time the Committee first sat to the time they were able to issue this Report, a period of sixteen months elapsed, while probably that time would have been longer had not Government been able to place unreservedly at the disposal of the Committee the services of Mr. Burdon, who, I understand, was of the greatest assistance to them in writing their Report. I need hardly say that I make no complaint whatever about the time taken. I think it is absolutely right that the Committee should have gone as deeply as they did into the whole matter, but I think we must realise this, that no Government could possibly delegate its own responsibility to any Committee, however influential, and when we realise the time the Committee had to take in formulating its Report, I trust there will not be any general feeling that Government have been dilatory in dealing with it.

I would now, Sir, turn to the Report itself, and with your permission I will read the first term of reference which was this :

"By what means it might be possible to improve upon the present supply of Indian candidates for the King's Commission, both in regard to number and quality."

Well, Sir, the Committee having gone very deeply into that question came to the conclusion that it was not possible to improve upon the present supply of Indian candidates, unless there was a definite increase made in the number of vacancies available for Indians at Sandhurst. After coming to this conclusion the Committee drew up a programme of progressive increase of Indianisation among the commissioned ranks of the Indian Army up to the year 1952, by which time, according to the calculation of the Committee, one-half of the officers of the Indian Army holding King's Commissions would be Indians. Beyond that the Committee made no recommendations.

Now, Sir, I feel that the Committee were perfectly right in taking up that point, and in doing so they stressed very distinctly two other aspects of the case which are of the greatest importance and which were just referred to by Colonel Crawford. More than once in that Report the Committee mention the fact that the whole of their recommendations are dependent upon the maintenance of efficiency and also upon the importance of retaining the requisite proportion of British officers in the Indian Army. Just as they were right in emphasising these two points, they were also, I think, equally right in not proceeding to deal with them, because they were to some extent beyond their purview. The Government of India, however, naturally must take up these two points, as the Committee will, I am sure, be the first to recognise.

The problem strikes me as two-sided. On the one hand, you have the question of Indianisation ; that is, the finding of adequate opportunity for Indians to serve as combatant officers in the Army of India and of training them in the qualities of leadership and command. Closely allied to that, is the question of efficiency which again is bound up with the maintenance of British recruitment. I am sure, Sir, it must be clear from the utterances made by Government during the last five or six years that Government are in sympathy with Indian aspirations regarding this, and if there were any doubt on that score, it must surely have been dispelled by

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the very fact of the appointment and the composition of the Indian Sandhurst Committee.

I will now read, Sir, to the House what the Committee state as regards the standard of efficiency. They state as follows :

" It is not our purpose or desire that the number of Indian King's commissioned officers in the Army should be increased without reference to considerations of efficiency. We recognise that in the Army there can only be one standard of efficiency, namely, the highest. We hold strongly, therefore, that the severity of the existing tests should not be relaxed in any way, and, if Indians capable of satisfying these tests are not forthcoming, then the pace of Indianisation must for the time lag behind the number of vacancies offered. We are fully alive to the fact that the progress of our scheme, as of any scheme, must be contingent upon success being secured at each stage and upon military efficiency being maintained throughout ".

I am sure, Sir, the House will agree with that, as they also will with the further point brought out by the Committee as to how essential it is that the educational authorities in this country must undertake the onus of educating boys in the initial stage, so that they may eventually be fit to take their place in the Army. That, Sir, I believe, is the starting point of the whole question. That, I believe, is really an important question, and the Committee have laid stress upon it by stating, that the development of the educational system in India on the lines indicated is a vital element in the scheme which they recommend. Let us remember also that this must not be merely a question of Government effort. It is not only Government effort which is necessary, but public opinion and private enterprise have got to take their due share. There must be no misapprehension about it at all ; it is absolutely essential, because I feel confident that no one will be able to deny the advance of Indianisation if we make sure that the initial stage has been properly and thoroughly laid. Equally, no one must be allowed to think that those initial stages can be avoided or " jumped ".

In this connection I would like to refer to the efforts being made by one of my colleagues, the Honourable Mr. Das. Mr. Das, as I think the House probably knows, is making the greatest effort to establish in India a really fine public school. I sincerely trust that his efforts will meet with the success they deserve. He is working wholeheartedly in the matter, and, should he succeed in his efforts, I honestly believe we should have overcome the first of the many very great difficulties in the problem.

In connection with Sandhurst, I have heard occasionally Members of this House and certainly many parents of " umedwars " for Sandhurst say and being under the impression, that once a boy has got into Sandhurst, even though he has only scraped through that once there all difficulties have disappeared. I need hardly point out how that cannot be the case. The actual passing into Sandhurst is only the first of the many qualifications which a cadet and, later on, an officer must have in his career, and I cannot think it is a kindness to send any boy to Sandhurst with lower qualifications than his brother British cadets and later his brother British commissioned officer. I am sorry to say that at present the standard of the examination for boys going up for examination in India is undoubtedly lower than that passed by their British brothers in England, and, as a result, we know, to our regret, the percentage of failures among Indian boys at Sandhurst is greater than that among English boys.

I trust, Sir, that I have not unduly stressed this question of want of education and the necessity of putting it right. I have done so because the

Committee themselves stress it and I think it only right to emphasise the fact that the whole of their recommendations are dependent upon efficiency being maintained at every stage at the high standard on which the Committee have rightly insisted.

I would turn now, Sir, to the matter of British recruitment, and with your permission I would read out what the Committee say about that :

"On the civil side of the administration the fear has often been expressed, and has to some extent been realised, that Indianisation will cause a falling off in the recruitment of British candidates for the services. The same phenomenon is liable to occur in connexion with the Indianisation of the Army. As we have indicated in our observations regarding the 'eight units scheme', a continued supply of British officers, of the same high quality as those who have served India in the past, will, apart from everything else, be a great and valuable aid for the present and for some time to come to successful Indianisation. We should, therefore, regard it as specially important to maintain the proportion of British recruitment required."

That, Sir, was the view of the Committee. But naturally no Committee in this country could be in a position to keep its finger on the pulse of what I might call the home recruiting market, or to be able to gauge with any accuracy what the exact result of their recommendations would be on the boys that we get out from Sandhurst. The authorities in England can alone be in a good position to judge regarding this and when the Committee lay stress on the necessity for maintaining the proper proportion of British recruitment, it is only right that the Government of India and His Majesty's Government must regard the matter from the very widest point of view. Let us remember that the Government of India is responsible for the defence of India and that responsibility lies entirely upon the efficiency of her fighting forces, and, as my friend Dr. Moonje has pointed out, we know that we have no margin to spare as far as our Army in India is concerned. The Army in India is one link in the Imperial chain of the defence of the Empire and naturally therefore no alterations in its organisation, which might in any way affect its efficiency can be taken without the fullest consideration of His Majesty's Government, which is ultimately responsible for Imperial security. We know that in the last war, the Indian army took its part in upholding the integrity of the British Empire. That integrity was only maintained by fighting in practically all parts of the world. Let us never forget how fortunate India was that such fighting did not take place in her own territory. I certainly trust that it may be many years before another great war comes to scourge this world, but should such a war come, we have to remember that he would be a very rash man who would dare to prophesy in what arena fighting would or would not take place, and should the actual defence of India then be forced upon us, it is certain that not only would any failure here mean disaster to India but it would react upon the British Empire as a whole and consequently His Majesty's Government would be failing in their duty if they did not fully satisfy themselves that any reorganisation of the army did not in any way cause inefficiency—when we realize the great responsibilities inherent in His Majesty's Government for matters which may vitally affect the security and defence of the whole Empire, I feel confident that Honourable Members will not wish to hurry His Majesty's Government unduly in such a matter as this. As I have said, the Government of India have already transmitted to His Majesty's Government their provisional proposals and for the reasons I have stated it has not yet been possible for His Majesty's Government to arrive at any decision.

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Before I sit down, I wish to say one word more and that is this. I believe, we, all of us here in this Assembly to-day, are at one in the dual purpose of doing all that is possible to assist Indians in increasing numbers in taking part in the defence of their country, while at the same time we are also determined that the measures chosen to do this shall not in any way, directly or indirectly, weaken the instrument of self-defence upon which the security of India depends. I trust that this Resolution may not be pressed. If pressed, the Government of India will have no other recourse than that of opposing it for the reasons I have given, but I am rather hoping that the present event may be regarded more as an opportunity for Members to state their opinions than as an attack upon Government. The Home Government, as I have already said, have not yet had time to formulate their opinions and surely it will be best if they are not asked to do so in a hostile atmosphere. I trust that the Mover thereof may withdraw it. (Applause.)

Mr. President : As Honourable Members are aware, His Excellency the Governor General will address the Members of both Houses in this Chamber on Monday next at 11 o'clock. The House now stands adjourned till 12 Noon on Monday next.

The Assembly then adjourned till Twelve of the Clock on Monday, the 29th August 1927.

ADDRESS BY HIS EXCELLENCY THE VICEROY TO THE MEMBERS OF THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY.

H. E. the Viceroy : Gentlemen, little more than a year ago, I invited India to pause and consider seriously the communal situation, and I then appealed to leaders and rank and file to pursue peace and cultivate a spirit of toleration towards one another. For several months past I have had it in mind again to speak to the conscience and heart of India upon that question which still dwarfs all others in her life, but I have felt some doubt as to the most convenient means of doing it. I finally came to the conclusion that there was no more appropriate way of reaching the ear of the multitudes of India than by addressing them through the representatives of India in the Central Legislature. Accordingly I decided, in exercise of the statutory privileges conferred upon me by the Government of India Act, to ask the Members of the Legislature to meet me here to-day, and I am gratified that so large a number of Honourable Members of both Houses should have been able to attend.

Let me recall the salient incidents of India's recent history.

I am not exaggerating when I say that during the 17 months that I have been in India, the whole landscape has been overshadowed by the lowering clouds of communal tension, which have repeatedly discharged their thunderbolts, spreading far throughout the land their devastating havoc.

From April to July last year, Calcutta seemed to be under the mastery of some evil spirit, which so gripped the minds of men that in their insanity they held themselves absolved from the most sacred restraints of human conduct. Honest citizens went abroad in peril of their lives from fanatical attack, and the paralysis that overtook the commercial life of a great metropolis was only less serious than the civic loss that flowed from a naked and unashamed violation of the law, which perforce had to be reasserted by methods drastic and severe. Since then we have seen the same sinister influences at work in Pabna, Rawalpindi, Lahore and many other places, and have been forced to look upon that abyss of unchained human passions that lies too often beneath the surface of habit and of law.

In less than 18 months, so far as numbers are available, the toll taken by this bloody strife has been between 250 and 300 killed, and over 2,500 injured. While angry temper reigns we are not always sensible of the tragedy that lies behind figures such as these. The appreciation of it is dulled in the poisoned atmosphere, which for the time prevails, suggesting that such things are inseparable from the defence of principles jealously revered, and tempting men to forget how frequently in history the attempt has been made to cloak such crimes against society in honourable guise. But let us translate these things into terms of human sorrow and

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bereavement, and let our minds dwell in pity and in shame upon the broken human lives that they represent, mothers robbed of sons whose welfare they counted more precious than their own, the partnership of lives severed, the promise of young life denied. The sorrows of war are often mercifully redeemed, as many of us have known, by an element of self-sacrifice that transfigures and consecrates them to the achievement of some high purpose. But here, over these domestic battlefields, sorrow holds sway unredeemed by any such transforming power, and speaks only of the senseless and futile passions that have caused it.

Nor are the many houses of mourning the only measure of the damage which is being done to India. Is there not much in Indian social life that still cries out for remedy and reform and which enlightened India of to-day would fain mould otherwise ? Nowhere perhaps is the task before the reformers more laborious ; for in India civilisation is age-long, immemorial ; and all things are deep-rooted in the past. United must be the effort if it is to gain success ; and on the successful issue of such work depends the building of the Indian nation. Yet the would-be builders must approach their task sorely handicapped and with heavy heart, so long as the forces to which they would appeal are distracted and torn by present animosities. For nothing wholesome can flourish in unwholesome soil, and no one may hope to build a house to stand against the wind and the rain and the storm of life upon foundations that are rotten and unsound.

And what shall we say of the effect of these troubles upon India's progress in the field of constitutional evolution ? There are many who hold that the very reforms that were designed to lead India along the peaceful road of political development have, by reason of the political power that they conferred, been directly responsible for the aggravation of these anxieties. True it most certainly is that national self-government must be founded upon the self-government and self-control of individuals. Where private citizens do not possess these qualities, political self-government of a nation is an empty name, and merely serves to disguise under an honourable title the continuance of something perilously akin to civil war.

And thus this problem, of which the reactions upon the future of India must be so intimate, is a problem with which Great Britain, not less than India, is vitally concerned. For India desires to win self-government, and it is Great Britain's self-appointed task to guide her to this end. Surely it is evident that those who desire to win, and those who desire to lend assistance in the winning, are mutually and vitally confronted with the necessity of laying the spectre that besets the path of their common hopes. By the logic of our purpose or desires, we are partners in the task, and no one of us can here shirk or decline responsibility. Of the burden which India's unhappy disunion imposes on Government, the figures I gave earlier in my speech are eloquent. It is our inalienable duty to preserve order and to vindicate the law. We may make mistakes in doing it ; there are few human beings who can avoid them ; but if we make them, they are, believe me, mistakes made in the cause of a genuine attempt to discharge the difficult and painful duty that is ours.

But I cannot reconcile it with my conception of a real and effective partnership in this matter between Great Britain and India to confine the responsibility, either of myself or my Government, to a mere repression of disorder. Necessary as that is, the situation, as I see it to-day, demands a more constructive effort.

A year ago an appeal was made to me by many men of influence and distinction that I should take the initiative in convening a conference to examine any means that might hold out promise of amelioration. For reasons which seemed to me convincing, I thought it inadvisable to take that step ; and I have not wavered in my conviction that my decision was well-founded. But the passage of events between that time and this has compelled me perpetually to review the grounds on which I then formed my judgment. I had hoped that, in answer to my appeal to the communities, it might not have been impossible that they themselves, freely taking counsel together, might have reached an agreement genuine, convinced and thus effective, that would have brought much-desired and long sought relief from these distractions. In this respect my hopes have been disappointed. Partial agreements, it is true, have been reached in regard to this or that aspect of the problem, reflecting much honour upon those who exposed themselves, I do not doubt, to considerable risk with many of their own friends in making them. But, so far as I can judge, those agreements have failed to offer that fundamental solution of the problem, and to gain that measure of acceptance, which are necessary if we are to win through the present distress. And one condition remains constant, which is, as I said last year, that no conference can offer any hope of success unless those participating in it are truly inspired with a will to peace.

It was with real pleasure that I observed statements recently in the press which indicated that fresh efforts might be made to bring together Hindus and Muslims for the discussion of these matters. Any such attempt deserves the active good-will and support of all who care for India's welfare and good name. I myself have long been considering anxiously whether any action by Government could help to stimulate that general desire of reconciliation without which nothing can be done. It is not easy, or perhaps possible, for me to give a positive or assured answer to these reflections. In matters of this kind, each man must search his own heart and answer for himself whether he does in truth and without reserve desire to play his part as an apostle of peace, and whether those associated with him are like-minded. But this I can say. If it were represented to me by the responsible leaders of the great communities that they thought a useful purpose might be served by my convening a conference myself with the object of frankly facing the causes of these miserable differences, and then in a spirit of determined good-will considering whether any practical solution or mitigation of them could be found, I should welcome it as evidence of a firm resolve to leave no way unsearched that might disclose means of rescuing India from her present unhappy state. And, if these representations were made by those who occupy such a position in their communities as to permit me to assume that the communities would accept and abide by any decisions at which they might arrive on their behalf, then, allying myself with them and such other leaders of public thought as might be willing to assist, I should gladly and cordially throw my whole energies into this honourable quest.

[H. E. the Viceroy.]

I have been told that any such efforts are foredoomed to failure, and that all we might accomplish would be to contribute a few more barren pages to the story of unprofitable discussions. I do not underestimate the difficulties; I do not minimise the risk of failure. But difficulties are meant to be surmounted, and outward success or failure is not the sole or the final test of conduct in this sphere. After all, many of the greatest ventures in human history have sprung from what the world deemed failures. At any given time the evil forces of life may be so strong that the efforts we can make against them appear unavailing. Yet to allow this thought to drive us into a posture of feeble acquiescence in something against which our whole moral sense rebels, and into losing our will for better things, this surely would be deliberately to turn our back upon everything that makes life worth living.

There is an epitaph in a small country churchyard of England upon an English country gentleman, whose lot had been cast in those unhappy days of English history, when England too was torn by religious strife. It runs as follows :

> "In the year 1643, when all things sacred were either demolished or profaned, this Church was built by Sir Francis Shirley, Baronet, whose singular praise it is to have done the best things in the worst times, and to have hoped them in the most calamitous."

I doubt whether higher testimony could be paid to any man, or more concise expression given to the forces by which this world is moved.

There must surely have been times during these latter months when Indian patriots, gazing upon their motherland, bruised by this internecine and senseless struggle, must have been hard put to it to maintain their faith in India's destiny untarnished, and when many must have been even tempted to hate the very name of religion, which ought to be man's greatest solace and reward. Yet may it not be that the purpose of these trials has been to test the calibre of our faith, and that some day when the testing time is past, those who with trust in their hearts, and hope in their eyes, have striven unceasingly to spread kindly feeling among their fellowmen, will reap for India a reward that will repay tenfold the bitter cost at which it has been purchased ?

You will forgive me, Gentlemen, for speaking in a strain that may seem to some to accord ill with the hard facts of life and the common atmosphere of politics. But I believe—and I think India believes—in the power of spiritual forces to assert themselves over their material expression, by which they may often be betrayed. And it is because of this belief that is hers and mine that I have ventured once more to trace out the only path along which India can lead her peoples to take their appropriate part in the fulfilment of the ordered purpose for humanity.

LEGISLATIVE ASSEMBLY.

Monday, 29th August, 1927.

The Assembly met in the Assembly Chamber at Twelve of the Clock, Mr. President in the Chair.

MEMBERS SWORN.

U. Hla Tun Pru, M.L.A. (Burma : Non-European) ;

Sir Alexander Robertson Murray, Kt., C.B.E., M.L.A. (Associated Chambers of Commerce : Nominated Non-Official).

QUESTIONS AND ANSWERS.

†474*—476.*

DUTY REALISED ON SUGAR UNDER THE INDIAN TARIFF (AMENDMENT) ACT, 1925, FROM THE 1ST JUNE 1925, TO THE 30TH MARCH 1927.

477. ***Haji Abdoola Haroon** : Will Government be pleased to produce accounts of the duty realized on sugar under the Indian Tariff (Amendment) Act, 1925, in comparison to the same as if it were realised in accordance with the previous practice of 25 per cent as from the 1st June 1925, and up to the end of the last official year, and show exactly what surplus has thereby been gained ?

The Honourable Sir Basil Blackett : The duty realised on sugar during the period 1st June, 1925, to 30th March, 1927, under the Indian Tariff (Amendment) Act, 1925, amounted to Rs. 13,05,08,390. Under the old rate of 25 per cent. during the same period it is estimated that it would have amounted to Rs. 8,25,43,068.

ALLEGED RUDE CONDUCT OF A GUARD AND A CONSTABLE TOWARDS INDIAN PASSENGERS ON THE NORTH WESTERN RAILWAY.

478. ***Pandit Thakur Das Bhargava** : (*a*) Will the Government please state if any complaint by a gentleman of Panipat, Ambala Division, Punjab, was received by the Agent, North-Western Railway, and the Inspector-General, Government Railway Police, Lahore, regarding the rude treatment and abuse of powers by the guard of 23 Up of 4th July 1927 and a constable of the same train in respect of reserving a compartment occupied by some ladies at some intermediate station between Delhi and Ambala resulting in great discomfort and humiliation to the passengers concerned, of whom one was an invalid old lady and the other a pregnant lady ?

(*b*) If the answer is in the affirmative, will the Government state what action has been taken by the authorities in this matter ?

Mr. A. A. L. Parsons : (*a*) and (*b*). Government have no information. The gentleman seems to have taken quite the proper course in approaching the Agent.

† Not put at the meeting, owing to the absence of the questioner, but the questions and answers to them will be found at page 3541 of these proceedings.

OPENING OF THE BOOKING OFFICE AT DELHI OF THE METRE GAUGE SECTION OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

479. ***Pandit Thakur Das Bhargava** : Is it a fact that the third class booking office at Delhi (Bombay, Baroda and Central India Railway) metre gauge does not remain open in accordance with the rules, but that, to the great inconvenience and exploitation of the passengers concerned, it is generally opened only half an hour or so before the time of departure of trains ?

Mr. A. A. L. Parsons : Government have no information, but a copy of the question has been sent to the Agent of the Bombay, Baroda and Central India Railway for such action as may be necessary.

ALLEGED HARASSMENT OF PASSENGERS BY THE TRAVELLING LUGGAGE INSPECTORS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

480. ***Pandit Thakur Das Bhargava** : Is it a fact that since some time the travelling luggage inspectors on the Bombay, Baroda and Central India Railway metre gauge section, have become a source of great havoc, inconvenience, and trouble to illiterate passengers, poor peasants and ladies in so far that they try to extort money for themselves and sometimes overweigh the luggage and work on the fears of the passengers in other ways ?

Mr. A. A. L. Parsons : Government have no information, but a copy of the question has been sent to the Agent of the Bombay, Baroda and Central India Railway for such action as may be necessary.

ALLEGED MUHAMMADAN FANATICISM IN DELHI AND THE NORTH-WEST FRONTIER PROVINCE.

481. ***Pandit Thakur Das Bhargava** : (*a*) Has the attention of the Government been drawn to the piece of news appearing on page 1 of the *Hindustan Times* of July 30th under the heading " Victims of *Rangila Rasul* vendetta and Muslim fanaticism let loose " ?

(*b*) If so, do Government propose to inquire into the allegations and in case the inquiry has already been made to state how far the allegations contained in the report are correct ?

(*c*) What steps have the Government taken to protect the Hindus and Sikhs of the affected area and what punishment has been awarded to the offenders ?

(*d*) Are the Government aware that organised attempts are being made by some Mussalmans throughout India to inflame the public mind and incite Muslims to injure the Hindus under cover of the *Rangila Rasul* agitation, and that virulent and inflammatory speeches have been made by some Muslim leaders containing open threats of violence to the author of the book *Rangila Rasul* and the Hindus in general and advocating the boycott of Hindus ?

(*e*) Have the Government prosecuted so far any of the persons responsible for such speeches as clearly came within the ambit of Section 153-A., I. P. C. in the Province of Delhi and the North-West Frontier Province ?

Sir Denys Bray : (*a*), (*b*) and (*c*). I have seen the article. That it contains some exaggeration and misstatements will have been apparent from the statement I made on the 18th August.

To that statement, there is nothing, I think, which I can usefully add at present, except that the Pakhai and Zakha Afridi and the Shinwari Elders have invited the Hindus from their country to return, and have given a written guarantee not to molest them in any way if they do so. The Shinwari Hindus are about three-quarters of the total number of refugees now in Peshawar.

(*d*) Government are aware that the contents of the pamphlet and the acquittal of the publisher stirred strong feelings and gave rise to agitation in the course of which speeches of an extreme character were made in certain places.

(*e*) No, Sir.

Mr. Amar Nath Dutt : Are the Government convinced that this written guarantee will be observed ?

Sir Denys Bray : I hope so, Sir.

Mr. K. Ahmed : Are the Government aware that the decision of the High Court of the Punjab remains a dead letter and an *obiter dictum* as Justice Broadway's Judgment has confirmed the decision of the Allahabad High Court and therefore Justice Dalip Singh's ruling will have no application to any other case ?

Is it not a fact, Sir, that it remains a dead letter as an *obiter dictum* in the law report of the Punjab High Court ?

ALLEGED VILIFICATION OF HINDUS AND ARYA SAMAJISTS BY HASAN NIZAMI OF DELHI.

482. ***Pandit Thakur Das Bhargava** : (*a*) Has the attention of the Government been drawn to the persistent campaign of vilification of Hindus in general and Arya Samajists in particular by Hussan Nizami of Delhi ?

(*b*) Has that gentleman ever been and is he at present in the employ of the C. I. D. of Delhi or any other Province ?

The Honourable Mr. J. Crerar : (*a*) The attention of Government has been drawn to an objectionable article published in a paper edited by Khwaja Hasan Nizami, for which he subsequently made a public apology.

(*b*) He is not and never has been in the employ of the Criminal Investigation Department of Delhi, and Government have no reason to suppose that he has ever been so employed in any Province.

UNFOUNDED ALLEGATIONS MADE BY HASAN NIZAMI AGAINST THE ARYA SAMAJISTS OF DELHI.

483. ***Pandit Thakur Das Bhargava** : (*a*) Has the attention of the Government been drawn to a piece of news published in Hussan Nizami's paper *Munadi* to the effect that Arya Samajists adopted foul means of conversion so much so that a motor car containing girls with a placard " Choose and be converted " was paraded by them in the public streets of Delhi, which news Hasan Nizami was subsequently forced to own to be absolutely unfounded ?

(*b*) Will the Government be pleased to state its reasons for not prosecuting Hasan Nizami in this case ?

The Honourable Mr. J. Crerar : (*a*) Government have not seen the newspaper in question, but their attention was drawn to the incident.

b) In view of Khwaja Hasan Nizami's public apology and retraction of the statement made, no prosecution was thought necessary.

Mr. K. Ahmed : Would it not be for the benefit of the country if the writer of the article set out in the question No. 481, and also Maulana Hasan Nizami are prosecuted ? If the Public Prosecutor and the Government counsel on behalf of the Crown are instructed to move for the setting aside of the order of acquittal of the High Court Judge of the Punjab and, the writer of the article is retried for promoting class hatred, would it not be for the benefit of the country ? Maulana Hasan Nizami may be prosecuted as well to stop communal trouble and to bring about peace in the country ?

The Honourable Mr. J. Crerar : The Honourable Member's supplementary question refers to a question which has not yet been asked.

OBJECT OF THE PUBLICATION OF THE BOOK "RANGILA RASUL" AND THE ARTICLE "SAIR DOZAKH" IN THE "VARTMAN."

484. ***Pandit Thakur Das Bhargava** : Will the Government state if it is a fact that the book *Rangila Rasul* and the article *Sair Dozakh* in the paper *Vartman* was written by way of reply to similar books *Unnisvin Saddi ka Maharishi* and the article *Sair Din Va Dunia* written by Muhammadan authors ?

The Honourable Mr. J. Crerar : Government have no reason to suppose that this was the case.

PROSECUTION OF THE AUTHORS OF "UNNISVIN SADDI KA MAHARISHI" AND "SAIR DIN VA DUNIA", ETC.

485. ***Pandit Thakur Das Bhargava** : Will the Government state if the authors of *Unnisvin Saddi ka Maharishi* and *Sair Din Va Dunia* have been prosecuted and the publication proscribed ; if not, why not ?

The Honourable Mr. J. Crerar : No. The authorities concerned did not consider that the effect of these publications was such as to call for the measures mentioned.

RESENTMENT OF THE HINDUS AND ARYA SAMAJISTS AT THE ATTITUDE OF GOVERNMENT IN THE MATTER OF COMMUNAL AND RELIGIOUS QUESTIONS.

486. ***Pandit Thakur Das Bhargava** : Are the Government aware that there is a widespread feeling of dissatisfaction and resentment among the Hindus in general and the Arya Samajists in particular that the Government is not holding the scales even between the two communities in respect of various communal, religious questions specially with reference to prosecution, proscription of literature, and observance of *Nagar Kirtans* and *Ramlilas* ?

The Honourable Mr. J. Crerar : Government are aware that allegations of this character have from time to time been made by members both of the Hindu and of the Muhammadan community. Such allegations are entirely without foundation.

RESTORATION OF CONFIDENCE AMONG THE HINDUS OF THE NORTH WEST FRONTIER PROVINCE.

487. ***Pandit Thakur Das Bhargava** : Will the Government be pleased to state what steps they have taken to restore confidence among the

Hindus of the North-West Frontier Province in general and of Kohat in particular after the riot of 1924 ?

Sir Denys Bray : In Kohat the City Police has been strengthened by 50 per cent. and at least 30 per cent. of the total strength in the City and Cantonments is composed of Hindus and Sikhs. At least one Hindu first class magistrate is always posted to Kohat, and there is also at present a Sikh District Judge and a Hindu Treasury Officer. Liberal loans were granted by Government for the rebuilding of houses and the restarting of business ; financial assistance was given for the rebuilding of the Dharamsala ; and the civil courts are showing consideration over terms of payment when granting money decrees against those who suffered in the riots. The good effect of these measures has been demonstrated by the calm atmosphere prevailing in Kohat during the recent tension elsewhere over the Rajpal case.

STRENGTH OF MUHAMMADAN POLICE OFFICERS IN THE NORTH-WEST FRONTIER PROVINCE, THE PUNJAB, DELHI, AJMER-MERWARA AND THE UNITED PROVINCES.

488. ***Pandit Thakur Das Bhargava** : Will the Government be pleased to state the total number of Constables, Head Constables, Sub-Inspectors, Inspectors, Deputy Superintendents and Superintendents of Police separately in each of the Provinces of the North-West Frontier, the Punjab, Delhi, Ajmer-Merwara and the United Provinces, and what percentage of these posts is manned by Muhammadans as well as the percentage of Muhammadans in these posts with regard to the population bases in these Provinces ?

The Honourable Mr. J. Crerar : I place on the table a statement showing the total number of constables, etc., in the North-West Frontier Province, Delhi and Ajmer-Merwara, and the percentage of Muhammadans among them. The last part of the Honourable Member's question is not very clear, and I am not sure what further information he desires.

Rank.	*Number of posts.*	*Percentage of posts manned by Muhammadans.*
NORTH-WEST FRONTIER PROVINCE.		
Constables	.. 1,910	90 per cent.
Head Constables	.. 624	87 per cent.
Sub-Inspectors	.. 176	69 per cent.
Inspectors	.. 32	72 per cent.
Deputy Superintendents ..	.. 14	86 per cent.
Superintendents	.. 7	14 per cent.
DELHI.		
Constables	.. 1,314	56 per cent.
Head Constables	.. 163	64 per cent.
Sub-Inspectors	.. 36	53 per cent.
Inspectors	.. 10	20 per cent.
Deputy Superintendents ..	.. 2	50 per cent.
Superintendents	.. 2	*nil.*

Rank.	*Number of posts.*	*Percentage of posts manned by Muhammadans.*
AJMER-MERWARA.		
Constables	746	47 per cent.
Head Constables	85	69 per cent.
Sub-Inspectors	34	41 per cent.
Inspectors	4	50 per cent.
Deputy Superintendent	1	*nil.*
Superintendent	1	*nil.*

Government have not the corresponding information for the Punjab and the United Provinces.

THE SKEEN COMMITTEE'S REPORT.

489. ***Pandit Thakur Das Bhargava** : Will the Government kindly state when they propose to take action on the Skeen Committee's Report ?

Mr. G. M. Young : The Honourable Member is referred to the reply given to Diwan Chaman Lall's starred question No. 109.

TOTAL MUSLIM POPULATION OF INDIA SHOWING MALES AND FEMALES AND LITERATES AND ILLITERATES.

490. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah** : Will the Government please state the Muslim population in British India and how many of them are males and females, scholars and non-scholars ?

The Honourable Mr. J. Crerar : The Honourable Member is referred to Table VIII on pages 74-75 of Part II of the Census of India, 1921, Volume I, a copy of which is in the Library of the Assembly.

PROMULGATION OF AN ORDINANCE TO STOP SCURRILOUS ATTACKS ON THE FOUNDER OF ISLAM.

491. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah** : Do the Government propose to introduce an Ordinance stopping mean and scurrilous attacks on the Great Founder of Islam in future ?

The Honourable Mr. J. Crerar : Government introduced a Bill on the 24th August, which is intended to have the effect among other things of preventing such attacks.

NUMBER OF INDIANS SELECTED FOR THE INDIAN CIVIL SERVICE FROM 1922 TO 1927.

492. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah** : (*a*) Will the Government please state the number of the Indians selected for the Indian Civil Service from 1922 to 1927 both in India and in England ?

(*b*) How many appointments have gone to the Muhammadans, the Hindus, the Sikhs and the Indian Christians ?

The Honourable Mr. J. Crerar : (*a*) The number of Indians, including Burmans, who have been selected since 1922 for the Indian Civil Service is 109.

(*b*) 10 appointments have gone to Muhammadans, 81 to Hindus, 2 to Sikhs and 7 to Indian Christians. The remaining 9 appointments have gone to Burmans.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member kindly inform the House how many Anglo-Indians were admitted into the I. C. S. during this period ?

Mr. K. Ahmed : That question does not arise. (Laughter.)

The Honourable Mr. J. Crerar : I must ask for notice of that question.

GRANT OF A LARGER NUMBER OF KING'S COMMISSIONS TO MUHAMMADANS.

493. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah** : (*a*) Will the Government please state the number of Muslims, Hindus, Sikhs and other Indians selected for the King's Commissions, from 1922 to 1927 ?

(*b*) If the representation of the Muhammadans in the said Commission is not in proportion to their population as compared with the Sikh representation (who are only 4 millions), do Government propose to make up the deficiency by recruiting them in greater numbers than before ?

Mr. G. M. Young : (*a*) As far as can be gathered from the Army Lists of the years in question, the answer is 20 Muhammadans, 15 Hindus, 15 Sikhs and none of other religions.

(*b*) Government do not consider the suggestion feasible.

NON-REPRESENTATION OF THE MUSLIMS OF THE PUNJAB IN THE POSTAL DEPARTMENT.

494. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah** : (*a*) Are the Government aware that the Muslims are 55 per cent. of the whole population in the Punjab ?

(*b*) Are the Government aware that the Muslims are not represented in the Postal Department according to their population ?

(*c*) If so, are Government prepared to direct the Director General of Post and Telegraph to recruit Muhammadans in proportion to their population ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The correct figure is, I understand, 51.04 per cent. according to the Census of 1921.

(*b*) The proportion of Muslims in the Postal Department in the Punjab and North-West Frontier Circle is 47.82 per cent.

(*c*) The Government of India are not prepared to go beyond the general instructions already laid down for all Departments.

Mr. K. Ahmed : Will the Government be pleased to state what the instructions are ?

The Honourable Sir Bhupendra Nath Mitra : The instructions have on several occasions been referred to by the Honourable the Home Member in this House.

(Mr. K. Ahmed then put a supplementary question twice, but it was inaudible.)

The Honourable Sir Bhupendra Nath Mitra : I shall be obliged if the Honourable Member will put down that question.

Mr. K. Ahmed : It is not necessary to put it down, because it is so clear, and in the alternative it will remain a dead letter in the Standing Rules and Orders of this Assembly if it is not acted upon, that is to say, if questions are not answered.

The Honourable Sir Bhupendra Nath Mitra : I cannot find aything in my answer which can lead the Honourable Member to assume that the policy of the Government of India in the matter is not being given effect to.

Mr. K. Ahmed : But the rules and procedure of this House are being trodden down, that is to say, the Honourable Member is unable or will not answer what is called a supplementary question in clear terms.

RECRUITMENT TO THE ROYAL INDIAN NAVY.

495. ***Mr. N. M. Joshi** : (*a*) Will the Government be pleased to state from which class they have selected men for the Royal Indian Navy ?

(*b*) Is it a fact that only Muhammadans are at present considered eligible for recruitment ?

(*c*) Are Government aware that on the western coast of the Bombay Presidency there are castes of Hindus who have been well known for their sea-faring qualities ?

(*d*) Is it a fact that the Government have refused to make recruitment from any of these Hindu castes ?

(*e*) Will the Government be pleased to explain the exclusion of Hindus from recruitment ?

(*f*) Are Government prepared to take the opinion of the Assembly on this question by a Resolution ?

Mr. G. M. Young : (*a*), (*b*), (*d*) and (*e*). The Honourable Member is referred to the replies given to Mr. M. S. Aney's questions Nos. 321 to 324.

(*c*) The Government of India are aware that there are seafaring Hindu communities both on the Bombay coast and in other parts of the coast of India.

(*f*) The Government of India, in view of my answer to Mr. Aney's question No. 324, see no necessity to elicit a debate in the House by moving a Resolution.

INFLAMMATORY COMMUNAL WRITINGS IN A SECTION OF THE PUNJAB PRESS.

496. ***Mr. K. C. Roy** : (*a*) Has the attention of the Government of India been drawn to the speeches made by the Honourable Sir Geoffrey deMontmorency and Mr. H. D. Craik in the Punjab Legislative Council on the 18th July last on the subject of inflammatory communal writings in a section of the Punjab Press ?

(*b*) Have the Punjab Government submitted any proposals, whether of a legislative or administrative character to deal with this problem ?

(*c*) If the answer to (*b*) be in the negative, will the Government of India be pleased to state if they have at all been addressed by the Punjab Government on the subject and if the reply be in the affirmative, will they be further pleased to place on the table of the Assembly a copy of the Punjab Government's letter on the subject ?

The Honourable Mr. J. Crerar : (*a*) I have seen reports of the speeches in the Press.

(*b*) and (*c*). A letter has been received and is under consideration. It is not proposed to lay a copy on the table.

INFLAMMATORY COMMUNAL WRITINGS IN THE VARIOUS PROVINCES.

497. ***Mr. K. C. Roy** : Will the Government of India be pleased to state whether it has satisfied itself that the Provincial Governments have used their full resources in dealing with communal inflammatory writings in the various provinces ?

The Honourable Mr. J. Crerar : The Government of India are satisfied that Provincial Governments are fully alive to the evil caused by such writings and are using to the best advantage the power which the existing law gives them.

LENGTHS OF JURISDICTION OF DISTRICT TRAFFIC SUPERINTENDENTS AND EXECUTIVE ENGINEERS ON THE ASSAM BENGAL, THE EAST INDIAN, THE EASTERN BENGAL AND THE NORTH WESTERN RAILWAYS.

498. ***Mr. Srish Chandra Dutta** : Will the Government be pleased to state the average area in miles over which District Traffic Superintendents and Executive Engineers are placed on the (1) Assam Bengal Railway, (2) the East Indian Railway, (3) the Eastern Bengal Railway, and (4) the North Western Railway ?

Mr. A. A. L. Parsons : There are no longer Traffic or Engineering Districts on the East Indian and North Western Railways where the Divisional System has been introduced. On the Eastern Bengal Railway, though the Divisional System has not yet been introduced, the Transportation and Commercial work of the old Traffic Department has been separated, and apart from the Chitpur Yard the only remaining Traffic District is the Dacca District. This district is in charge of a District Traffic Superintendent and has a route mileage of 161. The average route mileage on the districts in charge of Open Line Executive Engineers on the Eastern Bengal Railway is 245. The average route mileage under District Traffic Superintendents and District Executive Engineers on the Assam Bengal Railway is approximately 273.

(At this stage Sir Victor Sassoon, wearing a top hat, entered the Chamber and took his seat without removing his hat.)

Mr. K. Ahmed : Sir, I rise to a point of order. Is an Honourable Member of this Assembly allowed to sit here with a top hat on ? (Laughter.)

Mr. President : Order, order.

ACCIDENT ON THE ASSAM BENGAL RAILWAY BETWEEN BARLEKHA AND LATU STATIONS.

499. ***Mr. Srish Chandra Dutta** : Will the Government be pleased to publish the results of the enquiry held regarding the accident that

occurred on the Assam Bengal Railway line between Barlekha and Latu stations to No. 10 down train on the night of the 30th March last ? What was the accident due to ? Is it the opinion of the experts that it is possible for carriages being severed from the train by a violent storm even though they may be securely chained ?

Mr. A. A. L. Parsons : Government do not consider it necessary to publish the results of the enquiry, but I am quite willing to show the Honourable Member the report if he will call at my office. The accident was due to a cyclone, and the answer to the last part of the question is in the affirmative.

INCONVENIENCES OF HIGHER CLASS PASSENGERS ON THE ASSAM BENGAL RAILWAY.

500. ***Mr. Srish Chandra Dutta** : Are the Government aware that higher class passengers are subjected to much trouble and inconvenience on the Assam Bengal Railway line specially at night for want of accommodation owing to the Travelling Ticket Examiners being allowed to travel by second class ? If so, do Government propose to recommend providing more accommodation so that the passengers may not be subjected to any inconvenience ?

Mr. A. A. L. Parsons : Government have received no complaints to this effect, but a copy of the question and this answer will be sent to the Agent, Assam Bengal Railway.

†501.*—503.*

DISCONTINUANCE OF THE UPPER SUBORDINATE ENGINEERING SERVICE ON STATE RAILWAYS.

504. ***Mr. Mukhtar Singh** : (*a*) Will the Government be pleased to state the time since when the upper subordinate engineering service has been discontinued in the Railway Department ?

(*b*) How many employees were serving in the different State Railways at the time when the upper subordinate service was discontinued ?

(*c*) Are there some rules made for the future prospects of the employees of this service as regards their promotion, allowance, etc.? Will the Government be pleased to place on the table a copy of these rules ?

(*d*) Since when has any increment not been given to the employees of this branch and how long is it not likely that they will be given any promotions ?

(*e*) Is there any objection to granting them the time-scale pay as in other branches of the service ?

Mr. A. A. L. Parsons : (*a*) No recruitment has been made to what was designated the State Railway Upper Subordinate Engineering Establishment since 1923.

(*b*) 53.

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*Not put at the meeting, owing to the absence of the questioner, but the questions and answers to them will be found at page 3542 of these proceedings.

(*e*) No definite rules have been laid down for the future prospects of the men in question. Promotion within the class of overseers is regulated according to the length of service and that to the other grades depends on the occurrence of vacancies. The men are also eligible for promotion to the Provincial Engineering service and the Indian Railway Service of Engineers.

Their allowances are regulated by the Fundamental and Supplementary Rules.

(*d*) The last promotions were made in August 1927. Further promotions will be made as occasion arises.

(*e*) Government do not consider it necessary to introduce a time-scale of pay for this class of subordinates.

Temporary Engineers in the Railway Department.

505. ***Mr. Mukhtar Singh** : (*a*) How many temporary engineers have been employed in the Railway Department during the last three years ?

(*b*) Why were the men already in service not given any promotions to these posts instead of recruiting men from outside ?

(*c*) What is the nature of the work entrusted to them and what are their qualifications ?

(*d*) What is the amount of salary drawn by these temporary engineers and what is the amount of salary drawn by permanent men of the same qualifications ?

(*e*) How many employees are serving as temporary engineers for more than 10 years in the Railway Department ?

(*f*) Why are they not made permanent and attached to the cadre of different departments of service for which they are qualified ?

Mr. A. A. L. Parsons : (*a*), (*d*) and (*e*). The Honourable Member will find the information which he wants in the Classified List of State Railway Establishment, copies of which are in the Library.

(*b*), (*c*) and (*f*). To supplement the permanent staff of engineers to the extent necessary to cope with survey, construction and special works, the volume of which is subject to fluctuation from year to year, engineers with acceptable qualifications are engaged on short term agreements. The employment of this temporary engineering staff does not affect the prospects of the permanent engineering staff ; on the contrary the expansion of the permanent cadre to meet these temporary needs would not only affect the prospects of the permanent staff unfavourably, but would expose members of the permanent staff to the risk of their services being terminated prematurely when the programme of such work is slowed down or is completed.

Restriction on the Playing of Music by Hindus in their Houses during the Muharram.

506. ***Mr. Mukhtar Singh** : (*a*) Will the Government be pleased to state the places at which the authorities stopped the Hindus playing music in their own houses during the last Muharram days ?

(*b*) Did the Imperial Government issue any instructions on this point ? If so will the Government be pleased to place on the table a copy of such instructions ?

The Honourable Mr. J. Crerar : (*a*) The Government of India are not in possession of the information.

(*b*) The answer is in the negative.

SUPPLY OF GHEE TO THE ARMY.

507. ***Mr. Mukhtar Singh** : (*a*) Will the Government be pleased to state whether or not tenders are taken from the different firms who wish to supply ghee to the Army ? If the answer be in the affirmative were the tenders invited in 1926-27 ?

(*b*) If not, why was the general rule departed from and to whom and at what rate was the contract for the supply of ghee given ?

Mr. G. M. Young : (*a*) and (*b*). Tenders are invited from firms whose names are borne on the list of approved ghee contractors maintained by the Director of Contracts. In 1926-27, as an experimental measure of economy, ghee was obtained through a purchasing agent at actual cost to Government *plus* a small buying commission instead of on contract at fixed rates. Messrs. Pahlad Das Alopi Parshad and Company were appointed as the buying agents and the rate at which ghee was purchased was Rs. 79|7|0 per 100 lbs.

SUPPLY OF GHEE TO THE ARMY.

508. ***Mr. Mukhtar Singh** : At what rate was the contract for the supply of ghee to the Army given in 1925-26 and in 1926-27 ?

Mr. G. M. Young : In 1925-26 the ghee cost Rs. 90 per 100 lbs. In 1926-27 the actual cost of ghee *plus* the agent's commission amounted to Rs. 79|7|0 per 100 lbs.

ANALYSIS OF THE DIFFERENT BRANDS OF IMPORTED GHEE.

509. ***Mr. Mukhtar Singh** : Will the Government be pleased to state the method employed by the Military Department to ascertain that the ghee supplied is really ghee made from milk and is not adulterated by the imported artificial ghee ? Has the Military Department analysed the imported ghees of different brands and have they found out the method of distinguishing them from the natural product ? If so, will the Government be pleased to place on the table the analysis of the different brands and the method of distinguishing them from the natural product ? If not, do the Government propose to take steps to do it now ?

Mr. G. M. Young : The ghee tendered for acceptance is conditioned and sampled in the manner prescribed for analytical and other tests by the Military Food Laboratory. I am not myself aware of the precise methods employed, nor would it serve any public purpose to give technical details. The answer to the second part of the question is in the affirmative. It is not usual to disclose any analysis of the Military Food Laboratory and the Government see no reason to do so in this case. The

information which the Honourable Member requires could be obtained from any competent analyst on payment of his fee.

Sir Victor Sassoon : Is artificial ghee less beneficial to the health than natural ghee ?

Mr. G. M. Young : I believe it to be the opinion of medical authorities that it is less beneficial. It is certainly less preferred by the sepoys who consume it.

†510.*—511.*

PUBLICATION OF THE REPORT OF THE SUB-COMMITTEE OF THE INDIAN SANDHURST COMMITTEE WHICH VISITED EUROPE AND AMERICA.

512. ***Pandit Hirday Nath Kunzru** : (*a*) Are Government aware that a Sub-Committee of the Indian Sandhurst Committee went to England, France, Canada, and the United States of America to study the military training institutions there ?

(*b*) Did the Sub-Committee receive oral evidence or written memoranda from military, educational, or other authorities in those countries on the points which it was required to study ?

(*c*) Did it submit its report and the information collected by it to the Indian Sandhurst Committee ? Did it recommend that its report and proceedings should be published ?

(*d*) Did the Indian Sandhurst Committee approve of their publication ?

(*e*) Did the report of the Sub-Committee form part of the report submitted by the Committee to the Government of India ?

(*f*) Has the Sub-Committee's Report been published ? If not, will Government be pleased to state the reasons for the suppression of the Sub-Committee's report ?

(*g*) Did Government modify the report of the Indian Sandhurst Committee in any manner before allowing its publication ?

(*h*) Will Government reconsider their decision and lay the Sub-Committee's report on the table ?

Mr. G. M. Young : (*a*) and the first part of (*c*). My Honourable friend will find the answer to his questions in paragraph 4 of the Indian Sandhurst Committee's Report.

(*b*) The Sub-Committee received in the course of their proceedings both oral evidence and written memoranda.

(*c*) Second part. The Report of the Sub-Committee contains no such recommendation, but I understand that the Sub-Committee made the recommendation to the Committee.

(*d*) It appears from the Committee's proceedings, as well as from an informal communication made to Government, that the Committee desired that the Sub-Committee's report should be published. Government were aware of this fact when they decided not to publish the report.

† Not put at the meeting, owing to the absence of the questioner, but the questions and answers to them will be found at pages 3542—43 of these proceedings.

(*e*) No, Sir.

(*f*) The principal reason was that the report of the main Committee was self-contained. The main Committee incorporated *verbatim* in their report such passages of the Sub-Committee's report as they thought necessary, but did not submit the Sub-Committee's report as a whole. Apart from this there were passages in the Sub-Committee's report which influenced the Government of India and His Majesty's Government in their decision not to publish it. The report of the Sub-Committee moreover was made to the main Committee, and not to the Government of India. It thus merely formed part of the material on which the Committee based their main report. It is not required for a proper understanding of the main report or it would doubtless have been submitted as part of the main report. For these reasons it has not been published.

(*g*) The Committee's main report was published exactly as it stood. It was not modified in any respect before publication.

(*h*) The answer is in the negative.

Pandit Hirday Nath Kunzru : How is it, Sir, that the Honourable Member stated the other day on behalf of Government that they were not aware of the fact that the Indian Sandhurst Committee had recommended the publication of the Sub-Committee's report and proceedings ?

Mr. G. M. Young : The Indian Sandhurst Committee made no such recommendation. As I have just stated, it appears from their proceedings that they desired the Sub-Committee's report to be published, but they did not make a recommendation to the Government that it should be published.

Pandit Hirday Nath Kunzru : Were Government aware of the fact that there was a Resolution in the proceedings of the Committee recommending the publication of the Sub-Committee's report, when he answered a similar question before ?

Mr. G. M. Young : Sir, I was not aware of it then, and I am not aware of it now. I have perused the minutes of the Committee's proceedings and there is no such Resolution recorded.

Mr. M. A. Jinnah : May I ask whether the fact of a recommendation of the Sandhurst Committee regarding the publication of the report of the Sub-Committee and of the proceedings having been made would have weighed with the Government in deciding the question of publication of the report and the proceedings of the Sub-Committee ?

Mr. G. M. Young : I cannot answer a hypothetical question of that kind.

Pandit Hirday Nath Kunzru : May I know whether the Government received any communication from the Secretary of the Committee formally asking them that the report of the Committee should be published ?

Mr. G. M. Young : No, Sir. As I have already stated, it was an informal communication.

Mr. M. A. Jinnah : May I know if it is a fact that the Government decided not to publish the report of the Sub-Committee and the proceedings purely on the ground that they themselves considered it undesirable ?

Mr. G. M. Young : Sir, I have given in full the reasons why the Government of India decided not to publish the report of the Sub-Committee.

Mr. M. A Jinnah : Do I understand then that the decision had nothing whatever to do with the fact whether the Sandhurst Committee formally recommended its publication or not ? It had nothing whatever to do with that fact ?

Mr. G. M. Young : That, Sir, is the case. The fact that the recommendation, such as it was, was made in an informal manner made no difference at all. Government were aware that the Committee desired the publication of the report, and the mere fact that they had not stated that desire formally did not weigh with the Government in the least.

Pandit Hirday Nath Kunzru : Sir, may I know whether the Honourable Member stated the other day on behalf of Government that it was His Majesty's Government that had stipulated that the material placed before the Sub-Committee should not be published, and how does he reconcile that reply with the reply which he has given to-day, namely, that not merely His Majesty's Government but also the Government of India are against the publication of the Sub-Committee's report and proceedings ?

Mr. G. M. Young : My Honourable friend, I think, is confusing, if I may say so, the material which was placed before the Sub-Committee by official representatives of His Majesty's Government and which formed part of the Sub-Committee's proceedings, with the Sub-Committee's report.

Pandit Hirday Nath Kunzru : Am I to understand that while His Majesty's Government were opposed to the publication of the proceedings, the Government of India went further and opposed the publication of the report also ?

Mr. M. A. Jinnah : Do I understand the Honourable Member to state that any stipulation was made by anybody, either by the authorities or the witnesses who appeared before the Sub-Committee, that they were not to publish their proceedings, their materials or their evidence ?

Do I understand the Honourable Member to state on the floor of the House that any stipulation was made by anybody to this effect ?

Mr. G. M. Young : The Government of India are aware that that is the case ; and they also informed the Secretary of State that the Sub-Committee had stated that no stipulation was made to them and that they were not told that any part of the material laid before them was confidential. The stipulation was made by His Majesty's Government with the Government of India.

Mr. K. Ahmed : Are the Government of India aware that it is derogatory to the principle of spending the money of the tax-payer from the Indian Exchequer to appoint a Committee while not giving publicity to the report of the Committee ? Do Government realise that ?

REPORT OF THE AUXILIARY AND TERRITORIAL FORCES COMMITTEE.

513. ***Pandit Hirday Nath Kunzru :** Have the Government of India received a despatch from the Secretary of State for India announcing the

orders of His Majesty's Government on the Auxiliary and Territorial Forces Committee's report ? If so, will they be pleased to lay the despatch on the table ?

Mr. G. M. Young : The Honourable Member is referred to the Resolution published in the Gazette of India on the 20th August. The Secretary of State's sanction to the Government of India's proposals was received by cable and contained no comments. Government do not propose to lay any correspondence on this subject on the table of the House.

Pandit Hirday Nath Kunzru : The Honourable Member has not answered the last part of my question about laying the correspondence on the table ?

Mr. G. M. Young : The Government will consider that.

SUPPLY OF RIFLES AND PRACTICE AMMUNITION TO THE UNIVERSITY TRAINING CORPS IN THE UNITED PROVINCES.

514. ***Pandit Hirday Nath Kunzru** : (*a*) Which Universities and Colleges in the United Provinces have made arrangements for the safe custody of rifles ?

(*b*) Have service rifles been supplied for the members of the University Training Corps to those Universities and Colleges in the United Provinces, which have armouries, in accordance with the promise given by the Army Secretary during the Budget Debate on the 14th March, 1927 ?

(*c*) Has the quantity of ammunition supplied to the University Training Corps in the United Provinces been increased as was promised by the same authority ?

Mr. G. M. Young : (*a*) None at present, Sir, but the military authorities have the matter in hand. It is a question either of storing the rifles in the nearest military armoury, and conveying them under guard to the unit headquarters when required ; or of substituting armed and disciplined guards for unarmed chowkidars at the existing armouries in the Universities. The first course was found too inconvenient and expensive. The second is now being worked out.

(*b*) Service rifles have not yet been issued ; but they will be issued, in accordance with my undertaking, when adequate arrangements for their safe custody have been effected.

(*c*) If my Honourable friend will consult the record, he will find that I said that if the University Corps wished to fire more rounds, and if that feeling should make itself apparent, there was no desire on the part of Government to prevent anything of the sort. No representation has been received from any University or College in the United Provinces on the subject of practice ammunition.

Pandit Hirday Nath Kunzru : I did not catch the reply to the first part of the question. Did the Honourable Member say that no armouries had been erected anywhere ?

Mr. G. M. Young : No, Sir ; the armouries are for the most part in existence, but adequate arrangements have not yet been made to guard them.

Pandit Hirday Nath Kunzru : Did the military authorities communicate that fact to the universities and colleges and tell them that, as soon as proper arrangements were made, they would get service rifles ?

Mr G. M. Young : No, Sir, it is not a question of the universities providing these armed guards ; the military authorities are going to do it themselves.

HAJ PILGRIMS.

515. ***Haji Abdoola Haroon** : Will Government be pleased to state :

(*a*) How many Haj pilgrims returned to India out of the total number of pilgrims that went to the Haj during the years 1924, 1925 and 1926 ?

(*b*) How many return tickets were issued in all during the years 1924, 1925 and 1926 ?

(*c*) How many of those pilgrims who had taken return tickets in 1924, 1925 and 1926 died in the Holy Lands and never returned to India ?

(*d*) How many pilgrims kept deposits in the years 1924, 1925 and 1926 with the Government for their passage, etc., and what was the total amount of such deposits ?

(*e*) Whether these deposits have been returned to the pilgrims concerned ?

(*f*) How much interest was realized from these deposits and how were they spent ?

(*g*) Whether there is any amount remaining unclaimed with the shipping companies since the last three years ? If so, what is the total amount ?

(*h*) Whether there is any amount remaining unclaimed with Government since the last three years ? If so, what is the total amount ?

(*i*) How much per cent. is deducted by the Agents of the shipping companies at Jedda while allowing a refund of the difference of passage fare between single and return tickets to the pilgrims who do not return to India ?

Mr. G. S. Bajpai : The information has been called for from the Local Governments concerned and will be supplied to the Honourable Member when received.

Mr. K. Ahmed : Is the Honourable Member not aware of the fact that before his arrival, his predecessor, on behalf of the Government in this Assembly, promised in this House to supply a list of Muhammadan pilgrims to Jeddah who did not return to India after they had purchased their return tickets and paid for them ?

Mr. G. S. Bajpai : I am not aware of the undertaking to which the Honourable Member refers. I made an investigation into our records and did not find any such undertaking.

Mr. K. Ahmed : In view of the fact that it is such a long time since Mr. Bhore was in this Assembly, when he had promised to supply a list of pilgrims and the arrival of the Honourable Member to fill his place here ....

Mr. President : Mr. Haroon.

COST OF RETURN TICKETS TO JEDDAH.

516. ***Haji Abdoola Haroon** : (*a*) Are Government aware that during the year 1927 the Companies issued tickets at Rs. 195 return to Jeddah which was the maximum fixed by the Government ?

(*b*) Are Government aware that during the War when the rates of freight were enormously advanced and the cost of running steamers was very high, return tickets were issued at Rs. 125 which was the maximum fixed by Government ?

(*c*) Do the Government propose a reduction of the passage fare now and to fix the maximum at Rs. 150 ?

Mr. G S. Bajpai : (*a*) The price of return tickets varied from time to time. In Bombay the maximum was Rs. 195 and the minimum Rs. 100. In Karachi the maximum was the same as in Bombay and the minimum Rs. 70. In Calcutta a maximum of Rs. 235 and a minimum of Rs. 210 were charged. No rates were fixed by Government.

(*b*) The price of return tickets during the War was Rs. 125 per pilgrim but was not fixed by Government.

(*c*) No.

Mr. K. Ahmed : In view of the fact that the price of the ticket has been unnecessarily put up, much higher than the rate which was paid before, do Government propose to take steps to minimise the amount of the rates for the tickets to Jeddah ?

Mr. G. S. Bajpai : I am not quite sure as to whether the Honourable Member has any particular figure in mind, or whether he wants Government to take action to fix minima. If the latter is his idea, then I would refer him to the proceedings of the Select Committee which discussed the Bill to amend the Indian Merchant Shipping Act. The Committee definitely came to the conclusion that it was not in the interests of the pilgrims to fix minima figures ; and if the Honourable Member would look at the figures which I supplied in reply to part (*a*) of the question, he will find that the Committee's conclusion was correct. At one stage return tickets were sold for Rs. 100 last season.

Mr. K. Ahmed : In view of the fact that the Honourable Member is perfectly in a position to know the figure and it is for the benefit of pilgrims going to Jeddah that the Government of India must intervene, so that .....

Mr. President : Order, order. The Honourable Member is not putting a supplementary question but is making a speech. Mr. Shervani.

†517*.

† Not put at the meeting, owing to the absence of the questioner, but the question and answer to it will be found at pages 3543—44 of these proceedings.

INFORMATION AND DATA RELATING TO WAGES.

518. **Sir Purshotamdas Thakurdas**: Will Government be pleased to get information and data up to the latest date available to them for the whole of India on the lines of the chart submitted by Mr. Gennings on wages to the Royal Commission on Indian Currency and Finance, as appearing on page 364 of Vol. II, Appendices, to the said Commission's Report ?

Mr. G. S. Bajpai: The attention of the Honourable Member is invited to paragraphs 65 and 67 of the Report of the Indian Economic Enquiry Committee, which show that wage statistics are unreliable in some places and non-existent in others. Cost of living indices exist for a very few places only. The Government of India regret, therefore, that it is not possible to obtain reliable information and data for the whole of India on the lines required by the Honourable Member.

Sir Purshotamdas Thakurdas: Is the Honourable Member aware that the table to which I refer does not contain figures about the whole of India at all, but only contains figures regarding Bombay city and the urban areas in the Bombay Presidency ?

Mr. G. S. Bajpai: I have seen, Sir, the report to which the Honourable Member refers and I am aware of the fact that it compares the wages and cost of living for Bombay only. If the Honourable Member wishes that we should get information in regard to Bombay only, I shall certainly consider the suggestion and communicate with the Government of Bombay with a view to getting it.

Sir Purshotamdas Thakurdas: Under the circumstances, Sir, nothing more appears feasible.

CANCELLATION OF THE CITIZENSHIP OF 45 INDIANS NATURALISED IN THE UNITED STATES OF AMERICA.

519. ***Mr. Gaya Prasad Singh**: (*a*) Are Government aware that the United States Supreme Court has rejected the application of the United States Solicitor General, who petitioned to the Supreme Court that the decision rendered in favour of Mr. Sakharam Ganesh Pandit, Attorney-at-Law, of Los Angeles, by the Circuit Court of Appeals at San Francisco, California, be reviewed by the Supreme Court ?

(*b*) Do Government propose to ascertain whether it is a fact that the United States Courts have already cancelled the citizenship of about 45 Hindus, who were naturalized before ?

Sir Denys Bray: (*a*) Yes, Sir.

(*b*) According to Government's information the number is about 30.

ACCIDENTS IN MINES DUE TO WORKMEN SLEEPING IN DANGEROUS PLACES.

520. ***Mr N. M. Joshi**: (*a*) Has the attention of the Government been drawn to a statement in the Report of the Chief Inspector of Mines for 1925, that some accidents resulting in deaths had taken place on account of the workmen having gone to sleep in dangerous places ?

(*b*) Do the Government of India propose to enquire whether these accidents were not the result of long hours of work in mines ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) An enquiry is being made, though Government have no reason for believing that hours of work in mines are unduly long.

Mr. N. M. Joshi : May I know how Government conclude that they have no reason to believe that the hours of work in mines are not long ?

The Honourable Sir Bhupendra Nath Mitra : That conclusion, Sir, is based on reports received from the Inspectors of Mines.

Diwan Chaman Lall : How do the hours of work in mines in India compare with the hours of work in mines in Great Britain ?

The Honourable Sir Bhupendra Nath Mitra : That, I submit, does not arise out of the question. If the Honourable Member wants to have that information, I shall be glad to supply him with it, but the fact that the comparison may be unfavourable to the Indian mines does not prove that the hours of work of the latter are by themselves long.

Diwan Chaman Lall : May I ask what the test is as to the hours of work being too long ?

The Honourable Sir Bhupendra Nath Mitra : The test, Sir, is that there is a limit to the number of hours which a miner may work every week.

Diwan Chaman Lall : May I ask the Honourable Member whether he does not mean that a miner can work for 24 hours out of the 24 hours ? Would he consider 24 hours not too long ?

The Honourable Sir Bhupendra Nath Mitra : I should consider 24 hours to be unusually long, because I know that a miner could not possibly work 24 hours.

Diwan Chaman Lall : Would he consider 8 hours too long ?

The Honourable Sir Bhupendra Nath Mitra : I should certainly not consider 8 hours to be long.

Diwan Chaman Lall : May I take it that the Honourable Member means that he would consider 8 hours work too long ?

The Honourable Sir Bhupendra Nath Mitra : I should not I said.

Diwan Chaman Lall : Will the Honourable Member try to work in a mine for 8 hours and see.....

Mr. President : Order, order.

Mr. N. M. Joshi : May I ask whether the fact that the miners go to sleep in the mines is not indicative of the long hours of work in the mines ?

The Honourable Sir Bhupendra Nath Mitra : That, Sir, does not follow necessarily.

PENALTIES IMPOSED ON OFFENDERS CONTRAVENING THE INDIAN MINES ACT.

521. ***Mr. N. M. Joshi** : With reference to the Appendix III to the Report of the Chief Inspector of Mines for 1925, are Government prepared to request the Chief Inspector to give in the statement in his future

Reports the nature of the penalties imposed upon the offenders by the Magistrates or Judges ?

The Honourable Sir Bhupendra Nath Mitra : The information is already given in section IV of the letter-press of the Report.

Mr. N. M. Joshi : Does the Honourable Member suggest that the information regarding the penalties and the amount of fines levied on these people is given ?

The Honourable Sir Bhupendra Nath Mitra : I believe so, Sir.

AVERAGE WAGES PAID TO PERSONS EMPLOYED IN INDIAN AND BRITISH MINES.

522. *Mr. N. M. Joshi : (*a*) Is it a fact that the Report of the Chief Inspector of Mines for 1925, gives on page 3 comparative figures of the average output of coal per person employed in Indian and British mines ?

(*b*) Are the Government of India prepared to request the Chief Inspector of Mines to give also the comparative figures of the average wage paid per person employed in Indian and British mines ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) Some particulars of wages in Indian mines have been given in recent reports and an endeavour is being made to collect further information regarding wages with a view to publication. Government do not consider it necessary to publish figures relating to wages in British mines, which are given in English reports.

Mr. N. M. Joshi : May I ask whether Government do not consider it to be unfair to the miners in India that there should be a comparison made as regards production and not as regards wages ? The report of the Chief Inspector of Mines makes a comparison about the production of the British miners and the Indian miners ; at the same time there is no comparison made as regards wages paid in Great Britain and in India.

The Honourable Sir Bhupendra Nath Mitra : At that particular place in the report to which the Honourable Member refers the Chief Inspector of Mines is only comparing production ; he is not from that trying to draw any conclusion. If my Honourable friend or anybody else wants thereafter to draw any conclusions, it is open to him to compare the miner's wages in India with the miner's wages in England ; the latter is always available from the reports of the Ministry of Labour in England.

Mr. N. M. Joshi : May I ask, Sir, whether the public which read these reports does not draw any conclusions ?

The Honourable Sir Bhupendra Nath Mitra : The public which wants to draw conclusions are in a position to get the complete information.

†524*.

† Not put at the meeting, owing to the absence of the questioner, but the question and answer to it will be found at page 3544 of these proceedings.

LOAN TO THE NAWAB BAHADUR OF DACCA.

525. *Mr. K. C. Neogy : (*a*) With reference to my question No. 182 in the Legislative Assembly on the 19th of February, 1921, and answer to clause (*b*) thereof, will Government be pleased to state how much of the loan to the Nawab Bahadur of Dacca is yet outstanding ?

(*b*) What are the circumstances in which the said loan was advanced, and on what terms ?

(*c*) What are the reasons for not transferring the said loan to the account of the Government of Bengal ?

(*d*) Have Government received any definite assurance as to the period of time during which the loan will be repaid ? At what rate approximately per year has the principal amount due been repaid so far ?

The Honourable Sir Basil Blackett : (*a*) Rs. 6,18,356 on 31st March, 1927.

(*b*) Government regret they are not prepared to furnish the information asked for.

(*c*) The loan was not transferred to the Government of Bengal as it was not considered part of the Provincial Loan Account.

(*d*) Government expect that the loan will be repaid in 1952, but they are unable, without making enquiries from the local authorities, to furnish information as to the repayment of principal.

Mr. K. C. Neogy : Were the circumstances referred to in (*b*) and (*c*) of a political nature ?

The Honourable Sir Basil Blackett : Government regret that they are not prepared to furnish the information asked for.

Mr. A. Rangaswami Iyengar : May we know why Government are not prepared to furnish the information ?

The Honourable Sir Basil Blackett : I cannot add anything to my statement.

Mr. K. C. Neogy : What rate of interest does this loan carry ?

The Honourable Sir Basil Blackett : I am afraid I do not know ; I shall enquire.

Mr. A. Rangaswami Iyengar : May I ask whether loans to notabilities under clause (4) of the Provincial Loans Fund are part of the Provincial Loans Fund Scheme ?

The Honourable Sir Basil Blackett : I have explained that it is not on provincial loan account.

Mr. A. Rangaswami Iyengar : May I know why, Sir ?

The Honourable Sir Basil Blackett : Sir, I am afraid I cannot add anything to the statement that Government regret that they are not prepared to furnish any more information.

Mr. K. Ahmed : In view of the fact that at my instance a Resolution was passed in this Assembly in the year 1924, in the month of January, I believe, that when a question is asked in this Assembly it is for the Member on behalf of Government to answer and not to refer it to a Local Government, as has been stated by the Honourable the

Finance Member, do Government propose to answer the question in full to the satisfaction of the Members of this House ?

The Honourable Sir Basil Blackett : I did not refer to any Local Government, but I gave a clear answer to the question— it may not have been a satisfactory answer to the Honourable Member. I suggest to him that if he expects us to answer all his supplementary questions, Mr. Joshi and Mr. Chaman Lall would be objecting to my being overworked for 24 hours a day.

Mr. K. C. Neogy : Is it a fact that the rate of interest at which the loan was advanced is much lower than the rate at which Government have been borrowing at the present moment ?

The Honourable Sir Basil Blackett : I have already stated that I do not know ; I will enquire.

Mr. B. Das : Is it not a fact that this loan was given to the Nawab of Dacca for his help to Government during the Partition movement in 1904-06 ?

The Honourable Sir Basil Blackett : I am entirely unable to answer this question In any case, even if I were in a position to answer it, I regret to say I could not.

Mr. B. Das : Is it a fact that the Nawab of Dacca is only a zamindar and that there is no political question arising out of this loan ?

The Honourable Sir Basil Blackett : I am afraid I must ask for notice of further questions that may be put. I have exhausted all my ingenuity in answering these supplementary questions.

Mr. K. C. Neogy : Will Government inquire and find out from the Local Government as to when this loan is expected to be repaid ?

The Honourable Sir Basil Blackett : I have already given that information.

Mr. D. V. Belvi : Sir, may I ask question No. 523 standing in my name ?

Mr. President : I am afraid the Honourable Member is too late. He must take his opportunity last.

INQUIRY INTO THE ADMINISTRATION OF THE IMPERIAL LIBRARY, CALCUTTA.

526. ***Mr. K. C. Neogy** : (*a*) Is it a fact that a departmental inquiry was recently made into the administration of the Imperial Library and connected questions ?

(*b*) If so, will Government be pleased to state the scope of the said inquiry and its results ?

Mr. G. S. Bajpai : (*a*) Yes.

(*b*) The enquiry was made with reference to the present condition and future of the Library. The report of the committee of enquiry is under the consideration of the Government of India.

Mr. B. Das : Will Government be pleased to consult this House before they take any steps for the transfer of the control of the Imperial Library to any Local Government as a result of the recommendations that may be made by the Committee ?

Mr. G. S. Bajpai : I can only undertake to consider the suggestion, Sir.

REVISION OF THE PAY OF POSTMEN, OVERSEERS, BRANCH POSTMASTERS, ETC.

527. **Mr. M. R. Jayakar** : Will Government be pleased to state when they expect to be able to issue orders regarding the revision of the pay of postmen, overseers, branch postmasters, etc, at certain first class areas in India, provision for which was sanctioned during the last Session of the Legislative Assembly ?

The Honourable Sir Bhupendra Nath Mira : The orders were issued on the 27th July 1927

GRADING OF CERTAIN SORTING POSTMEN AT POONA HEAD OFFICE AS SORTING CLERKS

528. ***Mr. M R. Jayakar** : Are Government aware that, for the last five years, sorting postmen at Poona Head Office have been doing sorting work for the Railway Mail Service of the same nature as the clerks in the Railway Mail Service, and that notwithstanding the same they are still receiving the emoluments of sorting postmen only and not of sorting clerks ? If so, do Government propose to grade them now as sorting clerks and give them the pay of the clerks in the grade ?

The Honourable Sir Bhupendra Nath Mitra : Government are informed that the sorting postmen of the Poona Head Post Office do only such sorting work in connection with the delivery or despatch of postal articles as forms part of their ordinary duties prescribed by departmental rules. The question of bringing them on to the clerical cadre does not, therefore, arise.

GRIEVANCES OF BRANCH POSTMASTERS.

529 ***Mr. M. R Jayakar** : Are Government aware that branch postmasters are often kept acting either as clerks or sub-postmasters for a number of years and are then reverted to their substantive appointments as branch postmasters on the ground that they have not passed the prescribed test examination ? Are Government prepared to consider the desirability of doing away with such test examinations in cases where branch postmasters have acted as clerks or sub-postmasters for a number of years ?

Mr. H A Sams : Government are not aware of the fact stated by the Honourable Member, but information on the point has been called for.

DISCONTINUANCE OF THE PRACTICE OF MAKING READERS IN THE POST OFFICES IN BOMBAY CITY SIGN AS ESCORTS TO POSTMEN.

530. ***Mr. M R. Jayakar** : In view of the Government's reply to question No. 490 put on 18th February 1927 during the last Session of the Assembly that " the practice of making Readers in the Post Offices in Bombay City, sign as escorts to postmen when actually they are not allowed to escort, is being discontinued ", will Government be pleased to state if they have since issued any orders in that respect ? If not, when will Government issue the necessary orders ?

Mr. H. A. Sams : Orders were issued on the 5th March last discontinuing the practice.

INADEQUACY OF THE STAFF OF SORTERS AND CLERKS ATTACHED TO THE BOMBAY RECORD OFFICE OF THE RAILWAY MAIL SERVICE.

531. ***Mr. M. R. Jayakar** : Will Government be pleased to state :

(*a*) by what number the total staff of sorters and clerks (including leave reserve) attached to the Bombay Record Office of the Railway Mail Service, " B " Division, was kept below strength month by month from June 1926 to June 1927, and

(*b*) the amount of payment for double duty made month by month during the same period ?

Mr. H. A. Sams :

(*a*)

June 1926	3	
July and August 1926	*nil.*	
September 1926	2	
October, November, December 1926 ..	1	each month.
January and February 1927	2	each month.
March 1927	3	
April and May 1927	4	each month.
June 1927	3	

(*b*)

	Rs.
June 1926	103
July 1926	9
August 1926	7
September 1926	62
October 1926	22
November 1926	99
December 1926	53
January 1927	13
February 1927	33
March 1927	4
April 1927	59
May 1927	231
June 1927	76

CASUAL LEAVE OF SORTERS OF THE RAILWAY MAIL SERVICE.

532. ***Mr. M. R. Jayakar** : (*a*) Are the Railway Mail Service sorters entitled to have the concession of casual leave up to the maximum period of 20 days in the course of an official year without having to make any payments for the same ?

(*b*) What was the average number of days of casual leave enjoyed per sorter attached to the Bombay Record Office during the year 1926-27 ?

(*c*) What was the total amount paid by these sorters for casual leave during the year 1926-27 ?

(*d*) Were any orders issued to the Divisional Superintendent asking that savings should be effected by keeping the Record Office staff below strength ?

(*e*) What was the saving effected by Government by so keeping the said establishment below strength ?

Mr. H. A. Sams : The information has been called for and will be furnished to the Honourable Member in due course.

REFUSAL TO GRANT CASUAL LEAVE TO A DELEGATE FROM THE BOMBAY RECORD OFFICE TO ATTEND MEETINGS OF THE ALL-INDIA POST AND R. M. S. CONFERENCE.

533. ***Mr. M. R. Jayakar** : (*a*) Is it a fact that on three successive occasions a delegate from the Bombay Record Office to the sessions of the All-India Post Office and R. M. S Conference was compelled to take privilege leave in order to be able to attend the Conference, because the Department refused to grant him casual leave without payment of double duty ?

(*b*) Is it a fact that this case was brought to the notice of the Director General in 1925 ? If so, what action did he take in the matter ?

The Honourable Sir Bhupendra Nath Mitra : The information has been called for and will be furnished to the Honourable Member in due course.

†534*.—539*.

NUMBER OF SOVEREIGNS RESERVED BY THE CONTROLLER OF CURRENCY SINCE THE DEMONETISATION OF THE SOVEREIGNS IN MARCH LAST.

540. ***Mr. N. C. Kelkar** : Will Government state the number of sovereigns that were paid back to the Controller of Currency direct or through Government Treasuries in exchange for gold bullion therein or its equivalent since sovereigns were demonetised in March last ?

The Honourable Sir Basil Blackett : 65 sovereigns were received at their bullion equivalent up to the 31st July 1927.

INFORMATION RELATING TO THE IMPERIAL BANK OF INDIA.

541. ***Mr. N. C. Kelkar** : Will Government lay on the table a statement showing for the last three years 1924, 1925, 1926

(1) the rate of dividend declared or paid to the shareholders of the Imperial Bank,

(2) the total amount of Government balances used by the Imperial Bank each year free of interest,

(3) the average rate of interest at which loans were given or advances made to its customers by the Bank

(*a*) against Government paper or other securities,

† Not put at the meeting, owing to the absence of the questioner, but the questions and answers to them will be found at pages 3544—47 of these proceedings.

(*b*) on personal security,

(*c*) against deposit of gold, etc.,

(*d*) against commercial goods pledged or pawned with the Bank ?

The Honourable Sir Basil Blackett : (1) 16 per cent. per annum.

(2) Government balances are deposited with the Imperial Bank of India free of interest. The amount of these balances on the last day of every month for the three years will be found in paragraph 18 (page 13) of the Report of the Controller of the Currency for 1926-27. It is impossible to say what proportion of these were used by the Bank as they are not held separately from other deposits. Paragraph 24 of the Report, however, shows the amount of the cash balances of the Bank during the same period.

(3) Paragraph 26 of the above Report gives the bank rate during the year, that is to say, the rate at which the Imperial Bank of India will ordinarily advance money against Government securities and the *hundi* rate, or the rate at which it will discount or rediscount first class three months' bills. The rates for previous years are also given in previous Reports. Other rates fluctuate according to the character of the borrower and the nature of the credit.

METHOD OF WRITING DOWN OF THE STORES BALANCES OF RAILWAYS.

542. ***Mr. N. C. Kelkar :** (*a*) Referring to the value of stores balances mentioned on page 20 of the Railway Administration Report for 1925-26, will Government be pleased to say whether the value of stores is written down according to the market, or at book value ?

(*b*) Is the reduction noticeable altogether on account of actual quantities held in stock having gone down, or merely a matter of value or both ?

Mr. A. A. L. Parsons : (*a*) Market price.

(*b*) To both causes, but chiefly to a reduction in the actual stocks held.

RECRUITMENT OF INDIANS FOR THE OFFICE OF CONTROLLERS OF STORES OF THE VARIOUS STATE RAILWAYS.

543. ***Mr. N. C. Kelkar :** (*a*) Will Government be pleased to state the qualifications and the nature and amount of service of each of the present holders of the office of Controller of Stores of the various State Railway lines ?

(*b*) How many Indians occupy this position ?

(*c*) What efforts have been made to recruit Indians for this purpose ?

(*d*) When can Indians be expected to fill these places as things are at present ?

Mr. A. A. L. Parsons : (*a*) Controllers of Stores are selected from officers already in State Railway service and with experience either in the Stores or other Departments of the Railways. The nature and amount of service of the present holders of these appointments is given in the

History of Services of Officers of the Indian State Railways, a copy of which the Honourable Member will find in the Library.

(*b*) None at present.

(*c*) and (*d*). As has been explained, the office of Controller of Stores is not filled by direct recruitment but by selection from officers already in railway services. The steps taken to secure the recruitment of Indians to those services are explained in the Railway Department's Resolution, No. 2058-E., dated 15th July, 1927, which is published in Part I of the Gazette of India, dated the 17th July, 1927.

PURCHASE OF STORES FOR STATE RAILWAYS.

544. ***Mr. N. C. Kelkar** : (*a*) Will Government be pleased to state what machinery they have provided for the stores required by State Railways to be purchased in India ?

(*b*) Did Sir Charles Innes promise that such stores would be purchased through the Indian Stores Department ?

(*c*) What is the percentage of the total purchases of imported stores by the State Railways which was bought in India ?

(*d*) Is it true that though the Indian Stores Department have pointed out on many occasions that certain things could be purchased in India, the purchasing officers have not paid any regard to it and have continued to indent from London ?

Mr. A. A. L. Parsons : (*a*) Stores for the State-managed Railways are purchased either through the Stores Departments of the Railways or through the Indian Stores Department.

(*b*) No. The position was fully explained by Sir Charles Innes in his speech in this House on the 24th February, 1927.

(*c*) Of the imported stores bought by the State-managed Railways in 1926-27, the latest year for which figures are available, 47 per cent. were bought in India.

(*d*) No. Since September 1926 the recommendations of the Indian Stores Department have been accepted in 137 out of 150 cases, and in the remaining 13 cases the Indian Stores Department after full discussion with the Railway Board decided that the action taken by the Railway Administrations did not conflict with the principles enunciated in the rules for the purchase of articles for the public service.

GROSS REVENUE, TONNAGE HANDLED AND THE MILEAGE OPEN TO TRAFFIC IN RESPECT OF RAILWAYS FOR THE YEARS 1922-23 AND 1926-27 RESPECTIVELY.

545 ***Mr. N. C. Kelkar** : (*a*) Will Government be pleased to state the gross revenue, the tonnage handled, and the mileage open to traffic for the year 1922-23 and for the year 1926-27 ?

(*b*) Why are the reductions recently made in freight charges so small compared with the full rise in freight during the post-war conditions ?

(*c*) Have the Rates Advisory Committee been asked to look into the question of general freight levels and to report on the same ?

Mr. A. A. L. Parsons : (*a*) The information which the Honourable Member desires will be found in Statements Nos. IX, VIII and IV, respectively, in Volume II of the Report by the Railway Board on Indian Railways for the year 1922-23, copies of which will be found in the Library. Similar information for 1926-27 is still under preparation, and a copy of Volume II of the Report for 1926-27, containing this information, will be placed in the Library when published.

(*b*) Considerable reductions have been made in passenger fares and in coal rates. The financial position of Indian Railways has not yet permitted further reductions in goods rates.

(*c*) No. The Rates Advisory Committee were appointed to investigate cases falling under certain categories when submitted to them, and a general investigation into the question of freight levels does not fall within their functions.

Training of Indians in the Mechanical Department and Loco Services of Railways.

546. ***Mr. N. C. Kelkar** : (*a*) Are Government aware that the terms for the training of Indians as apprentices in the Mechanical Department and Loco. Services have been regarded as unsatisfactory by the respective candidates ?

(*b*) For how many years must a man be apprenticed before he can become a full-fledged engineer ?

(*c*) Why is a longer period fixed in India than the corresponding period fixed in the United Kingdom ?

Mr. A. A. L. Parsons : (*a*) No.

(*b*) It is presumed that the Honourable Member is referring to the apprentices recruited in India for the superior service of the Mechanical Engineering Department. If so, the answer is 7 years.

(*c*) The period is on the whole no longer than the corresponding period in England, if both theoretical and practical training are taken into account.

Number of Officers drawing Rs. 500 and over in the Service of State Railways, including the Railway Board.

547. ***Mr. N. C. Kelkar** : (*a*) Will Government be pleased to state the number of officers, whose substantive salary is Rs. 500 or more, in the service of Indian State Railways including the Railway Board ?

(*b*) How many of these are Indians ?

(*c*) What steps are taken to increase the number of Indians ?

Mr. A. A. L. Parsons : (*a*) and (*b*). The information is available to the Honourable Member in the Classified List of State Railway Establishment, copy of which will be found in the Library.

(*c*) The attention of the Honourable Member is invited to the Railway Department's Resolution No. 2058-E., dated 15th July, 1926, published in the Gazette of India, dated the 17th July, 1926.

NUMBER OF NEW RECRUITS IN THE LOCO ENGINEERING SERVICES ON STATE RAILWAYS.

548. ***Mr. N. C. Kelkar** : (*a*) Will Government be pleased to state the total number of new recruits in the Loco. Engineering Services on State Railways during the year 1926-27 ?

(*b*) How many of these are Indians ?

(*c*) What is the percentage recommended by the Lee Commission and was this percentage adhered to ? If not, why not ?

Mr. A. A. L. Parsons : (*a*) Two.

(*b*) One. Six Indian apprentices were also engaged.

(*c*) I must draw the attention of the Honourable Member to the exact terms of the Lee Commission's recommendation. It ran as follows :

"We are strongly of opinion that the extension of the existing facilities should be pressed forward as expeditiously as possible in order that recruitment in India may be advanced as soon as practicable up to 75 per cent. of the total number of vacancies in the railway departments as a whole, the remaining 25 per cent. being recruited in England."

This recommendation is being carried out.

EXPENDITURE BY THE GREAT INDIAN PENINSULA RAILWAY ON ADVERTISEMENTS IN GREAT BRITAIN.

549. ***Mr. N. C. Kelkar** : (*a*) Will Government be pleased to state what sum has been spent by the Great Indian Peninsula Railway on advertisements in the United Kingdom since January last ?

(*b*) Will Government ask the Agent for an explanation as to why advertisements should be given in the United Kingdom on such scale ?

(*c*) What are the advantages which Government expect from such advertisements by a particular railway ?

Mr. A. A. L. Parsons : (*a*) I have made enquiries and will let the Honourable Member know.

(*b*) and (*c*). The Great Indian Peninsula Railway is the first Indian Railway to establish a Publicity Department with the object of increasing railway travelling generally and in order to attract tourist traffic which is not only profitable to railways but a potential source of income to the people of India ; it did not confine its advertising efforts to India but extended them to the United Kingdom, America and Canada. The benefit from their efforts was not, of course, confined to the Great Indian Peninsula Railway but was shared by other railways over which the tourists travel ; and early this year the Railway Board established a General Publicity Department for all State Railways with headquarters at Bombay, the Great Indian Peninsula Railway's Publicity Department being absorbed in it. I should like to add that the activities of this Department are not restricted to the attraction of tourists but extend to the encouragement of railway travelling generally.

EXPENDITURE ON THE PURCHASE OF UNDERFRAMES FOR STATE RAILWAYS.

550. *Mr. N. C. Kelkar : (*a*) What is the amount spent by State Railways on underframes during each of the years from 1921 to 1926-27 ?

(*b*) Do Government propose to manufacture underframes at the Peninsular Locomotive Company's works at Tatanagar ?

(*c*) Has any representation been received on the subject from the Engineering Association ?

(*d*) Do Government expect to manufacture underframes in their own shops cheaper than they can buy them ?

The Honourable Sir George Rainy : (*a*) I have not got the exact figures, but the approximate amounts spent by State-managed Railways on broad gauge coaching underframes are :

1921 22	13½ lakhs.
1922-23	20½ lakhs.
1923-24	19¼ lakhs.
1924-25	8¾ lakhs.
1925-26	36 lakhs.
1926-27	45 lakhs.

(*b*) Yes.

(*c*) A representation has been received from the Indian Engineering Association which raises the question of the use to which the Peninsular Locomotive works will be put.

(*d*) Yes.

STEEL WORK FOR THE ELECTRIFICATION OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY AND THE GREAT INDIAN PENINSULA RAILWAY.

551. *Mr. N. C. Kelkar : (*a*) Is it true that steel work for the electrification of the Bombay, Baroda and Central India Railway and the Great Indian Peninsula Railway has been imported and bears a duty of only 2½ per cent. ?

(*b*) Why was not local enterprise for the erection of the steel work requisitioned ?

(*c*) Was the duty on fabricated steel 25 per cent. and did it subsequently become 17 per cent. ? Is it a fact that imported articles are allowed under the head of electrical goods to come in at 2½ per cent. ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) Local labour has been used entirely for the erection of the steel work. As no firms in India have had experience in this work and the erection had to be carried out over lines on which trains were running, it was considered desirable to place the order with a firm having experience of similar work in other countries.

(*c*) Yes.

REPORT REGARDING THE WORKING OF THE CONVENTION FOR THE SEPARATION OF RAILWAY FROM GENERAL FINANCES.

552. *Mr. N. C. Kelkar : (*a*) Will Government be pleased to state whether they promised an enquiry into the working of the convention of the separation of railway from general finances in September 1924 ?

(*b*) What steps do Government propose to take during the Session to institute this enquiry ?

(*c*) Are Government aware that they have not yet carried out their promises in the matter of the appointment of an Indian to the Railway Board and in the matter of purchases of stores in India by rupee tender,—promises which were made at the time when the Assembly consented to this convention ?

Mr A. A. L. Parsons : (*a*) No. The agreement was that the arrangements for separation should be provisionally tried for at least three years.

(*b*) The position of Government was explained by Sir Charles Innes in his speech on the 22nd of February last. What he said was this :

"If there is any general desire in the House that the whole question should be brought under review again the House may take it from me that the Government will not stand in its way. I myself would prefer to wait for some time longer. For one thing I think we have got to give time to this great experiment to work itself out. In the second place, Sir Arthur Dickson's report may have a considerable bearing on this question, and for that reason I should prefer myself to wait for some time longer before-re-examining the whole subject. But as I have said, if the House is anxious to have the whole matter brought under review I myself will certainly see that the Railway Board does begin a preliminary re-examination of the subject."

(*c*) No promises made by Government at the time the Assembly consented to the separation convention have not been carried out. The position of Government with regard to the matters mentioned by the Honourable Member was made perfectly clear by Sir Charles Innes at the time.

Sir Purshotamdas Thakurdas : Will the Honourable Member let us know when Sir Arthur Dickinson's report will be available to this House ?

Mr. A. A. L. Parsons : I hope it will come by this mail—I have not yet received the mail. I am expecting it by any mail now.

Sir Purshotamdas Thakurdas : When it does reach the Government of India, will it be made available to the Members of this House ?

Mr. A. A. L. Parsons : I cannot give an unqualified promise, but I do not see any reason why it should not be made available. I think I have already promised to give it to the members of the Standing Finance Committee for Railways immediately it is received.

Sir Purshotamdas Thakurdas : Will it be made available to the House ?

Mr. A. A. L. Parsons : I have no reason to believe that it will not be possible to make it available to the House. But I cannot give an unqualified promise before I have seen it myself.

Mr. B. Das : With reference to the answer to part (*c*), will the Government be pleased to let the House know why they have not come to any decision about the purchase of stores in India by rupee tenders ?

The Honourable Sir Bhupendra Nath Mitra : Sir, I will have to give a complete reply on the subject with reference to a question which will come before the House later on. But I may tell my Honourable friend over there that as I explained, I think in March last, a decision has been arrived at by Government on the subject. We are now trying to work out detailed rules to give effect to that decision. That is naturally taking a certain amount of time, because several Departments of Government are involved. But we are hoping to complete the framing of these rules in the near future.

Mr. B. Das : Did it not take over four years for Government to come to a decision on the question of rupee tenders ?

The Honourable Sir Bhupendra Nath Mitra : That may have been on the general question.

ISSUE OF FREE PASSES ON THE VARIOUS STATE RAILWAYS.

553. ***Mr. N. C. Kelkar** : (*a*) Will Government be pleased to state how many free passes have been issued on the various State Railways (first, second and third class) ?

(*b*) To what class of men are these passes issued and for what period of time and what are the privileges attached to them ?

(*c*) How many persons, not in the service of Railways, are enjoying these passes and what is the consideration for the passes ?

(*d*) What is the total money value of these passes ?

Mr A. A. L. Parsons : The information asked for in the question is not available and to compile it in the form the question is put would involve so much labour that Government do not propose to obtain it.

WITHDRAWAL OF THE NOTIFICATION DECLARING THE CHOTA NAGPUR DIVISION AND OTHER AREAS IN BIHAR AND ORISSA AS BACKWARD TRACTS.

554. ***Mr. Ram Narayan Singh** : (*a*) Will the Government be pleased to state whether they have taken any steps with regard to the Resolution passed by the Indian Legislative Assembly on Thursday, the 10th February 1927, about the withdrawal of the Notification declaring the Chota Nagpur Division and other areas in the Province of Bihar and Orissa as backward tracts and, if so, what ?

(*b*) Is it a fact that the Government have asked the Bihar Government to submit a report and their opinion about this matter and if so, when and with what result ?

(*c*) Have the Government got any means to test the accuracy of the reports of the Provincial Government and if so, what ? If not, why not ?

(*d*) Will the Government be pleased to state whether they are prepared to accept and give effect to the resolution ?

The Honourable Mr. J. Crerar : (*a*) Government have not taken any action except that which was indicated in the answer given to question No. 885 on the 12th March 1927.

(*b*) No such report has been called for.

(*c*) Does not arise.

(*d*) Government do not propose to take any further steps in the matter.

Mr. Gaya Prasad Singh : May I know, Sir, if Government have merely forwarded the Resolution with the debates to the Secretary of State or have also added their own recommendations to it ?

The Honourable Mr. J. Crerar : I must have notice of that question.

Mr. Ram Narayan Singh : May I take it, Sir, that the Government do not care for the Resolution passed by the Legislative Assembly ?

The Honourable Mr. J. Crerar : Will the Honourable Member kindly repeat his question ?

Mr. Ram Narayan Singh : May I take it, Sir, that the Government do not care for the Resolution passed by this Assembly ?

Mr. President : Will the Honourable Member proceed to the next question ?

Mr. Ram Narayan Singh : My supplementary question has not been answered.

Mr. President : The Honourable Member himself knows what effect Government give to the Resolutions passed by this Assembly from time to time. Will the Honourable Member proceed to the next question ?

STOPPAGE OF THE BOMBAY MAIL AT KODARMA.

555. ***Mr. Ram Narayan Singh** : (*a*) Are the Government aware that the Kodarma station on the Grand Chord line is the centre of the mica industry in the province of Bihar and Orissa ?

(*b*) Is it a fact that the Bombay Mail does not stop at Kodarma these days ? If so, why ? Are the Government aware of the loss suffered by the mica merchants there from this change ?

(*c*) Is it a fact that the Mail stops at Gajhandi only the next station after Kodarma ? If so, will the Government state in detail the reason for the mail stopping at Gajhandi ?

(*d*) Are the Government aware that the people engaged in the mica industry have made a great grievance of it ? Are the Government prepared to consider this grievance of the people there ?

(*e*) Will the Government be pleased to give the figures of the first class passengers booked from each and every station on the Grand Chord line, when the Mail used to stop at Kodarma also ?

(*f*) Is there any objection to arranging that the Bombay Mail may stop at Kodarma instead of at Gajhandi ? If so what is the objection ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) The time table shows that the Bombay Mails do not stop at Kodarma. Regarding the remainder of this question Government have no information.

(*c*) The time table shows that the Mail does not stop at Gajhandi.

(*d*) to (*f*). It is quite impossible for Government to undertake the arrangement of time tables. A copy of the question and this reply will be forwarded to the Agent of the Railway.

†556*.

RAILWAY EMBANKMENTS AND FLOODS IN GUJARAT AND ORISSA.

557. ***Mr. B. Das** : Will Government be pleased to state to what extent the havocs of floods are enhanced by railway embankments in the Districts of Gujerat (Bombay) and Cuttack in Orissa ?

Mr. A. A. L. Parsons : Government have received no report that the havoc caused by the recent floods in either of the districts mentioned has been enhanced by railway embankments.

Sir Purshotamdas Thakurdas : Are Government aware that in the Broach district in the most affected taluka, it is generally believed that the havoc is partly due to the reason stated in the question ?

Mr. A. A. L. Parsons : I have not received any report to that effect so far.

Sir Purshotamdas Thakurdas : Will the Government please call for a report from the Bombay, Baroda and Central India Railway about their Broach Jambusar line ?

Mr. A. A. L. Parsons : We shall in any case get a report in regard to the breaches of the railway there, and I presume we shall obtain information on the point mentioned by the Honourable Member.

Sir Purshotamdas Thakurdas : Will that report be made available to the House ?

Mr. A. A. L. Parsons : I cannot say until I have seen it.

PROVISION OF THE RAILWAY EMBANKMENTS IN THE CUTTACK DISTRICT WITH PROPER BRIDGES, CULVERTS AND SLUICES.

558. ***Mr. B. Das** : (*a*) Is it not a fact that in the Cuttack District the flood water has been on a very high level on the west side of the railway lines of the Bengal Nagpur Railway and that on the east side at low level ?

(*b*) Is it not a fact that the flood water cannot be drained off for want of sufficient waterways provided in that Railway ?

(*c*) Are Government aware that villages and agricultural lands have been submerged in those flood affected areas because the railway embankments have not been provided with proper bridges, culverts and sluices ?

Mr. A. A. L. Parsons : From reports so far received it appears that the railway line has been breached over a distance of about 11 miles mostly north of the Baitarani River by the bursting of the Baitarani dam, the line being entirely submerged, the bank in most places completely washed away, one bridge of 5 spans of 40 ft. girders destroyed and other bridges

† Not put at the meeting, owing to the absence of the questioner, but the question and answer to it will be found at page 3547 of these proceedings.

damaged. My Honourable friend will realise that it is not practicable to provide waterways sufficient to pass the great volume of water discharged on the sudden bursting of a dam of the size—Baitarani dam is 20 miles long ; but in any case there is at present no evidence that the existence of a railway embankment in any way added to the area submerged.

STATISTICS RELATING TO THE LENGTH OF WATERWAYS PROVIDED ON EACH RAILWAY, ETC.

559. *Mr. B. Das : (*a*) Have Government any statistics as to the total length of waterways (bridges, culverts, sluices, etc.) provided in every Railway and will Government be pleased to lay a statement on the table shewing the length of waterway originally provided in each system of Railways and the percentage of increase to those waterways as a result of pressure of Provincial Governments and the Central Government during the last five years ?

(*b*) Is it not a fact that large alterations have been made in the waterways of the North-Western Railway, East Indian Railway and Eastern Bengal Railway during the last five years to allow flood water and rain water to drain away quickly ?

(*c*) Will Government be pleased to state if the Railway Board propose to revise the designs of their waterways to allow proper drainage of flood and rain waters ?

Mr. A. A. L. Parsons : (*a*) Government have no statistics showing the length of waterways provided on each railway, but the total length is probably about 300 miles. I am unable to accept the Honourable Member's suggestion that the provision of extra waterways, where they have been provided, during the last five years has been due to pressure by Provincial and Central Governments and not to the efforts of Railway Administrations themselves ; or to give, without imposing on Railway Administrations an amount of investigation and compilation quite incommensurate with their value, the statistics for which he asks in the latter part of this question. The position is that in localities where the original bridging has been found insufficient extra waterways have been provided but the total length of these extra waterways is no doubt a very small percentage of the total waterways originally provided on the 40,000 of miles of railways in India.

(*b*) Not so far as I am aware, but I am making inquiries and will let the Honourable Member know the result.

(*c*) It is not so much a question of revising the design of bridges, culverts and sluices, as of seeing that sufficient passage is allowed for the drainage of flood and rain water. The measures which the Railway Board and Railway Administrations take to secure this were fully described by Sir Clement Hindley in his speech in this House on the 24th September 1924.

Mr. H. Ahmed : In view of the fact that the Honourable Member and his predecessor—I think it was Sir Clement Hindley—in 1924 promised that sufficient passages would be provided in the constructions of the future railway lines, do Government propose now to make inquiries and in future take proper steps, so that sufficient water passages may be provided in the construction of new lines ?

1 P.M.

Mr. A. A. L. Parsons : I am very uncertain whether I have correctly caught the gist of my Honourable friend's question, but we do take steps whenever a new line is being constructed, in consultation with local authorities, to provide if possible for sufficient waterways to carry off all flood water.

Mr. K. Ahmed : Is the Honourable Member aware that from the report of the local authority on the Eastern Bengal Railway, Mr. Ganga Ram—the Engineer's report, I believe—in 1924 it was answered in the same terms, that in future constructions of railways sufficient waterways would be provided ? The construction of the North Bengal Railway will be taken up within a short period, because we have passed the amount of expenditure for new constructions in the last Session. Do Government propose to allow sufficient passage for water to pass through, so that the homesteads and huts of the poor people in the villages may not be submerged by floods again ?

Mr. A. A. L. Parsons : On this occasion, Sir, I am perfectly certain that I have not caught even the gist of my Honourable friend's question.

INQUIRY BY THE ROYAL AGRICULTURAL COMMISSION INTO THE CAUSES OF FLOODS AND DISTRESS CAUSED THEREBY.

560. ***Mr. B. Das** : (*a*) Will Government be pleased to state if the Royal Commission on Agriculture will inquire or are inquiring into the causes of floods and distress caused thereby to the agriculturist class as a whole ?

(*b*) Has any estimate been made of the money value of the loss suffered by agriculturists from floods all over India during the last five years ? If so, what is it ?

Mr. G. S. Bajpai : (*a*) It is for the Royal Commission to interpret their terms of reference. The question of the causes of floods and distress caused thereby has not been specifically referred to them.

(*b*) No.

Mr. B. Das : May I ask the Honourable Member if he does not think it the work of the Department of Agriculture to inquire into the economic losses to the agriculturist due to these floods ?

Mr. G. S. Bajpai : I would refer the Honourable Member to the division of subjects between the Central Government and the Local Government. He will find from it that this work is primarily the concern of the Local Government and not of the Government of India.

Mr. B. Das : Will the Honourable Member invite the attention of the Provincial Governments to this and ask them to inquire into the economic losses of the agriculturist, in view of the fact that they are not taking any interest in the matter of ascertaining economic losses to the masses ?

MEMORIAL RELATING TO THE CONSTRUCTION OF SANCTIONED AND NEW LINES IN THE KARNATAK.

523. ***Mr. D. V. Belvi** : Will Government be pleased to state if :

(*a*) a memorial signed by about 5,000 residents of the Karnatak has been received by the Railway Board requesting the Government to expedite the construction of the sanctioned lines and

to commence new lines in the various Districts of the Karnatak ;

(*b*) any steps have been taken by Government to expedite the construction of the six lines as mentioned in the memorial ;

(*c*) any action has been taken by Government to survey the two proposed new lines, *viz.*, (1) Hubli-Karwar-Mangalore line, (2) Mysore-Mercarra-Mangalore line, as asked by the memorialists ;

(*d*) it is a fact that the Bagalkot-Ilkal Branch of the proposed Nippani-Ilungund line is abandoned ;

(*e*) any of the proposed six lines will be commenced before the end of this year ;

(*f*) the Gadag-Wadi-Raichur line has still a chance of being constructed ?

Mr. A. A. L. Parsons : (*a*) Government have received a memorial asking for the early construction of six lines, investigations into which have, in the past, been made, but none of which have been sanctioned for construction. The memorialists also asked that two new lines, not yet examined, should be constructed.

(*b*) Two out of the three lines lying in British territory are now re-investigated. The other three lines pass through Indian States.

(*c*) A survey is being undertaken for a line from Mangalore to Malapi. The examination of a further extension of this line northwards will depend to some extent upon the results of this survey. The second line passes through an Indian State.

(*d*) No. The project is being re-investigated by the Madras and Southern Mahratta Railway Administration.

(*e*) It is not likely that the results of the surveys will be received in time to allow of construction being commenced before the end of this year.

(*f*) Government have no information on the subject. The line passes through an Indian State.

LEE COMMISSION'S PROPOSALS IN REGARD TO THE INDIAN MEDICAL SERVICE.

Mr. G. M. Young : I am grateful to you, Sir, for this opportunity to correct a statement which I made on Thursday last in reply to one of many supplementary questions to question No. 369 about the Lee Commission's proposals in regard to the Indian Medical Service. I said that no more Indian officers are now recruited to the Indian Medical Service on a temporary basis. It is true that the number of temporary officers is not being enlarged ; but is, on the contrary, being reduced in proportion as officers are appointed to permanent commissions in the service. Normally, therefore, no more officers would be appointed to temporary commissions. But I find that instructions were issued last year by Army Headquarters to local military authorities to terminate in future the contracts of temporary officers when they have served for nine years. That means that other temporary officers have to be recruited in their places, though the total number of temporary officers remains affected. I was not aware of these instructions when I spoke. They were issued last year

when I was serving in another Department. I gather that there is some feeling about them in certain quarters of this House and elsewhere. That being so, I propose to re-examine the question ; though of course I can give no undertaking that the instructions will be either reversed or modified.

QUESTIONS NOT PUT AT THE MEETING, OWING TO THE ABSENCE OF THE QUESTIONER, WITH ANSWERS TO THE SAME.

NUMBER OF INDIAN OFFICERS IN THE TRAFFIC AND LOCOMOTIVE SERVICE OF THE EAST INDIAN RAILWAY DRAWING MORE THAN RS. 500 PER MENSEM.

474. ***Khan Bahadur Sarfaraz Hussain Khan** : Will the Government be pleased to state :

(*a*) the total number of officers in the Traffic and Locomotive service of the East Indian Railway drawing more than Rs. 500 per mensem ?

(*b*) the number of Indians out of the total number ?

Mr. A. A. L. Parsons : (*a*) and (*b*). The information is available to the Honourable Member in the Classified List of State Railway Establishment a copy of which will be found in the library.

THE ROYAL AIR FORCE IN INDIA.

475. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) What is the total strength of the Royal Air Force in India ?

(*b*) Is it a fact that the cost of the Royal Air Force in India amounts to over a crore and three quarters a year and is met out of the revenues of India ?

(*c*) Is it a fact that the Royal Air Force is a unit of the Imperial Forces and not part of the Indian Army ?

(*d*) If the answers to (*b*) and (*c*) are in the affirmative, do Government propose to move the authorities concerned in the interest of India to make the Royal Air Force in India a part of the Indian Army or to have the cost of the Force met from the British Exchequer ?

Mr. G. M. Young : (*a*) The sanctioned establishment of the Royal Air Force in India is 227 officers, 1,777 British other ranks and 202 personnel of the Indian Technical Section.

(*b*) and (*c*). I would refer the Honourable Member to the answer I gave on February 26th last to Sir Hari Singh Gour's question No. 614.

(*d*) No, Sir.

USE OF STATIONERY FOR MEMBERS OF THE LEGISLATIVE ASSEMBLY.

476. ***Khan Bahadur Sarfaraz Hussain Khan** : Will Government please state whether the stationery supplied in the writing room for the use of the Members of the Assembly is meant exclusively for writing matters connected with the Assembly business, or also for writing private letters ?

Mr. W. T. M. Wright : The stationery supplied in the writing room may be used for any correspondence which Members may desire to conduct while on the Assembly premises.

INCREASE IN THE MAXIMUM RATE OF THE INDIAN INCOME-TAX.

501. ***Khan Bahadur Sarfaraz Hussain Khan** : Will Government be pleased to state the reasons why the maximum rate of Indian income-tax increased steadily from 12 pies in the rupee to 18 pies in the rupee, while the British income-tax rates for the same period decreased from 6 shillings in the £ to 4 shillings in the £ (As shown in the statement laid on the table in reply to starred question No. 616 on the 26th February 1927) ?

The Honourable Sir Basil Blackett : If the Honourable Member will make his comparison between pre-war conditions and the present time, he will find that the main difference between the position in India and the position in Great Britain in this matter is that the British tax was raised more early and more steeply than the Indian ; and that the subsequent reduction in the British tax still leaves the net increase in Great Britain much the same as the increase in India, while the actual rate in Great Britain is of course very much higher.

ANNUAL INCREMENT OF SECOND DIVISION CLERKS OF THE GOVERNMENT OF INDIA SECRETARIAT.

502. ***Khan Bahadur Sarfaraz Hussain Khan** : 1. (*a*) With reference to Government reply " A further representation has been received and is under consideration " to starred question No. 619 (7), (8), and (10) on 26th February 1927, regarding the annual increments of men in the second division of the Government of India Secretariat, will Government please state if they have come to any decision ?

(*b*) If so, will they please communicate the result to the House ?

2. Will Government please lay on the table a complete list of the establishment for the second division of the Government of India Secretariat ?

The Honourable Mr. J. Crerar : (*a*) Yes.

(*b*) The prayer was rejected.

2. I would refer the Honourable Member to the reply given on the 8th March 1924 to his question No. 603.

DEPARTMENTAL STANDING COMMITTEES.

503. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Has the information asked for in starred question No. 743, on 7th March 1927, *re* Departmental Standing Committees been collected ?

(*b*) If so, will Government please lay a copy of the information so collected, on the table for the information of the House ?

The Honourable Mr. J. Crerar : (*a*) and (*b*). The information regarding departmental Standing Committees asked for by Mr. Aney has been supplied to him. It is being furnished to the Honourable Member also.

GRIEVANCES OF LUGGAGE PORTERS AT HOWRAH.

510. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Referring to Government reply " Government are awaiting the Agent's report in the matter " to starred question No. 661 (*c*) and (*d*) on the 1st March, 1927,

re Grievances of luggage porters at Howrah, will Government please state if they have received the report ?

(*b*) If so, will they please communicate the result to the House ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) All *begari* has been stopped.

The license fee paid by the porters has been reduced to Rs. 5 per month.

The rate of 2 annas per load at Howrah has been reduced to 1½ annas.

ABOLITION OF THE *Begari* OR FREE LABOUR SYSTEM ON THE EAST INDIAN RAILWAY.

511. **Khan Bahadur Saifaraz Hussain Khan** : (*a*) Was the Begari system or free labour system sanctioned by the Agent, East Indian Railway in April, 1921 or at any other time ?

(*b*) If so, is the system still in force ?

(*c*) Is it a fact that the Agent has of late issued instructions that the Begari system be abolished ?

(*d*) If so, will Government please state if the system has now been absolutely abolished ?

***Mr. A. A. L. Parsons** : (*a*) The Honourable Member is referred to items (*a*) and (*b*) of the reply given to question No. 663 asked by Mr. N. M. Joshi in this Assembly on the 1st March, 1927.

(*b*) No.

(*c*) and (*d*). Yes.

CONTRACTS FOR REGIMENTAL INSTITUTES.

517. ***Mr. T. A. K. Shervani** : (*a*) Is there any provision in the rules for the management and control of Regimental Institutes that only contractors on the approved list of the Army Headquarters should be given the contract ?

(*b*) If so, is it a fact that this provision was made solely to guard against the deterioration of the canteen service by the admission of unexperienced hands ?

(*c*) Are Government aware that this practice is now being departed from and that contracts in the Northern and Western Commands are being allotted indiscriminately ?

(*d*) If so, what steps, if any, have the Government taken to stop this practice in the interests of the troops ?

(*e*) Are Government prepared to rule that great care should be exercised in the selection of contractors and that in the interests of troops the Government should restrict the number of contracts to be given to a particular person, so as to be compatible with efficiency and to have the benefit of personal supervision ?

Mr. G. M. Young : (*a*) Yes.

(*b*) The object of the provision is to prevent contracts being given to persons who are not approved.

(*c*) The answer is in the negative. Contracts are allotted with discrimination, and the name of each contractor is submitted to Army Headquarters for approval.

(*d*) Does not arise.

(*e*) Great care is taken in the selection of contractors, with a view to efficiency and the need for adequate personal supervision.

STAMPING OUT OF SLAVERY IN SOME OF THE OUTLYING TERRITORIES SITUATED CLOSE TO THE BURMESE FRONTIERS.

524. ***Khan Bahadur Sarfaraz Hussain Khan** : 1. Will Government please give some detailed information of the measures taken by Government to stamp out slavery in some of the outlying territories situated close to the Burmese Frontiers (*vide* the address of His Excellency the Viceroy to the Members of the Assembly on the 24th January 1927) ?

2. Will Government please state if slavery still exists in any of the backward or hilly places in India ?

Sir Denys Bray : Full and accurate accounts of the two anti-slavery expeditions despatched last cold season into the outlying parts of Northern Burma have appeared in the Press and it is hardly possible to add to them within the scope of an answer. One expedition entered the Hukawng Valley and Naga Hills and emancipated the few slaves which the expedition of the previous year had been unable to reach. The other traversed the barely explored area known as the Triangle and emancipated 4,000 slaves. These operations were carried out with much skill under arduous conditions but unhappily not without loss of life, Captain West, Lance Naik Agam Singh and Zawng Ze, peon, having been killed in an ambush.

2. Yes, in certain unadministered and in some cases still unexplored areas in Burma and Assam.

RE-APPOINTMENT OF MESSRS. MATHEWS AND MCGUIRE, INSOLVENTS, BY THE EASTERN BENGAL RAILWAY.

534. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Referring to Government reply " Government have no information, but are making inquiries ", to unstarred question No. 122, *re* re-appointment of Messrs. Mathews and McGuire, insolvents, by the Eastern Bengal Railway, will Government please state if the enquiries have been completed ?

(*b*) If so, will they please communicate the result of the inquiries to the House ?

Mr. A. A. L. Parsons : A copy of the letter in which Mr. Amar Nath Dutt was supplied with the information asked for in his unstarred question No. 122 on 1st March 1927 is laid on the table.

COPY OF A LETTER FROM THE SECRETARY TO THE RAILWAY BOARD, TO MR. AMAR NATH DUTT, M.L.A., NO. 486, DATED THE 25TH MARCH 1927.

With reference to the question No. 122 asked by you in the Legislative Assembly on the 1st March 1927, I am directed to state that Government have made enquiries and the following information is furnished :

(*a*) The reply is in the affirmative.

(*b*) Mr. Mathews was adjudicated insolvent on 17th July 1925 and was allowed to resign his post. On an application submitted by Mr. Mathews to the Calcutta High Court the adjudication order was annulled on 2nd February 1926, *vide* High Court Notification in the Gazette of India, Part II, dated 27th March 1926, page 418. Mr. Mathews therefore on re-employment was no longer insolvent.

(*c*) The matter of insolvency and habitual indebtedness is dealt with in paragraph 16 of the Government Servants' Conduct Rules.

(*d*) Mr. McGuire was not removed from service solely on the ground of indebtedness. Other factors were, continued unsatisfactory working, overstaying leave without permission and insubordination on several occasions.

DECISION OF THE PRIVY COUNCIL IN THE CASE OF GANESH LAL *vs.* KHETRA MOHAN MAHAPATRA.

535. Khan **Bahadur Sarfaraz Hussain Khan** : (*a*) With regard to the decision of the Privy Council in the case of Ganesh Lal *v.* Khetra Mohan Mahapatra, will Government please state if they have come to any decision as to the desirability of their taking action in the matter [*vide* Government reply to the starred question No. 682 (*c*) on the 1st March 1927] ?

(*b*) If so, will they please communicate their decision to the House ?

The Honourable Mr. J. Crerar : Government have decided to take no action until they see how the Courts in India view the judgment of the Privy Council.

NUMBER OF INDIANS EMPLOYED AS WIRELESS OPERATORS.

536. * **Khan Bahadur Sarfaraz Hussain Khan** : Will the Government please state :

(*a*) Why out of the total number of 26 men recruited to work as wireless operators only one is an Indian ?

(*b*) The names of the 26 men recruited, their qualifications and their pay ?

(*c*) How many of the 26 men were ex-service men and how many departmental ?

Mr. H. A. Sams : (*a*) Presumably the Honourable Member refers to the selection of 24 not 26 telegraphists from the Traffic Branch of the Department, made at the end of June last, for training in Wheatstone wireless working. 24 telegraphists were selected, of whom 13 are Indians.

(*b*) A statement giving the particulars required will be handed to the Honourable Member.

(*c*) No ex-service men were selected ; all the men were departmental telegraphists.

ALLEGED ASSAULT ON AND DISMISSAL OF SUKH LAL, AN EMPLOYEE OF THE BENGAL NAGPUR RAILWAY WORKSHOP AT KHARAGPUR.

537. ***Khan Bahadur Sarfaraz Hussain Khan**: (*a*) Has the report asked for from the Agent regarding the alleged assault on and dismissal of Sukh Lal, an employee of Bengal Nagpur Railway Workshop at Kharagpur, been received (*vide* Government reply to starred question No. 753 on 7th March 1927) ?

(*b*) If so, will Government please lay a copy of the report on the table ?

Mr. A. A. L. Parsons: A copy of the letter in which the Agent's report was communicated to Rai Bahadur Tarit Bhusan Roy with reference to his starred question No. 753 on 7th March, 1927, is laid on the table.

COPY OF A LETTER FROM THE SECRETARY, RAILWAY BOARD, TO RAI BAHADUR TARIT BHUSAN ROY, M.L.A., NO. 4646-E., DATED THE 29TH APRIL 1927.

With reference to the reply given to your question No. 753, dated the 7th March, 1927, in the Legislative Assembly, I am directed to state that the following report has been received from the Agent, Bengal-Nagpur Railway :

> "An employee named Sukhlal was asleep under a wagon during working hours. It is not a fact that he had an attack of sun-stroke, nor was he pulled out by his hair.
>
> It is correct that he was subsequently dismissed for unsatisfactory working, fault having been found with him on several previous occasions."

RULES FOR THE GRANT OF PASSPORTS TO PERSONS ENTERING INDIA FROM NEPAL, BHUTAN, ETC.

538. ***Khan Bahadur Sarfaraz Hussain Khan**: (*a*) Are there no rules relating to passports for persons entering India by land except through the Chaman, Khyber, and Nushki routes, as indicated by Government in their reply to unstarred question No. 177 on 7th March 1927 ?

(*b*) If so, do Government propose to make rules relating to passports for persons entering India from Nepal, Bhutan, and other main north-eastern routes ?

Sir Denys Bray: The answer to both parts of the question is in the negative.

NUMBER OF POLITICAL DETENUS SUFFERING FROM TUBERCULOSIS.

539. ***Khan Bahadur Sarfaraz Hussain Khan**: Will Government please state :

(*a*) How many out of the total number of political detenus are suffering from tuberculosis ?

(*b*) If it is a fact that tuberculosis patients are kept in the same ward ?

(c) If tuberculosis patients are given especial facilities regarding their diet and freedom of action in chosing physicians of their own liking for their treatment ?

The Honourable Mr. J. Crerar : No detenus in jails are known to be suffering from tuberculosis. One has been placed under observation, but tuberculosis has not been diagnosed. Two detenus who are not confined in jails are suspected of suffering from tuberculosis. They are in a position to arrange their own diet and choose their own doctors.

STARTING SALARIES OF GRADUATES AND MATRICULATES IN THE CLERICAL ESTABLISHMENT OF THE NORTH WESTERN RAILWAY.

556. ***Mr. Harchandrai Vishindas** : (a) Will Government be pleased to state what are the starting salaries of graduates and matriculates in the clerical establishment of the North Western Railway Department ?

(b) Do Government observe any distinction between the salaries of graduates and other employees in the clerical establishment on the North Western Railway ?

(c) If not, why not ?

(d) Do Government hold any competitive examination for every vacancy to be filled ?

(e) If not, do the Government intend to do so in future ?

Mr. A. A. L. Parsons : Government have no information.

The method of recruitment and appointment of clerks are left entirely in the hands of the Agent.

UNSTARRED QUESTIONS AND ANSWERS.

CONSUMPTION OF COAL ON THE MAJOR INDIAN RAILWAYS.

53. **Mr. K. C. Neogy** : Will Government be pleased to state what is the aggregate tonnage of coal consumed during the last two years by the major Indian railways for the purposes indicated below, the figures for each railway being shown separately :

(a) running of mail and fast expresses,

(b) running of passenger trains,

(c) running of goods trains,

(d) shunting ?

Mr. A. A. L. Parsons : I have sent a statement to the Honourable Member giving such information as is available.

COALS SUITABLE FOR THE REQUIREMENTS OF THE MAJOR INDIAN RAILWAYS.

54. **Mr. K. C. Neogy** : Will Government be pleased to lay on the table a statement showing the coals, described with reference to the collieries in which they are mined, which met the requirements of each of

the major Indian railways under each of the following heads, during the last two years :

(*a*) running of mail and fast expresses,

(*b*) running of ordinary passenger trains,

(*c*) running of goods trains, and

(*d*) shunting ?

Mr. A. A L. Parsons : I regret that it is not possible to supply the information for which the Honourable Member asks as, in the first place, no record is maintained by railways of the particular services on which coal from each colliery is used and, even if this information was available, it would not be possible to say if it met the requirements of the railway.

USE OF COAL RAISED IN COLLIERIES OWNED BY STATE RAILWAYS ON THE COMPANY-MANAGED RAILWAYS.

55. **Mr. K. C. Neogy** : (*a*) Is it a fact that the coal raised in the colliery of one State Railway is used for others ? If so, will Government furnish particulars of all such recent instances in point ? Will Government be pleased to state how the quota of each railway is determined when a colliery is jointly owned by two or three railway owners ?

(*b*) Is it a fact that the coal raised in collieries owned by State Railways is used on the Company-managed Railways ? If so, will Government furnish particulars of such instances in point occurring within the last two years ? On what basis is the price for such coal charged ?

Mr. A. A. L. Parsons : (*a*) Coal raised in the colliery of one State Railway is, when necessary, allotted to other railways. The following allotments have been made for the year 1927-28 :—

1,20,000 tons from the East Indian Railway Giridih Colliery to the North-Western Railway.

1,20,000 tons from the East Indian Railway Giridih Colliery to the Great Indian Peninsula Railway.

12,000 tons from the East Indian Railway Giridih Colliery to the Eastern Bengal Railway.

1,72,000 tons from the Great Indian Peninsula Railway Kargali Colliery to the East Indian Railway.

1,53,800 tons from the Great Indian Peninsula Railway Kargali Colliery to the Eastern Bengal Railway.

The division of the colliery output of jointly owned collieries is fixed by agreement when the collieries are acquired.

(*b*) I can trace no recent instances of this having been done.

CONSTRUCTION BY THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY OF SPECIAL ENGINES TO SUIT THE CONSUMPTION OF SECOND CLASS COAL.

56. **Mr. K. C. Neogy** : Is it a fact that the Bombay, Baroda and Central India Railway constructed some special engines three or four years back to suit the consumption of second class coal thereon ? If

so, will Government be pleased to state wherein exactly lies the speciality of such locomotives ?

Mr. A. A. L. Parsons : The Bombay, Baroda and Central India Railway as an experiment obtained delivery of two passenger and two goods locomotives in 1924 which were larger than their previous standard types. These locomotives are provided with larger fire grates than has been usual on Indian locomotives and can therefore burn some second class coals with less loss of efficiency or economy than certain other types of locomotives.

CAPITAL OUTLAY MADE BY THE PROPOSED RAILWAY COLLIERY IN TALCHUR FIELD AND IN RELIGARI-DARI.

57. **Mr. K. C. Neogy** : Will Government be pleased to say what is the amount of capital outlay so far made by the proposed railway colliery in Talchur field and in Religari-dari ?

Mr. A. A. L. Parsons : The information asked for is being obtained from the Railway Administrations concerned and will be furnished to the Honourable Member when received

PRICE PER TON OF COAL PURCHASED FOR THE RAILWAYS FOR EACH YEAR FROM 1906-07 TO 1926-27.

58. **Mr. K. C. Neogy** : Will the Government be pleased to state what average price per ton was paid for coal purchased for the Railways, the figure being worked out for each year from 1906-07 to 1926-27 ?

Mr. A. A. L. Parsons : I am afraid I am unable to give the Honourable Member the information in the exact form in which he has asked for it since it has not been collected in that form in our statistics. But he will find full details of the average cost per ton of both foregn coal and Indian coal consumed from 1906-07 to 1925-26 in the Administration Reports of Railways. The average pit's-mouth rate for coal purchased by State-managed Railways in 1926-27 was Rs. 5-2-0 per ton.

EXEMPTION FROM ASSESSMENT TO INCOME-TAX OR SUPER-TAX OF THE PROFITS OF TRADING SET APART FOR CHARITABLE OR RELIGIOUS PURPOSES.

59. **Seth Jamnadas** : (*a*) Is it a fact that profits of trading set apart for charitable or religious purposes are, under the existing practice, not exempt from assessment to income-tax or super-tax ?

(*b*) If so, are Government aware of the discontent prevailing among the mercantile and other classes who, pursuant to custom prevalent in the country from time immemorial, invariably set apart for charitable or religious purposes part of the profits of trading and apply them for purposes charitable or religious in the localities concerned ?

(*c*) Are Government prepared to consider the question of exempting such income from liability to income-tax or super-tax ?

The Honourable Sir Basil Blackett : (*a*) To some extent the answer to this question would apparently depend on the circumstances.

(*b*) and (*c*). The matter is at present before a High Court—or likely to come before a High Court. The Government will consider the question when that Court has decided it.

INSTRUCTIONS TO AN INCOME-TAX OFFICER TO COLLECT A CERTAIN AMOUNT OF INCOME-TAX FROM HIS CIRCLE.

60. **Seth Jamnadas** : (*a*) Will Government be pleased to state whether an Income-tax Officer is departmentally instructed to collect a certain amount of income-tax from his circle ?

(*b*) If so, are Government prepared to stop this practice ?

The Honourable Sir Basil Blackett : The Government can hardly believe that any officer would issue such orders which would obviously be most improper and entirely illegal. I should be obliged if the Honourable Member would give me a concrete instance if he knows of any.

REMISSION OF THE INCOME-TAX ON "NAZARANA" REALISED BY LANDLORDS FROM THEIR TENANTS.

61. **Seth Jamnadas** : (*a*) Are Government aware that the Income-tax Officers in some places have assessed tax on "Nazarana" realised by landlords from tenants for transfers of holdings or other licences ?

(*b*) If this is a fact, have Government considered the question of remitting the amount of tax so realised on the ground that this is an income derived from agriculture ?

The Honourable Sir Basil Blackett : (*a*) and (*b*). It has been held by the Calcutta High Court that "Nazarana" is agricultural income and is therefore not liable to income-tax. The Government have no reason to suppose that Income-tax Officers or Assistant Commissioners have overlooked the ruling, but the Central Board of Revenue will make enquiries.

EXEMPTION FROM INCOME-TAX OF INCOME REALISED FROM THE SALE OF LAC.

62. **Seth Jamnadas** : (*a*) Will Government be pleased to enquire and state whether at some places the Income-tax Officers have taxed the income from the sale of lac which lac growers themselves propagated and prepared for the market ?

(*b*) If so, are Government prepared to take steps to save such income from taxation on the ground that it is included in agricultural income ?

The Honourable Sir Basil Blackett : (*a*) and (*b*). Whether income from the sale of lac is income from agriculture or not would depend on the facts of each case. If the Honourable Member or any one in whom he is interested is dissatisfied with the principles at present applied I would suggest that the facts should be stated to the Central Board of Revenue.

AMOUNT OF COURT-FEES LEVIED IN THE CASE OF INCOME-TAX APPEALS.

63. **Seth Jamnadas** : (*a*) Are Government aware that some appellants in income-tax appeals affix insufficient court-fees for want of proper information on the subject causing some delay in the disposal of their appeals ?

(*b*) Are Government prepared to make necessary corrections in the forms of appeals prescribed under Rules 21 and 22 of the Notification of the Board of Inland Revenue No. 3-I.T., dated Delhi, 1st April 1922 (*vide*

Income-tax Manual) stating the amount of court-fees that is to be affixed on such appeals ?

The Honourable Sir Basil Blackett : (*a*) The answer is in the negative.

(*b*) Court-fees are regulated by the Court-fees Acts as amended from time to time by the Provincial Legislative Councils, and the statutory forms of appeals prescribed under Rules 21 and 22 of the Indian Income-tax Rules cannot therefore be amended in the manner suggested by the Honourable Member.

REFUND OF COURT-FEES WHERE APPEALS ARE ALLOWED BY THE ASSISTANT COMMISSIONER OF INCOME-TAX.

64. **Seth Jamnadas** : (*a*) Is it a fact that the Assistant Commissioner of Income-tax at times allows appeals and remits the entire assessment made by an Income-tax Officer ? In such cases are the court-fees also refunded ?

(*b*) If not, are Government prepared to consider the advisability of making rules for the refund of court-fees in such cases ?

The Honourable Sir Basil Blackett : The answer to the first part of (*a*) is in the affirmative and to the second part in the negative. The answer to (*b*) is in the negative.

INCOME-TAX APPEALS.

65. **Seth Jamnadas** : (*a*) Are Government aware that some appellants in income-tax appeals fail to attach notices of demand prescribed under section 2 of the Income-tax Act, 1922, or copies of orders of assessment of Income-tax Officers enumerated in sections 30 and 32 of the Income-tax Act with their appeals for want of proper information ?

(*b*) Has this led to some delay in the disposal of appeals in such cases ?

(*c*) Are Government prepared to make necessary corrections in the Income-tax forms referred to in (*a*) requiring the appellants concerned to attach the same to avoid delay ?

The Honourable Sir Basil Blackett : (*a*) The Government have no information.

(*b*) and (*c*). The forms of appeal prescribed by the rules already state clearly that the demand notice or a copy of the Income-tax Officer's order is attached where it is necessary that such notice or copy should accompany the appeal. Where this is not provided for in the form the appellant is under no obligation to attach the notice or copy, as the case may be, and it is not clear how his failure to attach it in such circumstances could lead to delay.

ACCOUNTS OF INCOME-TAX ASSESSEES.

66. **Seth Jamnadas** : (*a*) Is it a fact that some of the assessees of Income-tax are not fully conversant as to the sort of accounts needed by the Department ?

(*b*) Is it also a fact that in some cases innocent assessees have to suffer merely on account of the absence of proper knowledge of the keeping of accounts needed by the Department ?

(*c*) Is it a fact that in most cases the Income-tax Officer has to reject the accounts as unclosed and assess on the percentage basis on the ground that the accounts are not properly kept ?

(*d*) Are Government aware that there is an amount of discontent on this account amongst the income-tax assessees ?

(*e*) Are Government prepared to publish in the vernacular of the provinces small pamphlets on the subject and make them available at a nominal price with a view to educate assessees in this connection ?

The Honourable Sir Basil Blackett : (*a*) and (*b*). The Department does not require accounts maintained on any particular system. Accounts maintained according to any regular system indigenous or western are accepted, and also any accounts from which the profits can as a matter of fact be ascertained. The Government are not aware that Income-tax Officers generally follow any other principle.

(*c*) This is certainly happens in a considerable, but decreasing proportion of cases.

(*d*) This is probable, but appears to be to some extent unavoidable.

(*e*) The Central Board of Revenue will consider the suggestion.

GRANT OF RELIEF TO THE FAMILY OF THE LATE MR. MADAN GOPAL, A POSTAL EMPLOYEE IN THE CENTRAL PROVINCES.

67. **Seth Jamnadas** : (*a*) Will Government be pleased to enquire and state whether Mr. Madan Gopal was a Head clerk in the office of Superintendent of Post Offices, Nerbudda Division, Central Provinces ?

(*b*) Was he transferred to Chanda (Central Provinces) in February last ?

(*c*) Did he apply for his transfer to a Hindi-speaking district as he could not understand the language of the place ?

(*d*) If so, with what result ?

(*e*) Was he on tour in the Sironcha Circle in May 1927 ?

(*f*) Was he suddenly called from Sironcha to relieve the Postmaster of Chanda (Central Provinces) ?

(*g*) Did he proceed to Chanda in the heat of the summer and fall ill ?

(*h*) Did he expire in that illness ?

(*i*) Is it a fact that his services in the Department were always reported as satisfactory ?

(*j*) Is it a fact that he has left behind him a number of widows in the family practically without any means of maintenance ?

(*k*) Has his widow applied for some sort of gratuity ?

(*l*) Do Government intend to grant some aid to the bereaved family ?

Mr. H. A. Sams : (*a*), (*b*) and (*c*). Yes.

(*d*) His request was noted by the Postmaster General.

(*e*) No.

(*f*) While at Mul in the Chanda District, he was ordered by telegraph on the 14th May 1927, to relieve the Postmaster, Chanda, who required leave urgently.

(*g*) He proceeded to Chanda on the 15th May 1927, and reported sick on the 18th May 1927.

(*h*) The medical certificate submitted by him showed that he was suffering from measles. He died on the 27th May 1927. The actual cause of death has not yet been reported to his Divisional Superintendent or the Postmaster General.

(*i*) Yes.

(*j*) He has left a widow and four minor children dependent on her. She is reported to be in straitened circumstances.

(*k*) Yes.

(*l*) The question has already been taken up by the Postmaster General.

RECOMMENDATIONS OF THE JOINT PARLIAMENTARY COMMITTEE REGARDING THE REVISION OF LAND REVENUE ASSESSMENT IN THE VARIOUS PROVINCES.

68. **Seth Jamnadas** : With reference to the recommendations of the Joint Parliamentary Committee appointed in connection with the Government of India Bill, 1919, stating that the process of revising the land revenue assessment in the various provinces should be brought under closer regulation by Statute as soon as possible, will Government be pleased to state whether any general or special instructions have been issued by them to the Provincial Governments to give effect to those recommendations and if so, will Government be pleased to lay on the table a copy of the instruction or instructions so issued ?

Mr. A. R. Dalal : The recommendations of the Joint Parliamentary Committee were referred to Local Governments in March 1920, and their attention was drawn to the need for early action on the lines indicated therein. The Government of India have recently again impressed upon Local Governments the importance of introducing legislation at an early date. They regret their inability to lay a copy of the correspondence on the table.

RECONSTRUCTION OF THE BRIDGE ON THE GREAT INDIAN PENINSULA RAILWAY IN THE DISTRICT OF JUBBULPORE, ETC.

69 **Seth Jamnadas** : (*a*) With reference to my starred question No. 448, dated 15th February 1927, will Government be pleased to state whether the reconstruction of the bridge on the Great Indian Peninsula Railway in the district of Jubbulpore (Central Provinces) has been completed or not ?

(*b*) If not, will Government be pleased to state the reasons as to why the same was not completed before the commencement of the rainy season as originally proposed ?

(*c*) Is it a fact that in this connection the Deputy Commissioner, Narsinghpur, and the Central Provinces Government have received representations from the public to the effect that the new bridge on the Great Indian Peninsula Railway should be made a combined rail and road bridge ?

(*d*) Will Government be pleased to state whether the question of providing a road bridge over the river has been taken up with the Local Government and, if so, with what result ?

(*e*) Will Government be pleased to state the result of the investigation regarding the providing of a roadway for wheeled traffic in connection with the bridge on the Bengal Nagpur Railway under construction in the Jubbulpore district (Central Provinces) ?

(*f*) Do Government intend to take steps to construct the new bridge on the Bengal Nagpur Railway as a combined rail and road bridge ?

Mr. A. A. L. Parsons : (*a*) The answer is in the negative.

(*b*) It was not found possible to complete the work before the river rose.

(*c*) Government have no information.

(*d*) No, in view of the fact that the piers and abutments of the washed away bridge were found to be unfit for repair and use for a road bridge.

(*e*) and (*f*). The girders which are being replaced on the bridge after repairs cannot be altered so as to take also a roadway nor are the piers long enough to carry an extra roadway span alongside the railway spans.

REDUCTION IN THE RAILWAY RATES ON COAL DESPATCHED FROM THE CENTRAL PROVINCES COALFIELDS.

70. **Mr. K. C. Neogy** : Will Government be pleased to state if in recent years reductions were effected in freight on coal despatched from the Central Provinces coalfields ? If so, will Government state when were the reductions effected and the extent of the reduction granted from time to time ? ..

Mr. A. A. L. Parsons : Reductions in railway rates on coal despatched from the Central Provinces coalfields have been as follows :—

With effect from 1st September 1923 an average reduction of approximately 13.5 per cent.

With effect from 1st April 1926 approximately 10 per cent.

SHIFTING OF GOALUNDO GHÂT IN THE DISTRICT OF FARIDPUR IN BENGAL.

71. **Rai Bahadur Tarit Bhusan Roy** : Will Government be pleased to state :

(*a*) How often the Goalundo Ghât in the District of Faridpur in Bengal has been shifted since the year 1921 to 1927 ?

(*b*) What has been the total expense incidental to such shifting of the Goalundo Ghât ?

(*c*) Whether the entire expense has been borne by the Eastern Bengal Railway ?

(*d*) Have the I. G. N. and Railway Company, Limited, and the B. S. N. Company, Limited, contributed to such expense ; if so, in what proportion ?

(*e*) Is it not a fact that the Joint River Steam Services carry the Dacca and Chittagong Mails from Goalundo ?

Mr. A. A. L. Parsons : The information is being collected and will be furnished to the Honourable Member when ready.

RESTORATION OF GOOD FEELINGS BETWEEN THE SIKHS AND MUHAMMADANS IN THE NORTH-WEST FRONTIER PROVINCE.

72. **Rai Bahadur Tarit Bhusan Roy** : (*a*) Will Government be pleased to state whether it is a fact that a large number of Hindu and Sikh families comprising about 300 persons have vacated Landi Kotal (Lawerghi) and arrived at Peshawar safely by train on 2nd August, 1927 ?

(*b*) Is it a fact that the political authority had detained 50 escorts for their safe conduct to Peshawar as there was every danger of these persons being looted and plundered on the way from Khyber and Landi Kotal ?

(*c*) Is it a fact that the tribal authorities across the border in the Agency Area proposed the following terms to Hindus and Sikhs under which they could continue to reside there :

(1) to wear red turbans.

(2) to ride on horses without saddles.

(3) to vacate the charpoy and sit down on the ground as a mark in respect for the Moslems whenever he should happen to come to a Hindu or a Sikh.

(4) not to charge interest on loans ?

(*d*) What step if any do Government propose to take to restore good feeling between the Sikhs and Muhammadans ?

Sir Denys Bray : The Honourable Member is referred to the statement I made on the 18th instant, and to my answer to Pandit Thakur Das Bhargava's question No. 481.

UNCOMFORTABLE SECOND CLASS LOWER BERTHS IN THE EASTERN BENGAL RAILWAY.

73. **Rai Bahadur Tarit Bhusan Roy** : Will Government be pleased to state whether it is a fact that in the new second class compartments in the Eastern Bengal Railway the lower berths are narrower, and uncomfortable for sleeping purposes and if so what steps, if any, will be taken to remove this inconvenience ?

Mr. A. A. L. Parsons : No. The lower berths in the new second class compartments are of the same width as before, and Government have received no complaints that they are uncomfortable for sleeping purposes. If they were widened they would certainly be uncomfortable for seating, as the room between the seats would be very narrow.

REDUCTION OF THIRD CLASS FARES ON THE EASTERN BENGAL RAILWAY.

74. **Rai Bahadur Tarit Bhusan Roy** : Will Government be pleased to state whether the authorities of the Eastern Bengal Railway intend to reduce the fare of third class passengers who are generally very poor ?

Mr. A. A. L. Parsons : The Eastern Bengal Railway has only lately been able to pay its way again, and cannot at present afford a reduction of fares.

ELECTION TO THE PANEL FOR THE ADVISORY PUBLICITY COMMITTEE.

Mr. President : I have to inform the Assembly that the number of candidates nominated for election to the panel for the Advisory Publicity Committee is equal to the number required, and therefore I announce that the following Members are declared to be duly elected :

Raja Ghazanfar Ali Khan.

Mr. Abdul Latif Sahib Farookhi.

Sir Hari Singh Gour.

Maulvi Muhammad Yakub.

Mr. K. C. Roy.

Mr. Arthur Moore.

Mr. Anwar-ul-Azim.

Pandit Thakur Das Bhargava.

Mr. A. H. Ghuznavi.

Rai Sahib Harbilas Sarda.

Dr. A. Suhrawardy.

Mian Mohammad Shah Nawaz.

Mr. W. M. P. Ghulam Kadir Khan Dakhan.

Mr. Ismail Khan.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President in the Chair.

THE GOLD STANDARD AND RESERVE BANK OF INDIA BILL.

The Honourable Sir Basil Blackett (Finance Member) : Sir, a speech from me on the principles of the Bill is not needed to-day for the purposes of the motion which I am making. The principles of the measure have been before the country for more than a year, and I dealt at some length with the Bill when I moved for its circulation last January. What the House will want to-day, I think, will be some guidance as to the meaning of the modifications introduced into the Bill by the Joint Committee—at any rate of the more important ones.

In certain particular respects the Bill now before us has been profoundly modified from the Bill which was before the Assembly last March. Nevertheless, I think that perhaps the most remarkable feature of the Bill, as now before us and of the work of the Joint Committee, is the extent of the ground covered by the measure on which there is little or no disagreement. The somewhat unfortunate publicity given to the proceedings of the Joint Committee, which were supposed to be confidential, besides on occasions hampering our freedom in Committee and possibly making

agreement more difficult, has, I think, tended to leave on the general public the impression that the chief feature of our discussions in Committee were acute differences of opinion all along the line. This impression might at first sight seem to be confirmed by the large number of amendments put down in my name. But on examination the amendments in my name will be found to relate almost entirely to two main issues, and I think the strongest impression left on the minds of the Committee—certainly on my own—was the large extent of agreement obtained. As time went on and as we became more intimately acquainted with the Bill, more and more we realised that there was practical unanimity as to the desirability in principle of the establishment of a Reserve Bank in the general interests of India. We were agreed on the principle, and it was very remarkable that on nearly every point of detail, so far as the technical portions of the Bill are concerned, we managed so to adjust our views, some of which at first sight seemed to be diametrically opposed, as to produce a re-draft of the Bill in which, so far as the technical clauses were concerned, there was only one specific point on which the Government and the other side of the House have not been able more or less to accommodate themselves to each other's view point. That point is really almost more a political than a technical point—I refer to the introduction of the conception of a gold mohur into the Bill by the majority of the Committee. Even here, though our differences are vital, I should like to dwell rather on the extent to which we have approached towards agreement than on the differences. It has been frankly recognised by the majority of the Joint Committee—and I trust the House will have no difficulty in endorsing that conclusion—that however strong may be the desire in India for a gold currency, it is not practical politics to contemplate any immediate or very early steps being taken to put gold coins into effective circulation. The majority of the Committee, however, while recognising this fact, have decided to introduce into the Indian currency system the conception of a full value gold coin. In clause 18 they have made provision for notes to be expressed not only in rupees but also in mohurs. A hundred-rupee note, for example, is to be expressed as one hundred rupees or five mohurs. In clause 48 the Committee have provided that power be given to the Governor General to coin gold mohurs, though they have been careful to make it clear that this power is to be exercised at the absolute discretion of the Governor General in Council. In addition, in the same clause, the Committee have provided for restoring legal tender privileges to the sovereign, a provision which, in the view of the Government, is not only incompatible with the new gold bullion standard but is incidentally not in consonance with the proposal for a gold mohur.

Now, I had to make it plain to the Committee and I want to make it plain to the Assembly that the Government believe that it would be entirely impracticable for them to coin and issue gold mohurs for at any rate many years to come. The effective circulation of gold mohur or of a full value gold coin or of the gold sovereign is entirely incompatible with the gold bullion standard or any other standard which India is in a position at the present time to adopt. Any attempt at the present day or in the immediately foreseeable future to put gold mohurs into circulation would only lead to a further débâcle in our currency system. This being the case—and it is recognised to be the case by the majority—the Government feel that it would be premature and misleading and in other

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respects objectionable, that the power to coin gold mohurs should be conferred upon Government at present, even though it is purely a discretionary power. It involves a premature decision as to any future gold coin for India if there is eventually to be one. It must, in the opinion of Government, tend to mislead the public if power is taken to coin a gold coin which the Government have clearly no intention of coining for the present. It is felt that the inclusion in an Act of the Indian Legislature of authority to coin a gold coin can only lead to attempts being made inside and outside the Legislature to put pressure on the Government to take a step which in their view they can only take with disastrous consequences to the currency system of India. Steps to put a gold coin into circulation could only be taken if and when the gold bullion standard is discarded in favour of a gold currency standard. The time for doing that is not yet come. Such a step ought to be taken only as the outcome of a definite and considered decision of the Government and the Legislature when, and if the time has come when, it is a matter of practical politics ; and such a step will have to take the form of special legislation when the time is ripe. In these circumstances the Government hold strongly that the wise course is to follow the advice of the Currency Commission to exclude any references to gold coin from the Bill at present and to leave over to some future date, when the issue and circulation of gold coin has become a practical proposition, the question whether or not a gold coin in circulation should be legislated for in India. I have put down amendments on this point to omit all references to gold mohurs in the Bill, and will leave further argument upon it till we reach the clauses concerned.

It will be seen that in regard to the gold mohur the difference between the Government and the majority of the Joint Committee, though vital, is really in some respects a question of convenience and opportunity and expediency. It is agreed by the majority of the protagonists of the mohur that practical action to coin mohurs is not possible at the present time. So, even if a provision were to be included in the Bill, the practical position would not be greatly changed. No gold coin would be coined or put into circulation ; but the position of the Government would be, to say the least of it, very unsatisfactory. Apart from the question of gold mohurs, there is hardly a single point in the technical portions of the Bill on which we in the Joint Committee have not succeeded in accommodating our view points very closely in an amicable manner. There has been give and take on both sides. I gladly recognise the extent to which concession has been made by some who held a strong view on certain points in order to reach agreement, and I hope that they too will recognise that I, on behalf of Government, have done my best to accommodate my view point where I did not regard matters as absolutely vital and accept a decision on a point which I should have preferred to deal with in a rather different way. This general desire for harmonious settlement on the points in dispute is, I say, a happy augury for the work which this Assembly is going to do in the next fortnight.

The other point remaining unsettled is not a technical point at all. It has no relation to the new currency standard and leaves unaffected the functions and methods of working of the Reserve Bank once it has

come into existence. It is a difference concerning the constitution of the Bank and the method of framing the Directorate. There is practical unanimity as to what the Reserve Bank is to do. The difference of opinion is in regard to the method of constituting the Directorate that is to do the work. The proposal of the Currency Commission accepted by the Government and incorporated in the Bill originally introduced in this House was that the capital of the Bank should be obtained by inviting subscriptions from private shareholders, and that apart from the non-voting Government official who is to be a member of the Board, the Board should consist of 14 Directors, of whom five, including the Governor and the Deputy Governor, will be nominated by Government, and the other nine elected by the shareholders. The Joint Committee decided at their first meeting that the whole of the capital of the Bank should be subscribed by the Government of India thus getting rid of the shareholders altogether, and having got rid of the shareholders, as there were no shareholders to elect the members of the Board, some other constituency or constituencies had to be framed. Eventually the majority have adopted the scheme which is now in the Bill. Under it, four members of the Board including the Governor and the Deputy Governor are to be nominated by the Government.

Mr. President : I do not wish to interrupt the Honourable Member in any way, but there is one difficulty which the Chair feels in connection with the speech he is making. I understand the motion he is making is that the Bill, as reported by the Joint Committee, be taken into consideration. He is perfectly in order in so far as he advances arguments in support of that motion. I am not sure—and I am glad the Honourable the Law Member is here to help us in the matter—how far the Honourable the Finance Member would be in order in advancing arguments against his own motion.

The Honourable Sir Basil Blackett : I see no reason why I should not do so when moving the motion that the Bill, as reported by the Joint Select Committee, be taken into consideration. I accept all that it has got to say on the technical clauses. I see no reason why we should not be wiser from the recommendations of the Joint Committee and amend the clauses raising the constitution of the Bank in a way which I have indicated.

Mr. President : The Honourable Member is perfectly right in saying that the House is entitled to go outside the recommendations of the Joint Committee and improve upon those recommendations, but whether the Honourable Member himself would be justified, after making the motion that the Bill, as reported by the Joint Committee, be taken into consideration, in advancing arguments against his own motion is not a question free from doubt. That is the difficulty which the Chair feels and on which the Honourable the Law Member will be good enough to enlighten us.

The Honourable Mr. S. R. Das (Law Member) : Sir, I regret that this matter should be put to me without previous notice, because I have not had time to consider it. But I should have thought that the motion

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that the Bill, as reported by the Joint Committee, be taken into consideration is a formal motion on the part of Government who alone can make that motion having regard to the fact that the Bill is introduced by the Government Member. I should think, Sir, that there would be nothing objectionable in the Government moving amendments to the Bill and in suggesting for the consideration of the House the amendments that the Government propose to move. That is how it strikes me. The question has come to me rather as a surprise.

Mr. President : If the view advanced by the Honourable the Law Member is carried to its logical conclusion, the Honourable the Leader of the House can make a motion that the Bill, as reported by the Joint Committee, be taken into consideration and yet make a speech asking the House to oppose it and throw it out. That would be the logical result.

The Honourable Sir Basil Blackett : I submit, Sir, that there are many precedents for a thing like this in this House for speeches by Members of Government on bringing back a Bill from a Select Committee or a Joint Committee in which they have differed proposing to make amendments in the Bill. I submit, Sir, that I am not the mouthpiece of the Joint Committee, I was just one member of it—I was not even the Chairman—and that I am in order in speaking on this motion in the sense that, while I am in agreement with a large portion of the Joint Committee's Report, and am desirous that this House should take it into consideration, I hope when this House does take it into consideration, it will make certain amendments.

Mr. President : It is a very difficult question indeed. Personally I am not satisfied that the Honourable the Leader of the House is really in order in advancing arguments against his own motion. The more proper course would have been for any one member of the majority of the Committee to move a motion that the Bill as amended by the Joint Committee be taken into consideration, and then for the Honourable the Leader of the House to move his amendments against the recommendations of the Joint Committee. If this course is not permissible under the Standing Orders, the Leader of the House should have moved that the Bill, as reported, be recommitted to the Joint Committee or recirculated for opinion.

The Honourable Sir Basil Blackett : Sir, I will take advantage of your ruling, and I propose to continue. I would, however, with respect submit that the motion to take the Report of the Joint Committee into consideration is not a motion requesting the House to take into consideration and pass the Bill as reported. There are at any rate many precedents for the course which I am now adopting.

Mr. President: I would allow the Honourable the Leader of the House to proceed with his arguments without committing myself to any ruling. This should not form a precedent ; the Chair allows this procedure, as a special case. It is really a question whether a member is in order in making a speech against his own motion.

The Honourable Sir Basil Blackett : I am not advancing any arguments against my own motion, Sir.

Mr. President : The Chair has its own view about the Honourable Member's speech.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, may I draw your attention to Standing Order 44 which deals with the procedure after presentation of the Report of the Select Committee. Clause 1 says :

"After the presentation of the final Report of a Select Committee on a Bill, the member in charge may move that the Bill as reported by the Select Committee be taken into consideration,"

and so on. Then clause (*b*) says that he may further move—

"that the Bill as reported by the Select Committee be recommitted either—

(*i*) without limitation, or

(*ii*) with respect to particular clauses or amendments only, or

(*iii*) with instructions to the Select Committee to make some particular or additional provision in the Bill;

or (*c*) that the Bill as reported by the Select Committee be recirculated for the purpose of obtaining further opinion thereon."

I think, Sir, on a reading of this Standing Order, it is not quite clear that the Member in charge who alone has the right to move that the Bill as reported by the Joint Committee be taken into consideration, necessarily commits himself to that particular Report.

The Honourable Sir Basil Blackett : Sir, I will now proceed with the motion that the Joint Committee's Report be taken into consideration. The Joint Committee by a majority recommended a Directorate on the following lines. 4 members of the Board to be nominated by the Government, including the Governor and the Deputy Governor ; 3 elected by the elected members of the Central Legislature, 3 elected by the elected Members of the Provincial Legislatures, two each elected by the Federation of the Indian Chamber of Commerce and the Associated Chambers of Commerce, and one by the Provincial Co-operative Banks. When the original decision was taken in the Joint Committee against the proposal to have a shareholders' bank, it seemed to me at first that the meaning of the vote was that the Board of the Bank should be under the control of the Government and of the Legislature. This is what I understood it meant by a State Bank, and it still seems to me to be the natural meaning of a State Bank. It is indeed difficult to see how the Board of a Bank, the whole of whose capital is subscribed by the Government, can be made entirely independent of it. It proved, however, that this was not the view of the majority. The Committee agreed that it was fundamental to the idea of a Reserve Bank that it should be completely independent of the Government and the Legislature, free to conduct the business of the Bank on lines of prudent finance and in accordance with the directions of the Statute under which it came into being, without being subject to any direct or indirect political influence. The question of share capital in these circumstances became largely a question of convenience and expediency. Whether there is share capital or not, the Bank is not to

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be a State Bank in the sense of being under the control of the State. It was, however, felt by the majority of the Committee that with shareholders the Directorate might possibly fall under the control of vested interests and I do not think I should be doing the majority an injustice if I say that what they particularly feared was that the Directorate might be non-Indian in outlook or might even have an anti-Indian bias. I do not, and did not, think that these fears were justified, but though the Government still felt and feel that the original plan for a shareholders' bank is the wisest, I endeavoured to co-operate with the Committee in framing a Bank without share capital that would surmount the many and various difficulties which such an attempt involved. I do not want at this stage to enter into the details of the various possible alternatives and the particular difficulties attaching to each of them. In the end we failed to come to any agreement. I do not think that we should be much blamed for this. The negative result of the discussion goes to show that the task of framing a suitable plan and securing a suitable Directorate that will work efficiently—and remember it will have enormously responsible functions—and will be completely independent of the State, is extraordinarily difficult unless you adopt the device of shareholders. It is a device well understood the world over that has been almost universally adopted in those countries who have set themselves the task of establishing an independent central bank and has proved its value by the test of experience. It has the merit of making the members of the Board responsible for money which they themselves have contributed out of their own pockets and responsible to shareholders to whom they are accountable for the money which they have contributed out of their pockets and not merely responsible to their own consciences. It has the further merit of providing a ready-made constituency for the selection of a representative Directorate. On the other hand, the scheme now framed in the Bill is in the view of the Government very far from securing full independence of the Bank. It intrudes other things, such as politics into the question of the selection of a business board in a way that in the view of the Government can only mean bad business and bad politics. It leaves the Board in the air, theoretically responsible to no one, and for that reason and for the reason that the State will find the whole capital, is likely in the end to become subservient to the Government and the Legislature; and incidentally it involves a serious departure from the straight constitutional path in proposing to use members of the Central and Provincial Legislatures for purposes entirely foreign to those for which they were elected. I am inclined to think that the proposers of the scheme are themselves not entirely satisfied with it and are conscious of its drawbacks, and it is mainly because of our difficulty in finding any really satisfactory solution that they fell back on this particular one. It may be asked, why then does the Government not continue to join them in finding a *via media*? Why does it go back to the shareholders' plan? My answer is two-fold. In the first place, as the House is aware, the Government have been continuing the search for an agreed solution that would eliminate shareholders provided that they could be sure that that solution would embrace a settlement of other disputed points, and, in particular, would lead to the framing of a Directorate suitable and representative but not in any way dependent for its electorate

upon the Legislatures, Central or Provincial. The second part of my answer is that the Government believe that the proposal they have now put before the House is really a *via media*. It is entirely different from the original plan contained in the original Bill, in almost every particular except in the particular of share capital. We have considered sympathetically the various objections put forward in the Joint Committee and in the Press. We had and have no desire to run any risk of the Directorate being such as to be potentially non-Indian in outlook or to fail to secure the full confidence of the Indian people. I do not think our original plan involved any such risk, but if it is thought to be open to such objections we are anxious—indeed determined—to do our best to amend it in such a way as to make assurance doubly sure. I think really all want the same thing. We want a Board of capable and businesslike men, of wise and mature outlook, fully conscious of their immense responsibilities, a Board with full and sympathetic understanding of Indian requirements and widely representative of India as a whole, a Board which will devote itself wholeheartedly and in singlemindedness to the business of making a success of the control of currency and credit in the interests of India, a Board which will be Indian in outlook and largely Indian in composition ; how can such a Board be framed ? The Government have taken note of the views expressed in the Joint Committee and they have deeply pondered over them. The plan framed by the Committee will not do. The Government are not prepared to accept it. In their opinion, it would be preferable to lose the Bill altogether rather than to accept that proposal as it stands. But the work of the Joint Committee will not be lost. The discussions in the Committee have been very fruitful in suggesting lines of thought and points of approach. The Committee were prevented by their original decision from going back on the question of having share capital. But since the Committee's work terminated, it has seemed to me it was just this difficulty which prevented the Committee from finding an agreed solution. In the absence of shareholders it is very difficult to frame a constituency wide enough to secure representation of the whole of India. We do not want them at all to represent narrow or sectional interests. The Board cannot be answerable to the Government, and in the absence of shareholders there is no one to jog the conscience of the Board when it becomes too easy going. Why not combine the original plan of share capital with all that is best in the various alternatives ? This is what the Government have tried to do in the plan that is now put before the House. I am strongly tempted to think that, if on the Committee the majority had been willing or able to go back to the starting point, they would have come to an agreement on very much the sort of plan that the Government now put before the House. First of all, as to the Indian character of the Directorate. The Government are in full agreement with the majority that it is desirable that the Board should be predominantly Indian, while not excluding the opportunity for that co-operation of European business experience with Indians which I regard as essential to the rapid and favourable development of Indian business and in particular Indian banking. The Government proposals ensure this result. We have dropped the proposal that some preference in the allotment of the original shares should be given to the shareholders of the Imperial Bank. Instead we propose to reduce the nominal value of each share from Rs. 500 to Rs. 100, and to make provision that preference

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in allotment shall be given to the shareholder domiciled or ordinarily resident in India. We further propose to fix the dividend at 6 per cent. cumulative instead of the original maximum of 8 per cent., a gilt-edged investment offering 6 per cent. and offered in shares of Rs. 100 each at par will be attractive to the small shareholder and within the reach of a very large number of small shareholders, and we shall thus ensure that the shares of the Bank will be widely distributed and predominantly in Indian hands. The strict limitation of the voting power of large shareholders will prevent the Bank from falling into the hands of the capitalist. In the matter of the constitution of the Directorate we have also taken most of the ideas that were put forward in the Joint Committee and incorporated these in the Government's new proposal. We propose that instead of 9 shareholder Directors being nominated by the Government for the first Board, 5 only should be nominated and 2 should be allotted to the Federation of the Indian Chambers and to the Associated Chambers, thereby meeting one of the objections which were raised that the Government would be entirely responsible for the first Board. We propose that there should be 3 Directors nominated by the Government as before in order that the Government may be free to secure adequate representation for any of the communities or localities or interests that might otherwise have been under-represented or not represented. This is the solution that the Government have put on the paper for the consideration of the Assembly. I very much hope that the House will accept this new plan in the spirit in which we put it forward, not as a mere compromise framed with a view to conciliate as many as possible of the opposite view points, but as a new plan containing all that was best in the alternatives hitherto considered and overcoming most of their difficulties. By doing so we shall be following up the good work of the Joint Committee by arriving at an agreement on this one big outstanding point. Government are very anxious that we should, if possible, pass this Bill through this House not by a narrow majority in a heated atmosphere, but with a considerable amount of good-will all round. In the interests of the future of the Bank and of the work that it will be able to do for India, it is most desirable that it should not come into being in an atmosphere of violent conflict. It is for this reason that the Government, even at the eleventh hour, have been making a further attempt to see whether some plan other than the one which I have now indicated can be framed which while it will not, I am afraid, possess all the virtues of the shareholder plan, will be acceptable to a larger body of opinion than possibly might otherwise be the case. We are very anxious that there should be a settlement on reasonable and amicable grounds that will not lead to this Bill being discussed continually in an atmosphere of conflict. The Government believe that the shareholders plan is far more satisfactory than any which has yet been before them and they have other reasons for preferring it, namely, that the plan is one which would be understood in the rest of the world, and the rest of the world will feel that in dealing with the Reserve Bank of India, it is dealing with something which it can understand and whose constitution it can appreciate.

Before sitting down I wish to sum up the general situation as I see it. We are dealing with a Bill which I have ventured to describe as one of the greatest measures of financial liberalism ever brought forward

by the Government of India. The subject-matter of the Bill is technical, but even those who are not currency experts can appreciate the broad features of the measure. It transfers the control over Indian currency and monetary policy from governmental to non-governmental hands, from the Government of India and the Secretary of State to a non-official Indian business institution, entirely independent of the State, Indian domiciled and Indian in character, which will work in India, for India, along Indian lines, and it creates a Bank which will unify the control of currency and credit in India and provide the framework for the growth of a great co-ordinated banking system in India, an entire revolution in the financial machinery of India. We are fortunate in that the labours of the Royal Commission and of the Joint Committee have produced for our benefit a measure in which almost all the main technical points have been settled in a spirit of amity and compromise, it being recognised on all hands that the Bill must not be lost for want of a spirit of agreement on any points which are not vital. I hope the Assembly will agree to accept the settlement on all the technical points without making much modification. This leaves us only two points outstanding with which I have been dealing to-day, the question of the gold mohur and the question of the constitution of the Bank, the Directorate. On the first point I ask the Assembly to recognise that the difference of opinion is one which can best be settled by postponing. No immediate practical change is secured by including the gold mohur in the Bill. Whether the mohur appears in the Bill or not, any early coining and issue of gold coins is impracticable. Nothing will in fact be lost by leaving it out of the Bill. The time to come to a decision on it will surely be when it has ceased to be a hypothetical, almost mystical, problem and has become a practical problem for immediate action. On the second point I hope the House will beware of being misled by labels. We are, I understand, divided into State bankers and shareholders bankers. I submit that we should be careful of our definitions. I have often heard the Bank of England described as a State Bank. It is a State Bank in the sense that it does Government business and controls currency. But it has shareholders and is entirely independent of the Government. If by a State Bank, however, is meant a bank which is under the control of the Government and answerable to the Government, then it is agreed among us all that we do not want a State Bank. The difference between a State Bank and a Shareholders' Bank is an unreal one. Whether there are shareholders or not this bank is not to be a State Bank. It will not be directly or indirectly responsible to the State. It is common ground between us that it must be independent of the State. It is also common ground between us that it must be Indian in character and Indian in outlook. What then is the meaning of this acute controversy? If the difference of opinion is on the question whether the Legislatures are to elect members of the Board, then I agree that the difference is real and irreconcilable. But I do not believe that this is the real issue, and if it is, I am convinced that business opinion in India generally does not support the view that the Legislature should have anything to do with electing members to the Board of the Bank. In my view, the sole question really at issue is how best to secure both now and for the future a suitable Board for the Bank. The question of shareholders or no shareholders is mainly a question of means to an end. The

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view of the Government is that the device of shareholders is the one best calculated to secure the best and most representative Board. They have modified their original plan in order to meet the criticisms levelled against them, and they now set before the Assembly a *via media* which they think ought to result in meeting all the essential data of the opposition. The detailed discussion on these questions must be left till we come to the clauses of the Bill. If we must differ on these questions, we must, and we must recognise that our differences are likely to lead to the loss of the Bill altogether. I believe it to be a measure of very great value to India and for that reason and because of the keen interest that I have taken in the framing of the measure over many years it would be a great disappointment to me personally if the Bill were to fail to reach the Statute-book. I have given of my best and it is natural that I should feel some pleasurable anticipation of seeing the reward of all the skilled labour that I and others have put into this work of art in its completion. I have a feeling of pride in the model which has been created. But I would a thousand times rather retain that model in all its pristine beauty and retain unsullied the vision, though unfulfilled, of the edifice to be built after that model than agree to take part in the erection of a monstrosity, a bastard and reformed caricature of the model in which I took delight. After all the model will remain unsullied for me though the vision might recede into the far distant future, and the responsibility for the failure to realise that vision in concrete form will rest with the Assembly. The Government have gone to the limit of concession. If they are not met in a corresponding spirit the responsibility for doing a great disservice to India will fairly and squarely fall on the shoulders of the opposition and the world which, as I said, is taking a considerable interest in what is going on in this matter in India will come to the conclusion, perhaps not unjustly, that not only is the proposal to hand over the control of Indian currency and finance into the hands of an Indian institution premature and hazardous, as many critics are saying, but also that the people of India do not want it. But surely this will be a wrong conclusion. We are unanimous in desiring a Reserve Bank. Are we going to throw away our opportunity, perhaps for decades, for want of agreement as to details. Let us be quite sure before we make up our minds that the quarrel is really about vital matters. While we are still at the stage of the general consideration of the Committee's Report, let us make up our minds that for the sake of any points that are not absolutely vital we are not going to leave our currency system in an unsettled state, we are not going to risk losing for India all the expert labour, all the hard work of the Currency Commission and the Joint Committee and all the days and months and years of toil that have been put into framing this measure, but that we are going to do all that in us lies to secure that, when we have finished, we shall have put safely on the Statute-book a Bill which will be a landmark not only in the financial but also in the political and constitutional history of the Indian Empire. Sir, I move.

3 P.M.

***Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : I rise to support the Report of the Select Committee before this House. It is an unfortunate circumstance that this task should fall upon me, but

* Speech not corrected by the Honourable Member.

in the circumstances of the case it is inevitable. It was thought that when the Government got the Assembly and the Council of State to appoint a Joint Committee of the two Houses consisting of 30 members, the decisions arrived at by that Committee would be acceptable to the Government. We have found to our regret that that is not so. Matters which were decided after long and anxious consideration by the Joint Committee and by a substantial majority of votes have been cast aside by the Government so far as they are concerned, and we have heard from the Honourable the Finance Member that the Government are not prepared to accept the recommendations of the majority of the Committee. This, Sir, is unfortunate. But, however, we are face to face now with the situation. The Honourable the Finance Member agreed to the appointment of this Joint Committee. He agreed that the matter should be investigated by the members of the Committee. We discussed it and arrived at conclusions. If the Government were determined and had decided in the light of the wisdom of the Honourable the Finance Member and those who advised him that a share capital bank was the only bank to which they would agree, I submit it was not fair to the Members of the Council of State and of this Assembly to ask them to spend their time on the Joint Committee. The Government should have told us when the Bill was introduced in this House, as the Honourable the Finance Member has now told us, that they were adamant on the question of a share capital bank. They did not do so. We arrived at a conclusion after discussing the matter and I submit the Government were bound in honour and in fairness to accept the decision of the majority of the Joint Committee and not to question it. The Honourable the Finance Member has told the House his reasons for preferring a share capital bank. His main reason, as he has told us, is that this is a big scheme which he has put forward. An era of the systematic financial administration of the country is going to be ushered in and therefore the Government are anxious that the Directorate of the Bank should be a satisfactory one, and he cannot find any Directorate more satisfactory than a Directorate appointed by shareholders. It is only because he wants the shareholders to give us a good Directorate, as he considers it, that he sticks to the idea of a share capital bank. Now, Sir, I submit that there we do not agree with the Honourable the Finance Member. There are numerous joint stock companies and concerns, and I think there are at this moment in this Assembly many distinguished members of banking corporations and companies who can testify that, unless some shareholder begins to be mischievous or holds strongly to some idea, the average shareholder cares but little who the persons elected to the Directorate are or how the administration is carried on so long as he gets his dividends fairly regularly. And I submit, Sir, that that is not a sufficient justification for asking us to accept the proposal of a share capital bank instead of a State bank. The question of a State bank is not a recent creation. For a long time past the Government have had this question before them off and on. When the Chamberlain Committee reported in 1913 they advocated the consideration of the question of a State bank. In a minute appended to the scheme which Mr. Keynes prepared he spoke throughout of a State bank. And this Commission, with whose report we are concerned now, also considered the question of a State bank. There were two matters present before the members of the Committee. One was that there was already in existence a share capital bank in the shape of the Imperial Bank of India which was supported largely by Government balances, and there was a strong

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body of opinion that this Imperial Bank of India should be enlarged and expanded into the State bank. It was urged that the Government of India had helped the Imperial Bank of India with enormous balances and had enabled them to declare very handsome dividends for as long a time as possible, and it was said that the Imperial Bank of India, having been greatly brought under the operation of the Imperial Bank of India Act, 1920, and the Government having a control over it through the nomination of the Governors by the Governor General in Council, the next step was to expand the Imperial Bank of India into a State bank ; that the shareholders might be bought out, and there might be one State bank that would receive the support of the Government. Our Honourable friend, Sir Purshotamdas Thakurdas, whose labours on the Royal Commission we have more than once gratefully acknowledged, said at page 119 of his minute :

"The main question to be determined in regard to the authority to which shall be entrusted the working of the Indian currency system is whether, as recommended by my colleagues, the new Bank should be started to exercise the functions of a central bank or whether the Imperial Bank of India, which now performs some of the functions of a central bank, should be developed into the Central Bank of India.

The first scheme would involve the existence of two banks working side by side, each supported, wholly or in part, by the user of the Government balances. Whilst fully appreciating the reasons which have induced my colleagues to propose the creation of a new central bank, and recognizing that this is perhaps the ideal system in the special conditions of India, I am of opinion that the ends in view, for as far ahead as we can see, will be better served by developing the Imperial Bank of India into a full-fledged central bank."

Now, Sir, this was from Sir Purshotamdas Thakurdas. Other critics of this proposal have strongly supported the same idea that the Imperial Bank should be developed into the State bank. Among the many who have written on the subject I would refer to only one, Mr. B. F. Madon, who too has rendered very great services to the motherland in the discussions on the 1*s.* 4*d.* or 1*s.* 6*d.* ratio and on this question of the Reserve Bank. He too urged the same.

Now, Sir, when the Commission decided that the bank should be a new bank and when the Joint Committee met in Bombay to consider whether we should support the idea of a new bank being created, or whether we should support the idea of the Imperial Bank being enlarged, many of us felt that we should minimise the points of difference between the Government and ourselves, and for that reason we agreed to drop the idea of discussing the question of the Imperial Bank of India being expanded into the Reserve Bank and agreed to accept the proposal of the Commission that a new bank should be created to be called the Reserve Bank. I submit, Sir, that that was a concession to the opinion of the Government and the Commission on that point, in the desire that the points of difference between them and us should be minimised. We regret, however, that the attitude that we took up has not been appreciated. The question now is, what is the better course for the Assembly to recommend and adopt ? The Honourable the Finance Member says, "a share capital bank is better." I submit, Sir, it is not. Will the Honourable the Finance Member or anyone speaking on his side tell me if there is any other country in the world where the Government of the country supports two banks by its loans and by its cash resources and by giving them all the advantages in the

manner in which the Imperial Bank of India and now the Reserve Bank are to receive support now ? I submit, Sir, that there should be so much anxiety shown to have a share capital bank shows that the Government have not realised the position of those who have supported the idea of a State bank. Why do you want the share capital ? The Honourable the Finance Member says, " Not for the money, but because the shareholders will bring pressure to bear upon the Director whom they will elect to act correctly according to his conscience and not sacrifice his interest." Now, Sir, there will be, according to the proposal of the Finance Member, shares of Rs. 100 each for a capital of Rs. 5 crores. That means 5 lakhs of shares. Are these shares going to be held by individuals ? Is there to be a limitation that none should hold more than one share, as my Honourable friend Mr. Joshi suggested ? Is it going to be laid down that any banker might purchase shares of Rs. 1 crore—a lakh of shares ? I heard this morning that there is one gentleman in Simla to-day who offers to purchase shares worth a crore of rupees, that is a lakh of shares, if the share capital bank comes into existence. Are these people going to be allowed, a few of them, to purchase shares and to boss over the bank ? Or is there to be a limitation of one share each or of 10 shares each ? I take it that the Government will not easily agree to one banker purchasing shares to the extent of a lakh of shares. But I wish to know, Sir, even if the shares are limited to one share each, does anybody seriously think that these shareholders, scattered over all parts of the country, not having anything to bring them together and to educate them on these questions, not having the guarantee that as individuals they will have the outlook that is needed in the management of the concern of a State bank, that these men will be able to work together and put on the directorate of the bank men in whom this Assembly can confide ? I submit not. Experience has shown that the shareholders do not take very much interest in the election of the Directors. On the other hand, what is the loss that the country has suffered by the share capital bank ? If a share capital bank comes into existence, one gentleman, as I have said, to-day wants to purchase shares to the extent of a crore of rupees, one-fifth of the total shares. I am certain that he is only one of the many who wish to do so. There are others who would be willing to subscribe a crore each for the capital of this bank. What of those who have not got the money to purchase shares ? In any event, only a handful of persons can purchase shares. There are many who have no money to acquire shares. There are others who have objections of a more serious character to becoming shareholders in a bank and earning interests. Therefore the interest which these shareholders will earn will be earned by only a handful of men. On the other hand, if it is a State bank, the capital of which will be subscribed by the Government, every pie of the interest earned by the bank—and it will be an enormous amount—every pie of the advantage earned by the bank will be the property of the people of India as a whole, including all classes, all sections, from the humblest to the highest. Is there any reason why this interest, the profits which are earned by the people as a whole should be sacrificed and handed over to companies ? We have had long and painful experiences of company management. The railway companies are the first we have to remember. India lost between 800 to a 1,000 crores of rupees by the management of railway companies (*An Honourable Member* : " Mismanagement ")—mismanagement if you please. You will remember, Sir, that when it was proposed that on the expiration of the term of the agreement between the East Indian Railway Company and the Government the management of the company should

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be taken over by the State, Honourable Members of the Government, including my Honourable friend the Finance Member, so far as I remember, expressed their opposition to the idea. Sir Charles Innes spoke straight and strong against the idea. And in the last Session of the Assembly when the matter had become a *fait accompli* and the advantages of the State management of the Railways had been seen, Sir Charles Innes acknowledged on the floor of this House that the State management had proved very successful.

Now, Sir, we do not wish to go back to earn further experience at the further sacrifice of the people's interests. What interests have we here as the representatives of the public in bringing another company into existence from which a few persons will earn interest and dividends. What gain will that be to the general tax-payer ? I submit none. It is said that it is much better that the shareholders should exercise a control over the Directorate. I submit it is a miraculous ideal. I submit, therefore, that the Government should definitely and decorously adopt the Report of the Joint Committee on this question of the State bank. The State bank, Sir, will be the property of the entire people of India ; its capital will be owned by the entire people of India. The profits which it will earn will be divided among the entire people of India through the Government. Secondly, Sir, there is another very important reason. Hitherto, the Secretary of State and the Government of India under the existing constitution exercise control and carry out the financial policy of the Government of this country. We have two authorities. The Government of India may be overruled by the Secretary of State, but the Government of India have a right and the duty of making representations to the Secretary of State on all questions which arise. And we remember with satisfaction that the Government of India have several times fought against the proposals of the Secretary of State in the interests of the tax-payer of India. Now, Sir, what is proposed is that the Secretary of State should be divested of the power which he exercises over the control of currency in this country and that that power should be vested in the Reserve Bank to a large extent. I submit the Secretary of State and the Government of India together constitute two bodies which discuss and settle questions of finance with regard to India. You are eliminating the Secretary of State and you are leaving the Government of India alone to deal with the situation on the spot, and our friend the Honourable the Finance Member has told us in what subtle way the Government of India will exercise that influence. He told us that in Bombay. I do not want the Government of India to exercise any control over the Reserve Bank and I want the Bank to be utterly responsible to the Legislature. In every scheme that has been proposed we have agreed with the Government that the Governor General in Council should have the power to nominate the Governor and the Deputy Governor. We have also agreed that he should have the power to nominate two other persons in order to provide representation for any interests that may not have come in in other ways. In every scheme that we have discussed so far we have agreed that the Governor General should have the power of nominating 4 persons out of the 15 on this Board. Will that not be exercising influence on the Directorate ? Certainly it will be.

The Honourable Sir Basil Blackett : Certainly not.

Pandit Madan Mohan Malaviya : Then, Sir, I say, most certainly, most emphatically. Will the Honourable the Finance Member tell me whether he is seriously asking the Assembly to believe that he is proposing to this Assembly that the Government of India should not exercise a direct control over the management of the Bank, that they will not appoint the Governor and that in choosing the Governor whom they have the power to appoint and whom they have the power to dismiss at any moment they will not take care that they put in a man in whom they have the utmost confidence ?

The Honourable Sir Basil Blackett : It would be absolutely contrary to my whole notion of the Bank that the Government should exercise any control whatsoever over the Bank. That is the fundamental principle on which the proposal is based.

Pandit Madan Mohan Malaviya : That principle is entirely opposed to the existing facts in relation to State banks, as I shall presently show and I hope that the Government of this country will never be so unfortunate as to accept the view which the Honourable the Finance Member has just now expounded. Now, Sir, this Bank is to have control of credit in this country. It will be able in one moment to make the money dear throughout the land. It will be able to make money easy throughout the land when it so chooses. It will adopt all the steps that have been enumerated in the Bill which are all of the most serious character. It will have power to adopt all these steps. It will do all the business for the Government which are enumerated in the Bill. The Honourable the Finance Member might repeat what he has just now said a hundred times, but he will not be able to persuade me that he means seriously that the Government of India should not exercise any control over the management of such a Bank. If the Government were not to do so, it will fail to do its duty by this country. Here let me tell the House something about banks in other countries and what the Governments are doing for them. But before I come to it, I wish to point out that the position of the Bank of England and the position of the State Bank in India are quite different, in that the Bank of England is an old institution. It has been built up, like all other English institutions have been built up, by a number of accidents, as one of the English historians has put it, and the Bank of England stands to-day where it does. Let us see what other countries have done. In modern times, there is no country which has worked out its financial problems of administration on a more scientific basis than Germany. In the Bank of Germany, there is a statutory board of five curators, the Premier and one man appointed by the Government and three by the Legislature. The Board of eight managers are all appointed for life by Government on the nomination of the Legislature. Its resolutions are subject to the restriction and direction of the Premier and a committee of 15 to be elected by the shareholders in a general meeting. The functions of the committee are purely advisory. The power of control rests with the Premier and the persons appointed by the Legislature. This Act, I am told, was in force till it was modified in 1924. But even so, Sir, we have got this model which lasted in Germany for such a long period and it is also followed in other countries. Then, Sir, coming to Norway, in the Bank of Norway there are three supervisors elected by the Legislatures and there are five managers, two of whom, the Governor and the Deputy Governor, are named by the King after hearing the supervisors

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who are elected by the Legislature and the remaining three are to be appointed by the Legislature. The control rests in the supervisors who are all elected by the Legislature and the details of the management rest with the five managers who have powers nearly similar to the five managers in the Bank of Denmark. In that Bank, one director is appointed by the Government, the President and six directors are appointed by the Legislature and what is more, they are to be responsible to the Legislature. We are not asking that the directors of this bank should be responsible to this Assembly. Then in France the Governor and the two Deputy Governors, both are appointed by the Minister of Finance and are subject to dismissal by him. Then, Sir, in other places you have the Bank of Belgium where the Governor is appointed and is removable by the Government. Six directors are appointed by the shareholders. Then you have the Bank of Denmark. A Royal Commissioner is appointed to supervise and he takes the Chair at all meetings, but he does not vote. The President is appointed by the King. I submit, Sir, in all these cases the Governments of the countries in question have taken care to see that the Government authority should exercise control over the appointments of the directorate of the Bank in order that it should be satisfied that the Bank is properly managed. Therefore I submit that the proposal so far as the Government is concerned is the right one. I am supporting the proposal that the Governor General in Council should have the power to appoint the Governor, and the Deputy Governor, and of nominating two other directors ; and I submit, Sir, it is perfectly right. I hope this Assembly will never become a party to any Directorate of such a Bank being constituted over which the Governor General in Council will not exercise influence to that extent.

Now, Sir, what is the next provision ? What about the Legislature ? You are eliminating the Secretary of State, who, taking all the disadvantages into account, was another authority with which problems of Indian finance were discussed, and he had experts to advise him. If you are eliminating the Secretary of State, what is the guarantee you give to this House that the Directorate shall be a satisfactory one ? You say shareholders. Shareholders will not go down the throats of the Members of this House. Is a shareholder, who has managed to purchase a share, or ten or a hundred shares, to be trusted to exercise his duties better than the elected Members of this Assembly and of the Council of State ? I submit not. Then it comes to this, that the Government, in spite of all that the Honourable the Finance Member has said, has kept its control over the management of this Bank through the appointment of the Governor and Deputy Governor and two nominations. The Legislature represents the vast bulk of the people of India. It is not jealous that there should be certain persons appointed to represent commerce and industry. We also agreed, Sir, that two Directors should be elected by the Associated Chambers of Commerce. That was the Government proposal at one time. We agreed to it. We agreed also that two more Directors should be appointed by the Indian Federation of Chambers. That brought us to 8. We also agreed that there should be 1 Director appointed by provincial co-operative banks. That brought us to 9. Now in this arrangement the Government had 4 nominations, commerce and industry had 4 nominations, the provincial co-operative banks, which represent agricultural interests and to represent which interests we suggested the provincial co-operative banks as an electorate—they will have

one seat ; and then we suggested, these being representative of special interests and mostly capitalist interests—commerce and industry—that there should be some provision for the appointment of some Directors who could be expected to represent the general mass of the people of India, not merely the general tax-payer but the general mass of the people of India. The policy and the operations which this Bank will pursue and carry out will affect the humblest of the humble people of this Indian Empire ; and I ask this House whether it is unreasonable to ask that 3 out of the 15 Directors of the Board of this Bank should be elected by the elected Members of the Central Legislature, namely, of the Council of State and of this Assembly ? These elected Members have been elected on the electoral rolls kept by Government, they are elected under rules laid down by Government, they come from all parts of the country, and they are elected by a larger body of electors than will be found in any constituency that has been dreamed of so far in connection with this Bank. And it also happens that they are a small number, a hundred Members in the Assembly and 34 in the Council of State. They together constitute 134 electors. Every year it is their duty to meet here. They met this morning ; and it is perfectly easy for them to meet together to discuss the matter and to propose 3 men whom they consider to be most qualified, most competent to look after the interests of the public. No other electorate is more certain to meet or to have the majority of its members meeting together than this electorate. And whom do they represent ? These 134 members represent every conceivable interest in the land. They include Europeans, Mussalmans, Christians, Hindus, Jews, Parsis, Sikhs, and all. They will be 134 in number ; and there is very little likelihood that these 134 electors would select any one but him whom they consider to be competent and qualified to sit on the directorate of such a bank. Therefore, I submit that the reason urged for preferring a shareholders' bank, namely, the possibility of getting a more responsible directorate than is otherwise securable, will not hold water. We come back to this, that the shareholders' bank will entail a loss of interest upon the general public without securing to them any advantage ; and I submit, Sir, that the Honourable the Finance Member has not been able to give us any reason why we should take that course. What it comes to is this : whether the directorate suggested is a satisfactory one ; and I submit it is perfectly fair that we should argue that matter with all the courtesy and consideration due to every proposal emanating from this part of the House and judge it on the merits ; and after judging it on the merits, if we feel satisfied that the Honourable the Finance Member has suggested an electorate which creates greater confidence in our minds, I certainly would expect the Members on this side of the House to give it their best consideration and if they are satisfied to accept it. On the other hand, what I pray for and what I wish is that the Honourable the Finance Member will be equally prepared to weigh the arguments, to consider the matter and if he found that he could not suggest an electorate more likely to create confidence than the one that we have proposed, he should accept our proposals. But I am sorry to find that he has said that this is a difference which is irreconcilable. Irreconcilable ! Why should it be irreconcilable ? Is it a matter which is being pressed merely from the point of view of urging a proposal which has been taken up by one side or the other side ? It is not so. We have given the matter our most anxious thought. We have considered it from every possible point

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of view. The Joint Committee carried the proposal in Calcutta by a majority ; and I submit the Government ought cheerfully to accept it. What will be the result if the Government did accept that proposal ? If the Government agree that three of these Directors should be elected by the Central Legislature, it will at once secure the confidence of the elected Members of both parts of the Legislature. Therefore, it will secure the confidence of the entire educated community throughout India ; and I submit it is a big proposition worth consideration even by the Government of India, that it should secure the confidence of the entire educated community of India and of the representatives on this side of the House. This bank is a new venture ; it is coming into existence as an experiment in India and it needs all the careful support that it can get and we are anxious to give it all that support, and I want that that support should be given on terms which will satisfy our consciences that we are discharging our duty to the people whom we have come here to represent. If we are satisfied on that point we are willing to accept any proposal which the Honourable the Finance Member may put forward which commends itself to this part of the House ; but, Sir, when we are told that the Legislature shall not be brought into this business merely because it is the Legislature, I wish to examine the point. The Government have proposed that a Member of the Legislature should not even be eligible as a director of the Bank. They started with that proposition when we met at Bombay. That proposition was overruled by a majority, but the Government are still considering or rather pressing that point against us. Now, I submit that the Legislature here stands on a different footing from the Legislatures in some other countries. Sir, this is a new experiment, and the Legislature has come into existence only recently. We have not many such institutions in this land as can be trusted to safeguard the financial interests of the country to the same extent as for instance the institutions in England can. The Central Legislature, the Assembly combined with the Council of State, I submit, Sir, is the custodian, the chosen and accredited custodian of the interests and the rights of the people of India at present. This being so, it has its duty to perform in seeing that any powers which are given to the proposed Bank shall be exercised under conditions which will satisfy it that the interests of the people will not be sacrificed. In a share capital bank the Governor and the Deputy Governor will to a large extent mould the proceedings and operations of the bank. There may be a few Directors who will always be siding with the Governor, while there may be a few who may not be siding with the Governor. I do not want that there should be opposition between them, but I want that matters of interest to the public should be examined fully and faithfully and conclusions arrived at in the light of those considerations. But, Sir, if the Legislature is not given the power to elect its own representatives, what is there left to us ? The Honourable the Finance Member has proposed various schemes. I wrote to him yesterday to ask for proposals by which he proposed to appoint the 9 Directors, and I take it that those proposals still hold good....

The Honourable Sir Basil Blackett : I would ask the Honourable Member that, if he is going into all the various proposals that have been made at various times, he should take them all, and not the particular one which I may have sent him at a certain stage for examination. My

scheme has always been a shareholders' bank. It was for the Honourable Member to find some scheme which would satisfy the Government and which would include shareholders. I have suggested many, but for none of them do I take any responsibility.

Pandit Madan Mohan Malaviya: I take it then, Sir, the position is that the Honourable the Finance Member does not want to submit to us any definite scheme at the present moment except one for a shareholders' bank. Is that so ?

The Honourable Sir Basil Blackett : Yes.

Pandit Madan Mohan Malaviya: Then, Sir, it will be a waste of time now to discuss the various proposals which the Honourable the Finance Member had put forward regarding the directorate, and we must postpone it to a later stage of the discussion.

I submit, Sir, that the only reason that the Honourable the Finance Member has given for having a shareholders' bank is that it will enable him to have a directorate elected by the shareholders. That, I submit, is very insufficient to satisfy us, and I doubt if these shareholders will be able to bring greater knowledge to bear upon the election of directors than the Members of the Central Legislature, and I do not know if it is right for the Honourable the Finance Member to ask the Legislature to constitute a bank to which it should not have the power of nominating Members of the Legislature. At present we can discuss the policies and the operations of the Government of India. We know what policy the Government of India have pursued sometimes in regard to the question of the ratio ; we know what operations they have performed even during the last 12 months. Now, Sir, all these questions we can discuss fully and freely on the floor of this House. But once the Reserve Bank is constituted, and particularly if it is a shareholders' bank, we shall be met with the answer, " Oh, this is a matter for the Bank ; why should the Government be brought into it ? The Legislature has cooperated with the Government in bringing the bank into existence and has entrusted it with the power of dealing with all these questions. It is therefore improper for the Government to interfere with its management by raising these questions here ". I say, Sir, that we shall be completely shut out. All the time the Honourable the Finance Member, whoever he may be at the time, will be certain that he will be able to exercise his influence over the management of the bank through the Governor whom the Governor General in Council will appoint and whom he has the power to dismiss. I submit, Sir, it will place the Assembly and the country in a very disadvantageous position. I submit it will mean that instead of a bank being run in the interests absolutely of the people of this country, the bank may be run and managed in such a manner as to disregard and sacrifice those interests without the Assembly having sufficient opportunity or the means of controlling or checking the operations of the bank. I do not think, Sir, it is fair to ask the Assembly to place itself in that position. We further proposed that there should be 2 seats for elected Members of the Provincial Legislative Councils. Our reason was this. The Honourable Member himself has admitted the difficulty of forming satisfactory electorates at this time to elect the directors of the Bank. We found the existing bodies

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unsatisfactory. We therefore felt that the elected Members of the Legislative Councils are elected from a vast number of people ; they represent the people of the districts and are in direct touch with them. We felt that if 3 directors are elected from these elected Members of the Provincial Legislative Councils they are likely to be men who will safeguard, protect and promote the interests of the people. We therefore urged that 3 should be elected by these Provincial Legislatures. Now, Sir, I have not yet heard of any scheme which will better ensure the protection and promotion of the interests of the people as a whole. But the Honourable the Finance Member is not convinced. He made a remarkable speech this afternoon, Sir. He told us, first, the reasons of his preference for this share capital bank. He told us of the labour which he had bestowed upon it. He told us that it was a great thing that was going to be established in India and that it would be a great boon to the people. I venture, Sir, respectfully to differ from him. I doubt very much, Sir, if the Reserve Bank of India brought into existence in the conditions under which it is being brought into existence, having the powers which it will have and managed in the manner in which the Government propose, I very much doubt, Sir, whether that will be an advantage to India. The Imperial Bank of India is one Government-fed bank. The Reserve Bank will be another Government-fed bank. Between these two banks, Sir, between the two stones of the *sill*, I fear, Sir, that indigenous banking will be crushed. I fear that its growth will be very seriously hampered. All the resources of Government should be made available to promote banking throughout the land, to spread a net-work of banking and give as many facilities to the people as will enable them to earn a living and not starve and die as millions are doing to-day ; but, I submit that for this purpose it is undesirable that there should be two Government-fed banks, that the Government balance should go to help the Imperial Bank on one side and give it all the prestige of being a Government bank for certain purposes and give the Reserve Bank the prestige of being the Government bank besides being the bankers' bank also. Look at only one proposal. Every bank which is to be brought into the schedule of those which will be connected with this Bank has to deposit a reserve to the extent of 5 and 7½ per cent. It is 10 per cent. now. Now, Sir, this 10 per cent. of the working capital of every bank which is to be brought under the benign influence of the Reserve Bank will carry no interest from Government. It will be a mere deposit. Now, Sir, any bank will have to pay interest to its shareholders and depositors, but the Bank will get no interest on this amount which it will deposit as its reserve and this reserve, I am told, Sir, will come up to 6 or 8 crores of rupees. Just imagine 68 crores of rupees being drawn away from these banks which are to be left to earn greater interest in order that they should pay interest on this money which has been locked up idly in the Reserve Bank. I am not satisfied that this Bank is going to bring them any real gain. I am talking of the shareholders' bank. Even if it is a State Bank, Sir, I submit that this proposal that every bank should make its deposit to that extent is a disadvantage. We fought against it and we lost, and the question must come up again before the Assembly for consideration. But as the matter stands, I submit that the Bank will not be such a great gain as the Honourable the Finance Member would lead us to think it will be. And here I cannot

do better than support myself again by the authority of my esteemed friend, Mr. Madon, who, in a letter dated the 25th August, in which he has sent me a number of matters which have helped me in this discussion, says :

"I have sent you separately yesterday four sets of news cuttings from the *Chronicle* giving my eighth article on the Reserve Bank Bill. This one article should suffice to show any unbiassed Indian that the thing which was being palmed off on India as a great boon was really a fraud and contained features that have been rejected by English bankers and financiers in their own case."

This is the opinion of a gentleman whose opinion is entitled to respectful consideration.

Now, Sir, are Indians alone so very chary of believing that this Bank will be an advantage ? No, Sir. The name of Sir John Bell is well known to Members of this House. He was a member of the Joint Committee. He is the President of the Bengal Chamber of Commerce. I invite the attention of this House to his minute of dissent.

Sir Purshotamdas Thakurdas : He was President last year.

The Honourable Sir Basil Blackett : Sir John Bell has been careful to point out that the Chamber of Commerce do not agree with him.

Pandit Madan Mohan Malaviya : If the Honourable the Finance Member had had a little patience, he would have heard me quote the whole of the remarks. I need hardly assure the Honourable the Finance Member that I shall not try to win on this question by any unfair or underhand means. This is what Sir John Bell says :

"I have signed the Report of the Joint Committee appointed to consider the Gold Standard and Reserve Bank of India Bill, 1927, subject to the following Minute :

> While the establishment of a Reserve Bank in India may be regarded as an ideal to be achieved in the future, I am not convinced that the present is an appropriate time.
>
> In the first place, the Government of India have just carried through an important change in the currency system of the country, by stabilising the rupee at 1*s.* 6*d.* sterling. I consider that, for some time to come, Government, and no other authority, should be responsible for maintaining the ratio which has been adopted."

I submit, Sir, that this is an opinion which is entitled to weight. The Government ought not to be in such a hurry to carry this Bank through. But the Honourable the Finance Member says, and rightly says, that he has a natural affection for this Bank, that it is his child, that he has created it as a beauty which he loves and adores. You know, Sir, when a parent becomes a fond parent and is lost in admiration of the beauty of his child, his judgment becomes less reliable. Some friends "warped". It becomes partial. I cannot imagine, Sir, any parent who had a monstrosity as his child who could not but feel tender affection for that monstrosity, and I fear that my esteemed friend, Sir Basil Blackett, with all his ability as Finance Member, has lost himself in affectionate admiration of his own child, which is really a monstrosity to be cast outside this Assembly and never allowed to enter Government records again.

Now, Sir, the Honourable Sir Basil Blackett made a remarkable speech. He put forward arguments, appeals, threats, demonstrations down to abuse. I am always ready to listen with respect to any member of Government. They appeal to Indians to consider this question with

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a sense of solemnity. Most certainly. Then, Sir, comes the threat. If you don't do this, then, they say, the responsibility will be on this Assembly and you will be doing a disservice to this country. Is that argument, Sir ? (*The Honourable Sir Basil Blackett* : " Hear, hear.") My Honourable friend says, " Hear, hear ", but that does not advance the point, Sir. He says we will be doing a disservice to the country if we do not accept this Bill. I challenge the Honourable Member to take it argument by argument and consider it. Let us make the whole House our judge. Let us weigh every argument. If we are wrong, we shall bow to him and accept his view, but if, on the other hand, we convince every Member sitting in this House, who is free to exercise his judgment and to vote according to his judgment that we have got a good case, that our case is better than that of the Honourable the Finance Member, then the charge of doing a disservice will shift back from our shoulders heavily to the shoulders of Sir Basil Blackett. Then, he does not stop there. He says " You are on trial ". He says that the whole world is looking at what we are doing and the whole world will judge whether we have got the capacity to understand what a Reserve Bank is and how it should be constituted and how it should be managed. I challenged my Honourable friend to let our debates and our notes go before an impartial tribunal consisting of one French, one German, one American and one Japanese. Let us put the matter before them. It will then be a fair fight. Then, Sir, he threatens us and abuses us. He has got a certain number of nominated Members who are sitting in this House at his command. That is not fair play. The interests of India are at stake. The interests of 300 millions whom this Bill will affect are at stake. This Bill will affect the commercial and the financial destinies of vast masses of the population. We are as anxious as he is that the Bank should be started on the best lines. It should have a most unexceptionable Directorate that will satisfy everybody that it will manage its work on the most honourable lines. Let us have a fair discussion on it. What is the use of telling us the whole world will judge us. Let the whole world judge us. I have given instances of State Banks which have come down from a long time. How many shareholders' banks are there in existence ? That is the question which my friend should answer.

The Honourable Sir Basil Blackett : May I ask how many of the banks he has mentioned have not got shareholders ?

Pandit Madan Mohan Malaviya : When did they have it ? They have the shareholders' bank because England had the honour of starting its old institution, the Bank of England. Now, Sir, England has given many other institutions to the civilised world. Among them is the Parliament, the greatest institution, the institution of institutions. Other nations have copied the Parliaments they now have from England. England is entitled to all honour and credit for it. The Bank of England was in existence as a shareholders' bank, but when other countries came to create their State Banks, were they content to leave the management, as it was left in the case of the Bank of England, to the shareholders ? They did not. That is the crux of it. That is the test of it. In every constitution they provided that the Government should exercise control over the management and should not let the affairs of the Bank be mismanaged. I ask the Honourable the Finance Member to quote the case of a single

country where the Government does not control or influence its State Bank in some form or other. I submit that if the world at large ever cares to read to our debates—I do not know why anybody should care to—but if they are persuaded to read our debates I am not afraid that their judgment will go entirely against us.

Then lastly, Sir, there was the threat that the Government would withdraw the Bill. Let them. If the Government withdraw the Bill, speaking for myself and speaking not in passion or heat but after most deliberate consideration, I say it will be a good thing for India if the Government do withdraw the Reserve Bank Bill. It is not in an atmosphere like that which my friend has described that a State Bank should be brought into existence. I agree with him there. But what is the atmosphere ? He talks of there being a conflict of interests. But I am as anxious as he is for unity of purpose. We for our part are offering the hand of fellowship and co-operation. We say to the Government, " You appoint as many Directors as you wish, but let this Assembly appoint three out of the 15 Directors ". We are told this cannot be, that it is an irreconcileable position. I submit, Sir, that that is not the way to treat this House courteously. That is not the way to secure harmony and co-operation from this House. If in this situation the sense of this House considers that the Government proposal should not be accepted and if the Government should withdraw the Bill, I submit that that will not be a matter for one tear or for one lament. But if this Bank is going to come into existence I am not less anxious than the Finance Member that it should come into existence not by the votes of a few on this side or the other, votes secured after the greatest canvassing and the exercise of influence and pressure, but by the unanimous vote of both sides of this House, with everybody feeling that it was a fair deal obtained by working together in harmonious co-operation to bring into existence a Bank which is going to control the destinies of 320 millions of people. And what is the attitude of the Finance Member ? Will he tell me that he is working in that attitude of mind ? Can we say that canvassing has not been carried on to an extent which is almost sickening ? Can anybody say that ? I do not object to canvassing. Everybody is entitled to educate those who come here to work. But in this case and other cases it has gone beyond that and, when it does, I submit that it is not a fair fight. I am not imputing anything wrong to any one. I am only submitting that as matters stand, a number of Members come here as nominated Members. Some of them, if not all, are under the impression that they are bound to support the Government in every way.

The Honourable Sir Basil Blackett : And what about your own party votes ?

Pandit Madan Mohan Malaviya : Party votes stand on a much fairer and honester footing than the Government pressure upon these other men. I can say, Sir, that it was suggested that we might also retaliate and adopt some similar course as that adopted on the other side. I am happy and proud to say we declined to accede to such a proposal. I can say, speaking for the parties represented on this side of the House, that the members voted according to their judgment. They may have erred, but I am proud to say that they voted according to the light within them and as they understood the interests of the country. But I submit that this is not the way in which a bank like this should be brought into existence. Let all pressure be taken off and let the matter be judged on its merits. Do not

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be in hurry to pass it this Session. I know the Finance Member's extension lasts only till April next, and I do not complain. I quite understand that as he believes that it will be a great service to India, I can quite understand his intense anxiety to see it brought into existence. I do not complain of it. But I wish to warn you, I wish you to note, that this is a matter in which the disappointment or the satisfaction of an individual counts like a straw in the weight of gold which in the shape of these transactions will pass through this Bank. I would like to give the utmost satisfaction to the Honourable the Finance Member, and though I am sorry we differed very strongly on many of the policies which he has pursued, it is not within our power ; we shall be sacrificing our duty to our people if in our desire to give a temporary satisfaction to a friend who is going shortly to leave us, we should accept a measure in a hurry lest our esteemed friend should be disappointed. What does it matter to Sir Basil Blackett whether the Reserve Bank of India does or does not come into existence ? It is written in the records of time that he laboured hard to produce this Reserve Bank and to bring it into existence. But, Sir, the satisfaction or dissatisfaction which we feel will be temporary, ephemeral, passing. On the other hand, if the Bank is placed on wrong foundations, if the Bank is constituted on a wrong basis, it will mean a loss and injury to 320 millions of people, and we do not know when we shall be able to remedy that. We have this heavy responsibility in front of us. The question of a little disappointment to an honoured and esteemed friend is of very little consequence, and I hope the Honourable the Finance Member will agree with me.

4 P. M.

The Honourable Sir Basil Blackett : I said it would be a loss to India, not to me.

Pandit Madan Mohan Malaviya : That is true. But he spoke of his dissatisfaction ; he made a personal appeal to us that it would be a great disappointment to him if he were to go away without seeing this Bank brought into existence. He says, he is only concerned with the loss to India and not with his own disappointment. I honour the Finance Member, I honour every Member of the House who thinks of the interests of this country ; and, as the Honourable the Finance Member says, he thinks of the loss to India, and that that is his guiding consideration, and I honour him. But will he also have the charity, the fair-mindedness to allow that we too on this side have the interests of the country at heart ? Will he too have the charity to allow that we too have considered this question, have studied it from every possible point of view ? And if we insist so earnestly, so prayerfully, in order that we should get this little satisfaction of having three members nominated to this Bank in the manner suggested, will he also allow that we too have a conscience to satisfy, a duty to perform ? That is the position. I submit the question stands on a very much higher footing than the dissatisfaction or disappointment of the Finance Member, and I hope every Member of the House who is free to vote according to his judgment will weigh the proposition very carefully before deciding which way to vote. There is in this matter no feeling on this side that this is a party question. I sacrifice all parties at the feet of the motherland. All parties are here to serve the motherland. Our one anxiety is to do that which is good for our people, and as we know that this Bank will be a tremendous power affecting the fortunes

of the people, we are most anxious that the Bank should be constituted in a manner which will secure that these interests shall be properly understood and safeguarded. I strongly support, Sir, the Report of the Joint Committee, and I hope that the House will lend it its full support and see a bank brought into existence on the lines advocated by the Joint Committee and not on any other lines.

Sir Victor Sassoon (Bombay Millowners Association : Indian Commerce) : Sir, we have before us the Report of a Joint Committee which contained a large number of dissenting minutes, and it has, Sir, been difficult for you to understand the position of the Honourable the Finance Member when he moved the consideration and at the same time criticized some of the clauses in the Report. You will, Sir, therefore sympathise with me in having listened to the very eloquent speech of the Honourable the Pandit, who rose to support the measure, who has not even signed a minute of dissent, and who, as I understood it, made a suggestion that the Reserve Bank should not come into existence. At any rate, he made, what appeared to me a number of very pertinent arguments against the proposal of a Reserve Bank ; and perhaps I may be forgiven if I find that I neither can agree with the Honourable the Finance Member's point of view or yet the point of view of the majority of the Joint Committee. To my mind, in deciding the form which this Reserve Bank is to take, there are two principles which should be unswervingly followed. In the first place, the Governor, the Deputy Governor and the Board must be under some real control ; and, in the second place, the Legislature should have no hand in the direct election of members of that Board. Let me examine how the proposals of the rival Reports of the Joint Committee conform with these principles which I have laid down. I shall first take the recommendation of the Honourable the Finance Member that this Reserve Bank should be a shareholders' bank. I confess, Sir, in spite of what my Honourable friend Pandit Malaviya said, to a partiality for commercial undertakings being left to private enterprise and I should therefore have liked to endorse the Government views in this respect. Unfortunately, however, this would break one of the canons I have laid down, as in effect under these proposals the Governor and the Board will be outside the pale of criticism and the control would be more imaginary than real. What is this commercial corporation as put forward by the Honourable the Finance Member going to be ? It will be a company with a capital consisting of 5 crores of 6 per cent. cumulative preference shares to be subscribed for by the general public and should the general public not take them up, the Government, taking the position of underwriters in the commercial world, will take up the balance ; and besides these 5 crores of preference shares there will be a fluctuating amount of ordinary capital supplied by the State in the form of deposits without interest, and the surplus profits, after the preference dividend has been paid, will go to the ordinary shareholders, that is, the State.

That is how I visualise the shareholders' bank as suggested by the Government. But when we come to the constitution of the Board, we find it differs very largely from that of an ordinary commercial concern, for when we put on one side the Directors nominated or elected by special interests, we find that the majority are to be elected not by the ordinary shareholders but by the preference shareholders ; and as it is rightly felt that it will be unwise to let any large interests control the election

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of the Board by buying up the shares, the regulation is made that the votes are to be strictly limited irrespective of the number of shares held. So that in practice it is extremely improbable that any move against the Board will succeed as long as the Board safeguards the interests of the preference shareholders, that is to say, maintains a 6 per cent. dividend. The shareholders of this concern will be materially drawn from the class of small investors desiring a safe investment, or, trustees or trust concerns, who as a general rule take very little interest and know very little about problems of currency, exchange or national finance. As long as their dividends are paid, they will give their proxies to the Board and are likely to treat with suspicion any move or attempt that may be made to get their proxies by outside financial interests who may be expected to understand these problems and therefore are in a position to criticise the actions of the Government and the Board. As the Government are disclaiming all right of control or criticism over the Board, the Board may be said to be responsible for the earning of 6 per cent. dividend to their shareholders and responsible for the management of currency to their own consciences. So, Sir, I am very reluctantly forced to abandon the idea of supporting the proposed shareholders' bank and am driven to agree to the institution of a State Bank. (Hear, hear.)

So far, I am at one with the signatories of the Report. But, when I come to the proposals of the formation of a Board of Directors, I find myself at variance with some of their recommendations and so I am between two stools. This Bank is a business institution and its Board must consist of the best business men that India can provide irrespective of caste, colour or creed and I cannot allow the contention that a political body like the Legislature should have any direct voice in the election of this Board of Directors. I would allow, and I would welcome, the right of criticism by the Legislature on the main lines of policy and action of the Bank, though not on details, but I cannot see what greater qualifications a political body has for electing a business man than a commercial electorate must have, and I do see very grave disadvantages in having any trace of political influence in the making of their choice. I am prepared to examine with the greatest sympathy any proposal that may be put forward by either side of the House as to the composition or the choice of the electorate who are to choose these Directors, but I regret that I shall not be able to support any proposal which gives the power to a political body, either directly or indirectly, of electing those who will be responsible for guiding the fortunes of what is essentially a purely business concern.

Pandit Madan Mohan Malaviya : Even if the Honourable Member is not able to suggest a better electorate.

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province : Nominated Non-official) : Sir, I do not rise to make a speech on the subject which is quite unknown to me and of which I cannot claim to have much knowledge. But there are one or two points on which I should like to say a few words. In the first place, it is not uncommon that ironical remarks are directed towards the nominated Members on this side of the House. This is not justifiable.

No doubt some sort of suspicion may be passing in the minds of the Members on the other side of the House that votes are not given by the

nominated Members according to their conscience or knowledge of the affairs, but I can assure them, Sir, if not on the part of all the nominated Members, at least on my own part and on the part of other non-official Members like my Honourable friend on my right, that we always try to understand things and to follow them. You may have noticed, Sir, that I am a regular and punctual attendant at the debates in this Assembly. (Applause.) I am always anxious to understand things, and if it generally happens that I do not go to the opposite lobby, it is simply because of my limited knowledge of technical subjects such as this and because I do not necessarily doubt the motive of Government measures. But, in order that I might give my vote in a more sure manner on this occasion, I should like to put a few simple questions, not very technical questions, to the Honourable Members on the opposite side and I hope they will kindly throw some light on those questions. The first question which I should like to ask is this. In ninety nine cases out of hundred, the Government is unreasonably accused of inefficiency, untidiness, slackness, carelessness and so on in managing their affairs in the various departments by the Honourable Members on the opposite benches, but why is it that in this most vital matter of running the finances of the country should the Government be left to manage the financial affairs of the whole country ? Why should an institution, where the precious money of the tax-payers is invested, be left in the hands of the Government, which according to their own verdict are not considered to be a very reliable machinery ? (Laughter.) I have got a little experience of the trouble and care that Members of this House take in checking and examining the State accounts. I have been a Member of the Standing Finance Committee for some three or four years and I have noticed that many of our elected Members come to that meeting without having read even the memorandum of those proceedings. (Laughter.) This is my little experience of the working of these things These Members are very careless about handling State money, while I am sure they are checking their hotel bills most carefully and most thoroughly. (Laughter.) I do not think that a shareholders' bank should be condemned simply because it is suggested by the officials. There may be a strategy in putting the measure in that way. Perhaps the Government suggests a shareholders' bank, because they want it just the other way. The Government perhaps knew that the opposite side will take the reverse view of what they suggest, and so may have thought of bringing them round to their idea of a State Bank in this way. (Laughter.) I remember a small note in a newspaper sometime ago in which somebody remarked as to how Pandit Motilal Nehru formed his opinion about political matters so easily and so fast The Pandit was reported to have said " I have no difficulty in arriving at a conclusion because when I see a note in the *Pioneer* about anything, I just take the opposite view ! " There is just the possibility that this Bill may have been brought in a similar way.

I think that a shareholders' bank with some limitation or condition for fixing the shares, etc., and with the ordinary Government control over it which is suggested in this Bill, ought to suffice for our purpose. What I mean is this, Sir, that if a percentage of the shares were confined to Indian money and the limit of shares to be purchased by one person was

[Nawab Sir Sahibzada Abdul Qaiyum.]

fixed at a small number, that ought to meet the objection of my Honourable friend the Pandit Sahib to a certain extent. A wealthy man need not be allowed to buy a lakh of shares worth a crore of rupees, and if there is any suspicion of foreign capital being invested in the Bank to any great extent, let there be, say, 75 per cent. of the shares specially, reserved for Indian money. That may meet the objection of my Honourable friend to some extent.

The other objection which he raised was that the Government would be depositing their surplus money with this Reserve Bank as they have been doing with the Imperial Bank, and that the profit on that surplus money would go to private shareholders. What I cannot follow is this, that if we have got a certain percentage of Indian money, why should we grudge them the profit if it ever goes to them, when the money is not required by Government? I think it already goes elsewhere. I have not studied the Bill and the speeches very thoroughly, but if the maximum of dividend is also fixed, then there is not much possibility of any huge sums going in that direction. Well, we should not at any rate grudge our countrymen that money.

Another remark which the Pandit Sahib made was that every penny of this income from this Reserve Fund ought to be the property of the tax-payer and must go to him. Well, I am not a great believer in the economy of public money by the Government of India. I do not believe that they will be as economic over expenditure as the shareholders will be. My Honourable friend referred to railway management and the buying up of private railway lines by the State. Well, that is a good illustration; but he may have noticed that even there the present arrangement has only allowed a certain percentage of profits going to the general revenue or Budget and the rest is spent in more constructions. Something similar might happen in the case of this Bank, when the shareholders get large profits of the business. I do not mean that they ought to hand over the profits to Government to be spent like the other revenues of Government, but that perhaps these profits will strengthen the financial position of India as a whole. If the control through the Directors, as is suggested by the Honourable the Finance Member, will bring in the Government of India's hand the control and supervision of the institution, I do not know if the shareholders' bank will not be more profitable. The question may arise whether there will be enough shareholders coming forward with so many conditions and checks laid on them, as they may not perhaps care to submit to the conditions laid down by the Bill or proposed by the Finance Member. In that case, of course, we shall have to go back to the State Bank. But if there are shareholders who will only care for safe dividends and at the same will be prepared to take a real interest in the matter, I think it will be a safer and a sounder policy to have a shareholders' bank.

As regards the election of a number of Directors from this House, there is one thing which makes me rather doubtful about the soundness of it. In the first place, the election of Honourable Members of this House is influenced by matters political in the country. And though we have been fortunate in having got good financiers and expert economists like Sir Purshotamdas Thakurdas and Sir Victor Sassoon in this House, at

present we cannot be sure that it will always be the case. The country is occasionally run by rash political ideas and we may possibly find one day a large following of Mr. Joshi's friends, and in that case the whole financial structure of the country may possibly be wrecked.

Mr. N. M. Joshi : May I ask of the Honourable Member whether this country does not consist of the people whom he calls my followers ?

Nawab Sir Sahibzada Abdul Qaiyum : I do not mean to criticise my friend's actions in any way ; but the possibility is there and perhaps we may get a labour majority here one day, who will not care much for the capitalists and their money. Moreover, somebody suggested to me outside the Chamber that, as Members of the Assembly, we can always discuss the bank's affairs in this House. I think, according to rules, we can discuss these affairs at least by a Resolution if not through the Board of Directors ; there is nothing to prevent this House from discussing the working of that institution. I do not know if I am quite correct on this point. I am open to correction and would like to be enlightened by my friends on the opposite side on the point. I do not like to say more on the subject ; all that I want to assure my friends opposite is that there is at least a little sense in us, that we do follow reasoning and that we do give our votes according to our conscience.

As regards myself, Sir, if the Honourable the Pandit Sahib had not denied us the right of election, possibly I might have had a chance of coming here as an elected Member more amenable to his advice and influence. I will say no more now, Sir.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 30th August, 1927.

LEGISLATIVE ASSEMBLY.

Tuesday, 30th August, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

(Mr. President called on Mr. B. Das in whose name question No. 561 stood.)

Mr. K. C. Neogy : May I put the question, Sir ?

Mr. President : Where is the Honourable Member ? He has not intimated to the Chair his reasons for absence.

(Questions Nos. 561 to 563, standing in the name of Mr. B. Das, were put later.)

PROPOSED TRANSFER OF THE MAJOR PORTS TO THE CONTROL OF THE CENTRAL GOVERNMENT.

564. ***Mr. N. C. Kelkar** : Will Government be pleased to state, in connection with the proposed transfer of the major ports from the agency control of Local Governments to the direct statutory control of the Central Government, referred to by His Excellency the Viceroy in the speech delivered by him at Cawnpore in December last while opening the 8th annual meeting of the Associated Chambers of Commerce—

(1) When may the necessary legislation to give effect to this transfer be expected to be introduced ?

(2) In what direction is the further widening of the powers of the Port Trusts or Commissions contemplated ?

RECRUITMENT OF THE SUPERIOR PORT TRUST SERVICES BY THE PUBLIC SERVICES COMMISSION.

573. ***Mr. N. C. Kelkar** : Will Government be pleased to state, now that the transfer of the major ports to the direct statutory control of the Central Government is under contemplation :

(1) Whether they intend to hand over the recruitment of the superior Port Services to the Public Service Commission ?

(2) Whether they will now assume direct responsibility for Indianization of the Services ?

The Honourable Sir George Rainy : With your permission, Sir, I will reply to questions Nos. 564 and 573 together.

It was stated by His Excellency in the speech to which the Honourable Member has referred, that the Government of India had decided to gain experience of the direct administration of shipping matters before taking further steps to centralise the supervision of the major ports. As

the Honourable Member is aware, the legislation which is necessary to enable the Government of India to take over the direct administration of shipping matters, has not yet been passed ; and they have not yet considered any of the questions asked by the Honourable Member.

APPOINTMENT OF INDIANS AS CHAIRMEN OF PORT TRUSTS, ETC.

565 *Mr. N. C. Kelkar : Will Government be pleased to state, in the case of each of the major ports (Calcutta, Bombay, Madras, Karachi, Rangoon and Chittagong) :

(1) Whether the appointment of the Chairman of the Trust or Commission is made by Government ?

(2) Whether he holds office during the pleasure of Government ?

(3) Whether it is true that no Indian has yet been appointed a Chairman ?

(4) Name and qualifications of the person who was Chairman at the time when Sir Pheroze Sethna's Resolution in the Council of State on the Indianization of the higher Port Trust Service was accepted by Government in 1922 and of the person appointed since as Chairman at each major port ?

(5) Whether Government are now prepared to appoint an Indian as Chairman ?

(6) When is the next vacancy likely to take place by retirement or absence on leave of the present holder of the post ?

(7) Whether Government will appoint an Indian to this post when the next vacancy occurs ?

(8) What special qualifications are possessed by Civilians who hold this post ?

INCREASE IN THE NUMBER OF INDIAN MEMBERS OF PORT TRUSTS.

566. *Mr. N. C. Kelkar : Will Government be pleased to state, in the case of each major port :

(1) Whether it is true that at all the major ports the European members constitute the majority ?

(2) What was the number of Trustees or Commissioners as on 1st June 1927 ?

(3) How many in (2) were elected and how many appointed by Government ?

(4) What was the number of European and Indian Trustees under each head in (3) ?

(5) Whether Government propose to take any action on the Resolutions passed at the last two sessions of the Indian Industrial and Commercial Congress demanding an increase in the number of Indian members ?

ASSISTANT OFFICER OF THE RANGOON PORT TRUST.

569. *Mr. N. C. Kelkar : Will Government be pleased to state :

(1) Whether their attention has been drawn to the recent advertisement of Commissioners for the port of Rangoon in the

Times of India and other papers for the post of Assistant Officer on probation, which ran as follows ?—

"*Assistant Officer.*

The Commissioners invite applications for the appointment of Assistant Officer on Probation, on agreement for 3 years with prospect of subsequent transfer to permanent establishment on approved service, salary Rs. 450 per mensem rising by annual increments of Rs. 50 to Rs. 550 per mensem. Overseas pay, Rs. 150 per mensem admissible to an assistant of non-Asiatic domicile. Applicants must be under 30 years of age, of good education (University graduate essential in the case of applicants domiciled in India), and have had at least 2 years' practical experience of port or railway traffic work." * * * ."

(2) What is the nature of the two years' "practical experience" of port or railway traffic work required of the applicants ?

(3) Whether there are any facilities available in India outside Port Trusts or Commissions to acquire the requisite "practical experience" ?

(4) If so, what facilities are there ?

(5) Whether, university graduation is not essential in the case of applicants of non-Indian domicile ?

(6) If so, what constitutes "good education" in their case ?

(7) Whether applicants of Indian domicile possessing exactly the same education as applicants of non-Indian domicile will be disqualified because they are not university graduates ?

(8) If so, what are the Commissioners' reasons for this discrimination ?

(9) What is the nature of the work these assistant officers have to do and of the training they have to undergo during the three years' period of probation ?

(10) What are the reasons for not giving the officer a guarantee of transfer to permanent establishment on approved service ?

(11) What are the service-scales to which probationary officers of (*a*) Asiatic (*b*) non-Asiatic domicile will be entitled on transfer to the permanent establishment ?

GRANT OF OVERSEAS PAY TO OFFICERS OF NON-ASIATIC DOMICILE IN THE EMPLOY OF PORT TRUSTS, ETC.

570. ***Mr. N. C. Kelkar** : Will Government be pleased to state :

(1) When the Rangoon Port Commissioners introduced overseas pay for officers of non-Asiatic domicile ?

(2) Whether any other Port Authorities have introduced overseas pay ?

(3) Whether Indian officers already in the service of the above Port Authorities at the time of the introduction of overseas pay got an increase of pay equal to overseas pay as on the Railways and in Government services ?

(4) Whether the Rangoon Commissioners have adopted any other Lee benefits and if so, which ?

(5) Whether any other Port Authorities have adopted any of the Lee Commission benefits (other than overseas pay) and if so, which are the Port Authorities and which benefits have they adopted ?

(6) Whether there were any discriminations in the pay and emoluments of Indian and European officers prior to the adoption of the Lee concessions in the service of those port authorities and if so, which ?

(7) What discriminations or additional discriminations were introduced by the adoption of the Lee concessions ?

(8) What is the annual cost on account of the grant of Lee benefits to the Trust or Commission ?

(9) Whether it is true that the port services consist almost wholly of Europeans and the service conditions are regulated by bodies with a European majority ?

(10) Whether the Lee Commission benefit schemes came to Government for approval in each case ?

(11) Whether the Port Trust (or Commission) or Government held any inquiry, similar to the inquiry held by Lee Commission, to ascertain whether it was necessary to stimulate the recruitment of Europeans and whether the European officers had real financial grievances ?

(12) What were the reasons for holding the Lee benefits applicable to port services which are not mentioned in the Lee Report ?

(13) What are the service scales in force as now revised in each of these port authorities and how do they compare with State Railway service and other Government services ?

(14) How do the *total emoluments* of officers in Port Trust Services compare with those of Government servants of corresponding rank and status ?

RECRUITMENT OF INDIANS TO THE SUPERIOR PORT TRUST SERVICES.

571. ***Mr. N. C. Kelkar** : Will Government be pleased to state, in the case of each of the major ports :

(1) What steps have been taken by the Trustees or Commissioners since Sir Pheroze Sethna's Resolution on the Indianization of the superior Port Trust Services was accepted by Government in 1922, for the *direct recruitment* of Indians to superior posts in the (*a*) Port (*b*) Engineering and (*c*) General Administration Departments ?

(2) What percentage, if any, of Indian recruitment to total recruitment has been fixed ?

SUPERIOR POSTS IN THE PORT TRUSTS HELD BY EUROPEANS, ANGLO-INDIANS AND INDIANS, ETC.

572. *Mr. N. C. Kelkar : (1) Will Government be pleased to furnish, in the case of each major port, a detailed statement showing the cadre of superior posts (including vacant posts) in each department of the Trust or Commission as on 1st June 1927, and the names of existing holders, their educational qualifications, age, pay and scale, nationality (European, Anglo-Indian or Indian) and domicile (Asiatic or non-Asiatic) ?

(2) What is the position as regards Indianization of each department in the near future ?

The Honourable Sir George Rainy : With your permission, Sir, I will reply to questions Nos. 565, 566 and 569 to 572 together.

The information asked for in these questions is being obtained from the Local Governments and will be supplied to the Honourable Member on receipt.

Mr. N. C. Kelkar : The Honourable Member (Sir George Rainy) might take the other questions in such order as he likes and answer them. I cannot remember which questions he has answered already. So, he might take all the questions together and answer them in his own order.

Mr. K. Ahmed : If the number of the question is mentioned, it can be followed, otherwise it will be very difficult to grasp the answers.

Mr. President : No. 567.

THROWING OPEN OF THE MEETINGS OF PORT TRUSTS TO THE PRESS AND THE PUBLIC.

567. *Mr. N. C. Kelkar : Will Government be pleased to state, in the case of each major port :

(1) Whether any minutes of the meetings of the Trustees or Commissioners are kept officially ?

(2) Whether the meetings are open to the Press and the public ?

(3) If not, whether Government are prepared to issue the necessary orders or make the necessary amendments in the respective Acts to throw open the meetings to the Press and the public ?

(4) Whether the minutes of the meetings in (1) are available to the public ?

(5) If not, whether Government are prepared to issue the necessary orders or make the necessary amendments in the respective Acts to make the minutes available to the public on payment of a reasonable price if necessary ?

The Honourable Sir George Rainy : (1) Yes. The various major Port Trust Acts provide for this.

(2) There is no provision in any of the Acts on this point, but it is understood that the meetings are not now open to the Press and to the public.

(3) No such suggestion has previously been made, and the matter has never been considered by the Government.

(4) In Calcutta, Bombay, Karachi and Aden, the minutes are open to inspection by Trustees only. In Madras they are published in the Fort St. George Gazette. In Rangoon they are open to inspection by the public, except such portions as the Chairman may in any particular case direct.

(5) The question will be considered.

PURCHASE OF STORES BY PORT TRUSTS.

568. *Mr. N. C. Kelkar : Will Government be pleased to state, in the case of each of the major ports :

(1) What was the value (*a*) of stores imported direct (*b*) of imported stores purchased in India and (*c*) of stores of Indian manufacture or of indigenous origin, for each of the financial years 1924, 1925 and 1926 ?

(2) Whether the port authority is bound by Government rules governing the purchases of stores ?

(3) If not, (*a*) why not and (*b*) what are the rules governing the purchase of its stores ?

(4) Whether major ports being a central subject, the purchase is made through the Indian Stores Department ?

(5) If not, what is the agency for the purchase of stores ?

The Honourable Sir George Rainy : (1) Government have no information.

(2), (3), (4) and (5). Under the various Port Acts the Boards of Commissioners or Trustees are empowered to enter into contracts for the purchase of stores. They are not, therefore, subject to the Rules for the Supply of Articles for the Public Service, but are free to make their own arrangements for the purchase of stores. They occasionally utilise the services of the Indian Stores Department for this purpose.

INDIANIZATION OF THE SUPERIOR SERVICES UNDER THE VARIOUS PORT TRUSTS.

574. *Mr. N. C. Kelkar : Will Government be pleased to state whether they will submit annually, as in the case of Railway Services, a detailed statement showing how Indianization of the superior Port Services was progressing, giving details as to vacancies on the superior list, filled, department by department, at each of the major ports during the year, the nationality of the person selected and reasons in cases where an Indian is not appointed, for not appointing an Indian ?

The Honourable Sir George Rainy : Government will consider the suggestion contained in this question.

(Mr. President then called on Mr. M. S. Sesha Ayyangar in whose name question No. 575 stood.)

Mr. M. S. Sesha Ayyangar : I am not putting these questions.

Mr. President : Does the Honourable Member wish to put question No. 575 or not ?

Mr. M. S. Sesha Ayyangar : I am not putting the questions standing in my name, Nos. 575 to 578.

†575.*—578.*

APPOINTMENT OF A COMMISSION TO INVESTIGATE THE POSSIBILITY OF FEDERATING THE BRITISH CENTRAL AND EAST AFRICAN COLONIES.

579. ***Pandit Hirday Nath Kunzru** : (*a*) Are Government aware that the appointment of a Commission to investigate the possibility of federating the British Central and East African Colonies has excited serious apprehensions in this country with regard to the future position of Indians in those Colonies ? Has their attention been drawn in this connection to the article headed " A Betrayal " in the *Servant of India* of the 21st July 1927 ?

(*b*) Is it a fact that, while the White Paper of 1923 declared that His Majesty's Government regarded themselves as exercising a trust on behalf of the African population and that ' they are unable to delegate or share this trust the object of which may be defined as the protection and advancement of the native races ", the White Paper recently issued in connection with the appointment of the Commission referred to in the previous question lays down that the Whites' claim to share progressively the responsibilities cannot be limited to representatives of their community's interests ; and if clashes between these interests and those of the vast native population are to be avoided, their share in the trusteeship for the progress and welfare of the native must be developed ?

(*c*) If so, were the Government of India consulted before this change of policy, was announced ?

Mr. G. S. Bajpai : (*a*) The answer to the first part is in the affirmative. As regards the second part Government have seen the article in question.

(*b*) The Honourable Member is referred to the statement made on the 18th August, 1927, by the Honourable Sir Muhammad Habibullah on the scope of the announcement made in the White Paper regarding the claim to association in the responsibilities of Government of the immigrant communities.

(*c*) The Government of India were informed of the announcement, contemplated by His Majesty's Government.

Pandit Hirday Nath Kunzru : Am I to assume, Sir, that their views were not invited before a decision was taken by the Imperial Government ?

Mr. G. S. Bajpai : I fear I can in no way supplement the answer which I have already given, namely, that the Government of India were informed of the announcement contemplated by His Majesty's Government.

Sir Purshotamdas Thakurdas : Are Government in a position to give the names of the personnel of the Royal Commission ?

Mr. G. S. Bajpai : No, Sir.

† Not put by the Honourable Member.

Sir Purshotamdas Thakurdas : When do Government expect to be in possession of the names ?

Mr. G. S. Bajpai : It is for His Majesty's Government to announce the personnel. We have no information as to when it will be done.

Sir Purshotamdas Thakurdas : I am sure that the Government of India are equally interested, if not more.

Mr. G. S. Bajpai : I did not for a minute, Sir, suggest that the Government of India were not interested. I was only pointing out the constitutional position which is that the decision rests with His Majesty's Government.

Sir Purshotamdas Thakurdas : Have the Government of India any information at all about the personnel yet ?

Mr. G. S. Bajpai : No, Sir.

Sir Purshotamdas Thakurdas : When do they expect to have the information, Sir ?

Mr. G. S. Bajpai : I cannot say.

Pandit Hirday Nath Kunzru : May I ask, Sir, if the Government know anything about the personnel and whether Indians would be appointed on the Commission ?

Mr. G. S. Bajpai : The position, Sir, was stated by the Honourable Sir Muhammad Habibullah on Mr. Roy's adjournment motion. Sir Muhammad promised that the substance of the discussion will be communicated to the Secretary of State. That has been done.

Sir Purshotamdas Thakurdas : Have the Government of India any objection to finding out the names before the House adjourns ?

Mr. G. S. Bajpai : None, Sir. We shall try and ascertain the names. Whether His Majesty's Government will be in a position to communicate the names I cannot say.

Sir Hari Singh Gour : May I inquire if the Government of India have not been consulted about the personnel of the Commission and if they have not made recommendations on the subject ?

Mr. G. S. Bajpai : The Honourable Member's question, as far as I can see, falls into two parts. As to whether the Government of India have been consulted regarding the personnel, I can only refer the Honourable Member to the discussion which took place in this House the other day. With regard to the other part, namely, whether they have made any recommendations, I think I answered the Honourable Pandit Hirday Nath Kunzru a minute ago that the substance of the debate in this House was communicated to the Secretary of State.

Pandit Hirday Nath Kunzru : Will the Government of India be asked to nominate the representatives of the Indian Government on the Commission or will they be appointed by His Majesty's Government without consulting the Government of India ?

Mr. G. S. Bajpai : The Honourable Member, I think, is fully aware of the statement made by the Secretary of State for the Colonies in the House of Commons, which was to the effect that the Secretary of State for India had been asked to nominate a representative.

Pandit Hirday Nath Kunzru : Did the Secretary of State inquire from the Government of India as to who should be appointed ?

Mr. G. S. Bajpai : No, Sir.

Sir Pushotamdas Thakurdas : Do the Government of India not think it desirable, in view of the reply given to the last Honourable Member, to name their representative to the Secretary of State ?

Mr. G. S. Bajpai : I did not quite follow the question.

Sir Purshotamdas Thakurdas : Do the Government of India not think it desirable to give the name of their representative to the Secretary of State so that he may be put on the Royal Commission ?

Mr. G. S. Bajpai : I said just now, Sir, that the Government of India have communicated the substance of the proceedings in this House on the 18th, with their recommendations, to the Secretary of State. As to the nature of their recommendations, I regret to say that I can make no statement.

Mr. M. A. Jinnah : May I know whether the Government of India are not prepared to recommend definite names to form the personnel of this Commission ?

Mr. G. S. Bajpai : I did not say that that was the case, Sir.

Mr. M. A. Jinnah : Are the Government prepared to do so ?

Mr. G. S. Bajpai : I think, Sir, that Sir Muhammad Habibullah definitely stated on the floor of this House on the 18th that the Government were prepared to communicate the wishes of this House in regard to representation on the Commission to the Secretary of State for India.

Mr. M. A. Jinnah : Have they submitted any specific name or names yet ?

Mr. G. S. Bajpai : I can make no statement on that point.

Mr. Gaya Prasad Singh : Yes ; take shelter like this.

REPRESENTATION OF THE SECRETARY OF STATE ON THE COMMISSION APPOINTED TO INVESTIGATE THE POSSIBILITY OF FEDERATING THE BRITISH CENTRAL AND EAST AFRICAN COLONIES.

580. **Pandit Hirday Nath Kunzru** : Is it a fact that the Secretary of State for India will be represented on the African Commission ? Is it a fact that he has acquiesced in the new policy ? If not, what steps have Government taken to protest against the change of the policy solemnly enunciated in 1923 ?

Mr. G. S. Bajpai : As regards the first part of the question, the Honourable Member's attention is invited to the statements made on this subject by the Honourable Sir Basil Blackett and the Honourable Sir Muhammad Habibullah on the 18th August 1927. As regards the second part, the Honourable Member is presumably referring to the policy of associating the European and other immigrant communities in the responsibilities of Government. The Government of India have no information on the subject. With regard to the third part, the Honourable Member's attention is invited to the statement made on the

18th August by the Honourable Sir Muhammad Habibullah on Mr. K. C. Roy's adjournment motion. The need of lodging a protest has not arisen.

Pandit Hirday Nath Kunzru : Are Government aware that Mr. Thomas stated in the House of Commons that he regarded the new policy as a serious change in the old policy ?

Mr. G. S. Bajpai : Yes, Sir, Government are aware of the statement made by Mr. Thomas on the subject, but I do not think that Government are bound to share the gloom which appears to have characterised the attitude of Mr. Thomas in regard to the announcement.

Pandit Hirday Nath Kunzru : Then, Sir, do they always accept the opinion expressed by superior authority ?

DISCONTENT AMONG SENIOR OFFICIALS IN THE POSTAL DEPARTMENT.

581. ***Mr. Bhabendra Chandra Roy** : (*a*) Are the Government aware that owing to the 50 per cent. limiting rule the junior officials get higher pay than the senior officials in the Post Office Department and that discontent among the latter is acute ?

(*b*) Are the Government prepared to consider the question of sanctioning the benefit of the next below rule to remove the grievances of the senior officials ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The Government of India are aware that in some cases the operation of the 50 per cent. rule has resulted in a senior drawing less than his junior which has led to a certain amount of discontent.

(*b*) The question is under consideration.

EXTENSION OF THE POST OFFICE LIFE INSURANCE SCHEME TO THE EXTRA-DEPARTMENTAL AGENTS.

582. ***Mr. Bhabendra Chandra Roy** : Will Government be pleased to state the decision at which they have arrived in respect of extension of the Post Office Life Insurance scheme to the Extra-Departmental Agents ?

Mr. H. A. Sams : The matter is still under consideration.

SALE OF QUININE BY POSTAL EMPLOYEES.

583. ***Mr. Bhabendra Chandra Roy** : With reference to the fact that the postal employees are not bound to sell quinine under the departmental rule as stated in reply to question No. 817 during the winter season of the Assembly will Government state whether the postal employees' views have been ascertained as to their willingness to sell quinine at the commission granted to them or not ? If not, why ?

The Honourable Sir Bhupendra Nath Mitra : No. It was not considered necessary to consult the postal employees, as there is no compulsion on them to undertake the work.

THE POST OFFICE GUARANTEE FUND.

584. *Mr. Bhabendra Chandra Roy : Are Government now in a position to furnish the information as assured in reply to starred question No. 819 on the 9th March 1927 regarding the Post Office Guarantee Fund ?

Mr. H. A. Sams : The information was supplied to the Honourable Member in the demi-official letter No. 111-R.|27—D.I., dated the 10th June 1927, from the Secretary, Industries and Labour Department. If the Honourable Member has not received that letter and its enclosures, I shall be glad to give him a copy.

SANCTION OF CONTINGENT ALLOWANCES TO THE EXTRA-DEPARTMENTAL AGENTS.

585. *Mr. Bhabendra Chandra Roy : (*a*) Is it a fact that the Extra-Departmental Agents were sanctioned contingent allowance for stationery ?

(*b*) Will Government be pleased to state the consideration which led the Government to sanction their contingent allowances ?

(*c*) Do Government propose to sanction to them the contingencies according to the formula prescribed by the Director-General of Posts and Telegraphs in his letter No. 25-7-A.|25, dated 16th November 1925 addressed to the Postmaster-General ?

Mr. H. A. Sams : (*a*) No.

(*b*) Does not arise.

(*c*) No. The monthly payment made to them is intended to cover the cost of stationery. Most of the stationery used by them consists of printed forms supplied by the Department.

†586.*—588.*

RECRUITMENT TO NEW PROVINCIAL SERVICES.

589. *Mr. B. Das : With reference to the recommendations of the Lee Commission that Provincial Governments shall recruit all posts for superior services on the transferred side and the pronouncement of His Excellency the Viceroy in the opening address of the Simla Session 1926 that Provincial Governments have been empowered by the Secretary of State to recruit and organise such new Provincial Services, will Government be pleased to state :

(*a*) What definite steps have been taken by each of the Provincial Governments to create these new cadres of services ?

(*b*) Which of the Provinces have started recruitment under this new system and if so what are the departments on the transferred side to which such services are recruited ?

The Honourable Mr. J. Crerar : Local Governments are preparing the necessary schemes, which they will embody in rules regulating the methods of recruitment, conditions of service, pay, allowances and pensions for their new Provincial Services. Until Local Governments have settled these principles, they are not in a position to start recruitment.

† Not put at the meeting, owing to the absence of the questioner, but the questions and answers to them will be found at page 3628 of these proceedings.

DELEGATION OF CONTROL OF THE CENTRAL SERVICES TO THE GOVERNMENT OF INDIA.

590. *Mr. B. Das : With reference to the following passage in the speech of His Excellency the Viceroy at the August Session of the Central Legislature of 1926 :

"With a few exceptions, it has been decided that control over these great central Services, should be delegated by the Secretary of State in Council to the Government of India. The necessary rules are at present under preparation, and I hope that within a few months the delegation will be an accomplished fact."

Will Government be pleased to state :

(a) the Departments of Central Services that will hereafter be recruited in India ?

(b) whether the necessary rules have been prepared and if so will Government be pleased to lay a copy of the same on the table ?

The Honourable Mr. J. Crerar : Draft rules are at present under the consideration of the Secretary of State. Until the rules are finally made I regret I am not in a position to give the Honourable Member the information for which he asks.

PREVENTION OF FLOODS.

591. *Mr. B. Das : With reference to the following passages in the speech of the Honourable Sir Clement Hindley on the Resolution on investigation into causes of recurring floods moved in this House on 24th September, 1924 :

"I hope my friend who moved this Resolution will agree with me that I have to some extent established the case for the care with which the Government and the Railways deal with these matters when they are brought to their notice. I would like to suggest *that the matter be left with us for the present* and we will look into it generally to see whether it is necessary to address Local Governments, with an invitation that we should assist them in any particular case in which they may be concerned."

Will Government be pleased to state :

(a) What was the nature of letter if any addressed by the Railway Board on floods to these Local Governments ?

(b) What specific assistance was offered by the Railway Board to these Provincial Governments ?

(c) In how many cases waterways have been enlarged by the Railways under the pressure of the Railway Board at the request of the Provincial Governments and what is the total length in feet of such extended waterways ?

Mr. A. A. L. Parsons : (a) and (b). Government called the attention of all major Local Governments to the debate on the resolution referred to by the Honourable Member and in doing so said that while flood prevention and protection were primarily provincial matters the Government of India were prepared, in view of the importance of the subject,

to assist the Local Government to the utmost extent of their powers wherever there was reason to believe that excessive floods were due to central works such as Railways or where assistance was required to obtain co-ordination between a Railway and the local authorities or between two provinces or in any case in which technical advice was required which was not available locally.

(*c*) I have been unable to trace any such cases though there have been several in which Local Governments and railway administrations have acted together in concerting measures to prevent a recurrence of flood damages.

Mr. K. Ahmed : In view of the fact that Government have not done anything in the matter though it was promised by the Honourable Member's predecessor in this House, do Government propose now for the benefit of the country to act up to that promise, so that the people may not suffer again from floods and their houses and homesteads may not be submerged in water ?

Mr. A. A. L. Parsons : As I am unable to accept as accurate the statement of fact with which my Honourable friend began his remarks, I am afraid I am not prepared to argue the point with him.

Mr. B. Das : Is it not a fact that after the North Bengal floods in 1923 (*An Honourable Member* : " 1924 ") the Railway Board appointed a special enquiry committee which was presided over by Rai Bahadur Lala Rallia Ram and thereafter the Railway Board compelled the Railways to expand their waterways to the required extent ?

Mr. A. A. L. Parsons : The facts are not within my memory, I did not then hold the position which I do now. But I am quite prepared to take it from the Honourable Member that they are correctly stated by him.

Mr. B. Das : Is it not also a fact that after the floods in 1900 on the Bengal Nagpur Railway between Balasore and Bhadrak the Bengal Nagpur Railway authorities constructed new bridges whereby floods in that area have been prevented thereafter ?

Mr. A. A. L. Parsons : I am afraid that when my memory does not carry me back to 1923, still less does it carry me back to 1900.

Mr. B. Das : In referring to the Honourable Member's reply that the Railways or the Government of India in the Railway Board are not primarily responsible for the economic distress owing to floods enhanced by the railway embankments, will Government be pleased to state whether the economic disasters to the agriculturists and the villagers are not greatly enhanced by the railway embankments, and whether the Railway Board being responsible for the railway embankments are not responsible for the distress ?

Mr. A. A. L. Parsons : I am afraid I am not prepared to argue the question at present, or to accept without a great deal of qualification the suggestions made by my Honourable friend in his question.

Mr. K. Ahmed : Are Government aware that a cause of action lies against them and that they will have to pay a considerable amount for the damage done to these people ? Will Government understand the question then only ?

Mr. A. A. L. Parsons : I am not aware that a cause of action lies against Government, but I should be quite prepared to receive notice.

Mr. K. Ahmed : Did they not get a notice some time ago when there was a flood in North Bengal and the Honourable Member's Department, on behalf of the Secretary of State received the notice ?

Mr. A. A. L. Parsons : Not that I am aware of.

Mr. K. Ahmed : In view of the fact that the Honourable Member was not in the Department in which he is now, he is not in a position to explain that. Is that so ?

PREVENTION OF FLOODS.

592. ***Mr. B. Das** : (*a*) Will Government be pleased to lay on the table all correspondence between the Provincial Governments and the Central Government (including the Departments of Railway Board and Industries and Labour) arising out of the Resolution on the investigation into causes of recurring floods ?

(*b*) Have Government reached any definite conclusion on the causes of these floods and their remedies since their observations made on the Resolution on causes of floods in 1924 and if so what are they ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) A copy of the correspondence is laid on the table.

(*b*) The Government of India have reached no definite conclusions on the causes of these floods or the remedies for them since the observations made on the Resolution on the causes of floods in 1924. It will be observed from the papers laid on the table that Local Governments were addressed by the Government of India shortly after the Resolution referred to was withdrawn, and the Government of India offered to assist Local Governments in investigating the causes and remedies for recurring floods. With the exception of the Bihar and Orissa Government which recently addressed the Government of India on the subject, no Local Government has asked for assistance, but it does not follow that they have not, in the meantime, been investigating causes and remedies themselves.

COPY OF LETTER NO. 1-7|41, DATED THE 19TH NOVEMBER 1924, FROM THE DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA, DEPARTMENT OF INDUSTRIES AND LABOUR, PUBLIC WORKS BRANCH, TO ALL MAJOR LOCAL GOVERNMENTS.

Investigation into Causes of Recurring Floods.

I am directed to invite a reference to the debate which took place in the Legislative Assembly on the 24th September 1924 on the above subject and which is printed on pages 4083—4101 of the accompanying Legislative Assembly Debates, Vol. IV, No. 60. In doing so, I am to say that while flood protection and prevention are primarily provincial matters the Government of India are prepared, in view of the importance of the subject, to assist the Local Governments to the utmost extent of their powers.

(*i*) wherever there is reason to believe that excessive floods are due to central works, such as Railways ;

(*ii*) where assistance is required to obtain co-ordination between a Railway and the local authorities or between two provinces ; and

(*iii*) in any case in which technical advice is required which is not available locally.

COPY OF LETTER NO. 6790-I., DATED THE 3RD FEBRUARY 1925, FROM THE SECRETARY TO THE GOVERNMENT OF BOMBAY, PUBLIC WORKS DEPARTMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, DEPARTMENT OF INDUSTRIES AND LABOUR, PUBLIC WORKS BRANCH.

Investigation into Causes of Recurring Floods.

Referring to your letter No. 1-7|41, dated 19th November 1924, I am directed by the Governor in Council to observe that this Government is fully alive to the necessity of maintaining drainage lines intact and the Bombay Irrigation Act of 1879 provides ample safeguards to that end. In all canal, road and building projects the utmost care is taken to provide for adequate drainage works. It is, therefore, not considered necessary to carry out at present any investigation into causes of floods and the measures for their prevention. I am, however, to request you to convey this Government's thanks to the Government of India for their offer which will be availed of, should the occasion arise.

APPOINTMENT OF EXPERT COMMITTEES BY PROVINCIAL GOVERNMENTS TO ENQUIRE INTO THE CAUSES OF FLOODS.

593. ***Mr. B. Das** : With reference to the telegram of H. E. the Governor of Bihar and Orissa addressed to H. E. the Viceroy on floods in Orissa and the announcement of that Government to appoint an expert Committee to enquire into causes of floods as occurring in the following passage—

"This Government has decided to take steps with the assistance of the Government of India to set up a strong expert Committee to review fully the conditions and report on any action that can be taken for relief and is addressing the Government of India."

Will Government be pleased to state :

(*a*) if they have received the despatch from the Government of Bihar and Orissa on the subject ?

(*b*) if they have received any communications from other Provincial Governments such as Bombay, Bengal, etc., on the advisability of appointing an expert Committee to enquire into the causes of floods ?

(*c*) in case they have not been approached by many Provincial Governments, if they propose to invite the attention of those Governments to the necessity of appointing an expert Committee to enquire into the causes of floods ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) No.

(*c*) In reply to the previous question I explained that the Government of India had addressed Provincial Governments on this subject. In view of the general distress caused by the recent heavy floods, the Gov-

ernment of India propose, apart from the action which will be taken on the letter from the Government of Bihar and Orissa, to address other Local Governments again, and ask them whether they consider that any useful purpose would be served by the appointment of an expert Committee by the Central Government to consider such questions.

APPOINTMENT OF ENGINEERS FOR THE TRAINING OF RIVERS.

594. *Mr. B. Das : (*a*) Have Government considered the advisability of appointing waterway engineers with a view to train the rivers of India ?

(*b*) Is it not a fact that the Floods Enquiry Committee which was appointed by the Burma Government and reported early last February recommended to that Government the appointment of waterway engineers for the training of rivers in Burma ?

(*c*) Has any of the other provinces besides Burma decided to appoint waterway engineers for the training of rivers ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The question of appointing engineers to train rivers is one primarily for Local Governments. Such Local Governments as are interested in the subject have already either appointed engineers or have the question of their appointment under consideration.

(*b*) Yes.

(*c*) Yes. The Bengal Government for example have engineers who have been trained in such work.

Mr. K. Ahmed : Is it not a fact that Mr. Lala Ram or Ganga Ram (*An Honourable Member* : " Rai Bahadur Rallia Ram "), Rai Bahadur Rallia Ram was making enquiries into the North Bengal flood in 1923 and 1924 and he submitted a report to the Government of India ?

I am sorry the Honourable Member does not appreciate the point. Is it not a fact, Sir, that Mr. Rallia Ram was deputed by the Government to make enquiries regarding the waterways on the occasion of the North Bengal floods in 1923-24, and he submitted a report recommending that more space should be afforded for waterways ? But still Government have not acted upon it in the recent floods. Do Government now propose to act upon that report ?

The Honourable Sir Bhupendra Nath Mitra : I did not quite catch the name of the particular engineer referred to by my Honourable friend, whether it was Ganga Ram, or Lala Ram. But whatever his name was, I have no recollection of any such report having been submitted to the Government of India.

Mr. K. Ahmed : Did not the Government of India in the year 1924 say, I think it was Sir Clement Hindley who said it, that they are awaiting a report by Mr. Rallia Ram, the engineer deputed to make inquiries about the waterways ?

Mr. A. A. L. Parsons : I do not remember the statement of Sir Clement Hindley, but it is quite possible he may have said something of the kind.

Mr. K. Ahmed : Is not the principle set out in that report grasped by the present members of the Government answering the question from those seats ?

SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

595. ***Maulvi Muhammad Yakub** : Will the Government be pleased to state :

1. When the question of the separation of the judicial from the executive was taken up for investigation by the Government of India ?
2. When were the Provincial Governments asked to give their opinions ?
3. Which of the Provincial Governments have submitted their opinions and to what effect ?
4. Which of the Provincial Governments have not yet submitted their opinions ? And what efforts have been made by the Government of India to obtain their opinions ?
5. Do Government propose to handle the matter seriously at an early date ?

The Honourable Mr. J. Crerar : As was explained in the Council of State last February, certain proposals were received from four Local Governments. These proposals have been considered carefully by the Government of India who are addressing the Secretary of State on the subject.

Maulvi Muhammad Yakub : The Honourable Member has not given a reply to part (5) of my question.

The Honourable Mr. J. Crerar : My reply on that point was that the Government of India are addressing the Secretary of State on the subject and I hope the communication on the subject will issue at a very early date.

Mr. K. Ahmed : Is it not a fact, Sir, that the first Resolution on the subject for the separation of the judicial from the executive was moved in the latter part of the first reformed Assembly by Mr. Mukherjee and it was carried in this House ? What are the Government doing since then ?

Pandit Hirday Nath Kunzru : May I know when the Government of India addressed the Secretary of State on the subject ?

The Honourable Mr. J. Crerar : I explained that the Government of India were about to address the Secretary of State on the subject.

Pandit Hirday Nath Kunzru : May I know when the opinion of the last Local Government was received ?

The Honourable Mr. J. Crerar : I think the last communication on the subject from a Local Government was at the end of 1924 or the beginning of 1925.

Mr. Gaya Prasad Singh : May I ask if all the Local Governments have submitted their recommendations ?

The Honourable Mr. J. Crerar : Only four Local Governments to which I have referred. Those were the Governments of the United Provinces, Bihar and Orissa, Bengal and Madras.

Pandit Hirday Nath Kunzru : Why have the Government of India taken 2½ years to address the Secretary of State ?

The Honourable Mr. J. Crerar : The question is one of great complexity and difficulty.

Mr. K. Ahmed : Is it not going to be barred by limitation ? Is it not a fact, Sir, that the Committee appointed by the Government of Bengal under instructions from the Government of India submitted its report on the separation of judicial and executive functions in 1924, and, if so, what have the Government done to it up till now ?

Pandit Hirday Nath Kunzru : Is it a fact that Sir William Vincent promised in 1921 that if there was any Local Government which approved of the separation of judicial and executive functions and came up to the Government of India, the Government of India would be prepared and give effect to its wishes.

The Honourable Mr. J. Crerar : It is correct that there was a debate on the subject and a Resolution was issued in which Local Governments were informed that if they decided to submit proposals they would be considered by the Government of India and if any legislation was required I think it was stated that the Government of India would be prepared to give effect to it.

Mr. K. Ahmed : If the Government of India acting in the name of the Secretary of State is tired of doing their work, do the Government of India propose to transfer this work to the Honourable Members over here in this Assembly who will be able to advise them on the subject ?

The Honourable Mr. J. Crerar : I do not think that question arises.

Mr. K. Ahmed : The Honourable the Home Member said the matter is under consideration. What is the difficulty ? Are there any points of law in it ? If so, they can be easily transferred to some talented brain for their solution.

NUMBER OF MUSSALMAN OFFICERS AND CLERKS ON THE BENGAL NAGPUR RAILWAY.

596. ***Maulvi Muhammad Yakub** : What is the total number of officers and the clerks respectively on the Bengal Nagpur Railway and how many of them are Mussalmans ?

Mr. A. A. L. Parsons : I would refer the Honourable Member to Appendix F in Volume I of the Railway Board's Report on Indian Railways for 1925-26 and to Appendix C of Volume II of the same report which gives the available information.

REPRESENTATION OF MINORITY COMMUNITIES ON THE BENGAL NAGPUR RAILWAY.

597. ***Maulvi Muhammad Yakub** : Was the communiqué of the Government of India relating to the representation of the minority communities communicated to the authorities of the Bengal Nagpur Railway ? If yes, what measures were taken by the Railway to give effect to it ? If not, why not ?

Mr. A. A. L. Parsons : The policy of the Government of India in this matter was communicated to the Bengal Nagpur Railway administration and to other railway administrations. With regard to the latter portion of the question, I can only invite the Honourable Member's attention to the reply given to him on the 27th January 1927 by the Honourable Sir Charles Innes.

RETURN TO INDIA OF INDIAN EXILES.

598. ***Mr. M. S. Aney** : (*a*) With reference to the reply given on 3rd February 1925 in this House to starred question No. 744 put by Mr. N. C. Kelkar, will the Government be pleased to publish the list of 42 persons referred to in part (*a*) of the aforesaid question and reply ?

(*b*) Will the Government be pleased to state whether the Government are still entertaining the idea of taking action against them all on their return to India ? If not against all, then against whom do the Government propose to take action on return to their mother-country and for what offences ?

(*c*) Will the Government be pleased to publish the names of persons whose applications for passports were not granted till 3rd February 1925, specifying the two persons whom Government declined to afford facilities to return to India ?

(*d*) Will the Government be pleased to state whether they have received any application either directly or through the British Consuls in foreign countries from these Indian exiles from the date of the reply referred to above to the end of June 1927 ?

(*e*) If so, from whom and with what result ?

The Honourable Mr. J. Crerar : (*a*) The list was compiled by the *Forward* and published in its issue of the 24th February 1924, to which I would refer the Honourable Member.

(*b*) The attitude of the Government is the same as it has been (1) from the beginning, namely, that they will take individual cases into consideration when any of those concerned applies for facilities to return to India.

(*c*) Government do not propose to do this.

(*d*) and (*e*). In a few cases since February 1925 Government have received applications for permission of return to India from persons included in the above list. In none of these cases have Government refused the formal facilities for return.

GRANT OF FACILITIES TO PROFESSOR KHANKHOJE TO RETURN TO INDIA.

599. ***Mr. M. S. Aney** : (*a*) Has the attention of the Government been drawn to the article appearing under the heading " An Eminent Indian exile, Professor Khankhoje and his deportation " in the issue of the *Bombay Chronicle* of 26th of June 1927 ?

(*b*) Will the Government be pleased to state clearly whether they are prepared to give the necessary facilities to Professor Khankhoje if he applies for a passport to the proper authorities in Mexico to return to India ?

The Honourable Mr. J. Crerar : (*a*) No.

(*b*) If and when an application is made, it will be dealt with on its merits.

DRAFT BERAR LAND REVENUE LAW.

600. ***Mr. M. S. Aney** : (*a*) With reference to the reply given by Mr. E. B. Howell on the 7th February 1927 in reply to starred question No. 301 (3) will the Government be pleased to state whether they have arrived at any decision on the draft Berar Land Revenue Law passed by the Berar Legislative Committee on the 1st of December 1925 ?

(*b*) If the answer be in the affirmative will the Government be pleased to state what that decision is and when was it arrived at ?

Sir Denys Bray : (*a*) No, Sir.

(*b*) Does not arise.

LAND REVENUE SYSTEM IN BERAR.

601. ***Mr. M. S. Aney** : Will the Government be pleased to state for the information of the Members of this House in a tabular form, the points of difference if any in regard to the principles of the Land Revenue system in Berar, between :

(*a*) The Berar Legislative Committee and the Government of India ?

(*b*) The Berar Legislative Committee and the Government of the Central Provinces ? And

(*c*) The Government of the Central Provinces and the Government of India ?

Sir Denys Bray : Government regret that they cannot supply the information asked for. But I may assure the Honourable Member that their views will in due course be placed before the Berar Legislative Committee.

Mr. K. Ahmed : How much of the land revenue collected in Berar is distributed between the Government of India, the Central Provinces and the local legislative committee, per year ?

Sir Denys Bray : I would ask for notice

Mr. K. Ahmed : In view of the fact that Berar is in the possession of the Government of India under the perpetual lease granted by His Exalted Highness the Nizam, what course will Government propose to adopt and what principle will be followed in the repayment of the land revenue realised, in case Berar is to be returned to His Exalted Highness in future, as they say that there was no question of the granting of a perpetual lease to the Government of India when His Excellency the Viceroy, Lord Curzon, in 1902, had an interview with the Nizam in his Palace at Hyderabad ?

NUMBER OF OFFICES IN A POSTAL INSPECTOR'S SUB-DIVISION.

602. ***Mr. M. S. Aney** : (*a*) Is it a fact that there is a rule in the Postal Department that an Inspector's sub-division should not ordinarily consist of more than 40 offices ?

(*b*) Is it a fact that at present the number of such offices have been increased from 40 to 60 and even more in certain cases ?

(*c*) If so, will the Government state in how many sub-divisions throughout British India and Burma, the number of offices exceeds 40 ?

(*d*) The question of the adequacy of the authorised strength of Inspectors with a view to reduce the bulk of work ?

Mr. H. A. Sams : (*a*) No.

(*b*) and (*c*). Do not arise.

(*d*) The question of the adequacy of the authorised strength of Inspectors is examined by me from time to time with a view to increasing their number when required.

APPOINTMENT OF CLERKS FOR THE OFFICES OF INSPECTORS OF POST OFFICES.

603. ***Mr. M. S. Aney** : (*a*) Is it a fact that the All-India (including Burma) Postal and R. M. S. Conference has adopted resolutions recommending the appointment of a clerk for the office of Inspector of Post Offices since the last several years ?

(*b*) Do the Government intend to sanction the aforesaid appointment immediately ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) Government do not consider the appointment necessary at present.

INCREASE OF THE TRAVELLING ALLOWANCE OF OFFICIALS IN THE DISTRICT OF BERAR.

604. ***Mr. M. S. Aney** : Is it a fact that the Central Provinces Government has increased the travelling allowance of officials in Berar (District of Berar only and not the Central Provinces) owing to the high cost of living about two years ago ?

The Honourable Sir Basil Blackett : The Government of India have no information on the subject.

INCREASE OF THE TRAVELLING ALLOWANCE OF INSPECTORS OF POST OFFICES.

605. ***Mr. M. S. Aney** : (*a*) Will the Government be pleased to publish what decision the Postmaster Generals' Conference held in 1926 arrived at regarding the increase in travelling allowance of Inspectors of Post Offices who are not given mileage allowance at present ?

(*b*) Do the Government intend to sanction the increase at an early date ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The Government of India are not prepared to publish such decisions.

(*b*) The matter is under consideration of Government.

THROUGH TRAINS IN WHICH THIRD CLASS PASSENGERS ARE NOT ALLOWED TO TRAVEL.

606. *Mr. M. S. Aney : Will the Government be pleased to give the following information :

(*a*) the names of through trains in which third class passengers are not allowed to travel ?

(*b*) the number of first class and second class passengers that travelled in these trains in the years 1924-25, 1925-26 and 1926-27 ?

(*c*) expenses charged to Capital and Revenue both recurring and non-recurring incurred on account of these trains during the same period ?

Mr. A. A. L. Parsons : (*a*) The names of through trains which do not provide accommodation for third class passengers are as follows :

(1) Imperial Indian Mail between Calcutta and Bombay.

(2) 1 Up and 2 Down East Indian Railway 61 Up and 62 Down North Western Railway.

(3) 5 Up and 6 Down East Indian Railway Punjab Mails between Calcutta and Saharanpur.

(4) 85 Up and 86 Down Bombay Mails between Lahore and Delhi ?

(5) 5 Down and 6 Up Great Indian Peninsula Railway Punjab Mails between Bombay and Delhi.

(*b*) The information is not procurable except as regards passengers in the Imperial Indian Mail. Such figures as are available regarding that train will be obtained and furnished to the Honourable Member.

(*c*) Such information as is available will be called for and furnished to the Honourable Member.

REVENUE FROM THE SALE OF TICKETS TO PASSENGERS TRAVELLING BY THE *train de luxe* SINCE ITS INAUGURATION.

607. *Mr. M. S. Aney : (*a*) Will the Government be pleased to state how much revenue is derived from the sale of tickets to passengers travelling by the *train de luxe* since it has begun to run to the end of July 1927 ?

(*b*) What was the expenditure incurred (capital and amount charged to revenue) recurring and non-recurring in building and fitting the train and running it till the end of July 1927 ?

Mr. A. A. L. Parsons : (*a*) and (*b*). The information is being obtained and will be furnished to the Honourable Member in due course.

†608.*—609*.

† Not put at the meeting, but the questions and answers to them will be found at pages 3629—30 of these proceedings.

AGGREGATE TONNAGE OF COAL CONSUMED BY THE MAJOR INDIAN RAILWAYS.

610. *Mr. N. C. Kelkar : Will the Government be pleased to state what is the aggregate tonnage of coal consumed by the major Indian railways for the purposes indicated below the figures for each railway being shown separately :

(a) running of mail and fast expresses,

(b) running of passenger trains,

(c) running of goods trains,

(d) shunting ?

Mr. A. A. L. Parsons : I have sent a statement to the Honourable Member giving such information as is available.

COAL FOR THE MAJOR INDIAN RAILWAYS.

611. *Mr. N. C. Kelkar : Will the Government be pleased to lay on the table a statement showing the coal, described with reference to the collieries in which they are mined, which meet the requirements of each of the major Indian Railways under each of the following heads :

(a) running of mails and fast expresses,

(b) running of ordinary passenger trains,

(c) running of goods train, and

(d) shunting ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given to Mr. Neogy's unstarred question No. 54.

USE OF COAL RAISED IN THE COLLIERY OF ONE STATE RAILWAY BY ANOTHER RAILWAY.

612. *Mr. N. C. Kelkar : (a) Is it a fact that the coal raised in the colliery of one State Railway is used for another ? If so, will the Government furnish full particulars of all such recent instances in point ? Will the Government be pleased to state how the quota of each railway is determined when a colliery is jointly owned by two or three railway owners ?

(b) Is it a fact that the coal raised in collieries owned by State Railways is used on the Company-managed Railways ? If so, will the Government furnish full particulars of such instances in point occurring within the last two years ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given to Mr. Neogy's unstarred question No. 55.

CONSTRUCTION BY THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY OF SPECIAL ENGINES TO SUIT THE CONSUMPTION OF SECOND CLASS COAL.

613. *Mr. N. C. Kelkar : Is it a fact that the Bombay, Baroda and Central India Railway constructed some special engines three or four years

back to suit the consumption of second class coal thereon ? If so, will the Government please state wherein exactly lies the speciality of such locomotives ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given to Mr. Neogy's unstarred question No. 56.

ELECTRIFICATION OF RAILWAYS.

614. ***Mr. N. C. Kelkar** : Have the Government now under contemplation any scheme of electrification of any section of any Indian Railway ? If so, will the Government be pleased to state the full particulars of such scheme ?

Mr. A. A. L. Parsons : Schemes are under investigation for the electrification of the suburban lines in the Calcutta and Madras areas and the Trichinopoly-Madura and Podanur-Pollachi sections of the South Indian Railway. The two latter are interconnected with the Madras Government's investigation into the Pykara Hydro-Electric Scheme. It is also proposed shortly to examine the possibilities of electrifying some sections of the North Western Railway with power obtained from the Punjab Government's Mandi Hydro-Electric Scheme.

None of these schemes are sufficiently advanced to permit of particulars being given of them yet.

AMOUNT OF CAPITAL OUTLAY SO FAR MADE BY THE PROPOSED RAILWAY COLLIERY IN THE TALCHUR FIELD AND IN RELIGARI-DARI.

615. ***Mr. N. C. Kelkar** : Will the Government be pleased to say what is the amount of capital outlay so far made by the proposed railway colliery in Talchur field and in Religari-dari ?

Mr. A. A. L. Parsons : The information asked for is being obtained and will be furnished to the Honourable Member when received.

AVERAGE PRICE PER TON OF COAL PURCHASED FOR THE RAILWAYS.

616. ***Mr. N. C. Kelkar** : Will the Government be pleased to state what average price per ton was paid for coal purchased for the Railways, the figure being worked out for each year from 1906-07 to 1926-27 ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given to Mr. Neogy's unstarred question No. 58 on the same subject.

VETERINARY ASSISTANT SURGEONS OF THE ARMY VETERINARY CORPS AND THE ARMY REMOUNT DEPARTMENT OF THE INDIAN ARMY.

617. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah** : (*a*) Is it a fact that since 1916 Veterinary Assistant Surgeons of identical qualifications are recruited on different initial salaries in the Army Veterinary Corps and the Army Remount Department of the Indian Army ?

(*b*) Is it a fact that before 1918 Veterinary Assistant Surgeons serving with units and in the Army Remount Department had equal starting pay while the prospects of the latter were much better than those of the former ?

(*c*) Is it a fact that now besides better pay and prospects Veterinary Assistant Surgeons of the Army Veterinary Corps are entitled to free quarters, ration and clothing under the military regulations while the Veterinary Assistant Surgeons of the Army Remount Department having identical qualifications are denied those privileges ?

(*d*) Is it also a fact that though both the Army Veterinary Corps and the Army Remount Department are under the Quartermaster General and Veterinary Assistant Surgeons of both are liable to be sent to the front in the event of war, Veterinary Assistant Surgeons of the Army Veterinary Corps are rated as combatants ?

(*e*) Will the Government be pleased to state if they are prepared to consider the amalgamation of the Veterinary Assistant Surgeons of the Army Remount Department with the Army Veterinary Corps in order to remove this differential treatment towards men of equal qualifications serving under one and the same Quartermaster General ?

Mr. G. M. Young : (*a*) The Indian Army Veterinary Corps was not in existence before 1918. The initial rates of pay of Veterinary Assistant Surgeons of the two services have varied since that date, but the initial pay in both services is now Rs. 60 *per mensem*.

(*b*) The initial pay of Veterinary Assistant Surgeons serving in units and the Army Remount Department was nearly the same. The latter had slightly better prospects.

(*c*) Yes, because those in the Indian Army Veterinary Corps serve under military regulations whereas the others serve under Civil Service Regulations and are not subject to military discipline.

(*d*) Yes.

(*e*) Government have considered the amalgamation of the two services and have found it impracticable.

APPOINTMENT OF RAI BAHADUR MANGAT RAI, AS OFFICIATING COMMISSIONER OF INCOME-TAX, PUNJAB AND THE NORTH-WEST FRONTIER PROVINCE.

618. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah** : (*a*) Is it a fact that the present Commissioner of Income-tax, Punjab and North-West Frontier Province, went on a few weeks' leave in May or June last, and R. B. Mangat Rai, Assistant Commissioner of Income-tax, Rawalpindi Division, officiated in his place ?

(*b*) Is it a fact that Mr. W. R. Pearce, Assistant Commissioner of Income-tax, Lahore Division, is senior in service to R. B. Mangat Rai ?

(*c*) If the answer to part (*b*) above be in the affirmative will the Government be pleased to state why Mr. Pearce was not granted the officiating chance ?

The Honourable Sir Basil Blackett : (*a*) Yes.

(*b*) and (*c*). The Government do not think it desirable to discuss on the floor of this House the relative claims or merits of individual officers or the reasons that have led to one officer being preferred to another for promotion.

Mr. K. Ahmed : Why was not Mr. Pearce given the opportunity to officiate and show his merit and ability and why was Mr. Mangat Rai, who is junior to him, promoted ?

The Honourable Sir Basil Blackett : Government are not prepared to discuss the question on the floor of the House.

Mr. K. Ahmed : The Government of India exercise their own discretion without giving a chance to the Members of this Assembly to know whether their action was right or wrong ?

The Honourable Sir Basil Blackett : I would ask the Honourable Member to realize that it is not in the interests of Government officials that their merits or demerits should be discussed on the floor of this House.

Mr. K. Ahmed : Is it not in the interests of the people of India, and for us, to see that the Government's action is right ?

DISCHARGE OF M. BAHADUR KHAN, CLERK IN THE INCOME-TAX OFFICE AT CAMPBELLPORE.

619. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah** : (*a*) Is it a fact that the services of M. Bahadur Khan, the only Muslim clerk in the Income-tax staff at Campbellpur, have been dispensed with by the Income-tax Commissioner, Punjab and he has been or will be replaced by some Hindu candidate ?

(*b*) Is it also a fact that the same M. Bahadur Khan was for sometime an Income-tax Inspector, but was humbled down to accept a clerkship of which, too, he has now been deprived ?

(*c*) If the answer to the whole or any portion of (*a*) and (*b*) is in the affirmative, the circumstances which have justified such action, may please be stated ?

The Honourable Sir Basil Blackett : (*a*) The answer to the first part is in the affirmative ; the Government of India have no information as regards the second part.

(*b*) and (*c*). I do not think it is in the interests either of the Government or of the officer concerned to enter into details of the kind asked for. The officer in question was given a trial in more than one capacity but in the end his services had to be dispensed with on the ground of unsuitability.

Mr. K. Ahmed : In view of the fact that the Honourable the Finance Member cannot satisfy the Members of this Assembly.....

Mr. President : Order, order.

Mr. K. Ahmed : I will put it in a milder form, Sir.....

Mr. President : Order, order. Khan Bahadur Makhdum Syed Rajan Bakhsh Shah.

PAUCITY OF MUSLIMS IN THE INCOME-TAX DEPARTMENT OF THE PUNJAB AND THE NORTH-WEST FRONTIER PROVINCE.

620. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah** : (*a*) Is it a fact that out of the 3 Assistant Commissioners of Income-tax in the Punjab and North-West Frontier Province, none is a Muslim ?

(*b*) Is it a fact that out of 26 Income-tax Officers in the Punjab only 5 are Muslims ?

(*e*) Will the Government be pleased to state what has been the cause of such a minority ?

(*d*) Are Government aware that the Muslims of the Punjab attribute the cause of this minority to the anti-Muslim policy of the present Income-tax Commissioner, Mr. Darling, and that they are highly dissatisfied with him ?

(*e*) If answer to (*c*) above be that efficient Muslims are not available, will the Government be pleased to define the standard of efficiency required ?

The Honourable Sir Basil Blackett : The answer to parts (*a*) and (*b*) is in the affirmative.

(*c*) and (*e*). Under standing orders, appointments of Income-tax Officers are made by the Commissioner, subject to the approval of the Local Government. The Government of India understand, however, that the Commissioner is also assisted by a Selection Committee appointed by the Punjab Government. The comparatively small number of Muslim Income-tax Officers is reported to be due partly to the difficulty which was felt, in the earlier years, of obtaining a sufficient number of Muslim officers with the requisite qualifications, and partly to the failure, in recent years, of Muslim officers to pass the departmental examinations, particularly in accountancy. The standards required are those laid down by the Punjab Government.

(*d*) I have every reason to believe that the suggestion in part (*d*) of the question is not in accordance with the facts. The officer in question is one to whom the Punjab and particularly the Punjab agriculturist owes a deep debt of gratitude.

Mr. K. Ahmed : Are the Government aware that they have acted unconstitutionally in not paying attention to the declaration of Lord Reading made in solemn terms at Belvedere to the Muhammadan community at the time of great difficulty and distress, which flattered them too much at the time, but now it is not acted upon ?

The Honourable Sir Basil Blackett : Government are quite aware that they would not be acting correctly if they were not giving full effect to that promise. I would suggest that the Honourable Member is acting rashly in making the statement that they are not doing so.

Mr. K. Ahmed : Is it not a fact that Lord Reading in clear terms said that the representation of the Muslim community in the public services would not by any means be less than one-third ? Is that so, yes or no ?

The Honourable Sir Basil Blackett : If the Honourable Member will put his question down he will get an answer.

NUMBER OF CHANCES GIVEN TO INCOME-TAX OFFICERS AND ASSISTANT INCOME-TAX OFFICERS IN THE PUNJAB TO PASS THE DEPARTMENTAL EXAMINATION.

621. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah** : Will the Government be pleased to lay on the table information on the following points :

(*i*) The number of Assistant Income-tax Officers and Income-tax Officers in the Punjab who had to appear four times to pass the Income-tax Officers' departmental examination ? How many of them were Muslims ?

(*ii*) The number of Assistant Income-tax Officers and Income-tax Officers who had to appear more than four times to qualify ? How many of them were Muslims ?

(*iii*) The number of Assistant Income-tax Officers and Income-tax Officers (excluding P. C. S. hands) who were exempted from the departmental examination or any part of it ? How many of them were Muslims ?

(*iv*) The maximum number of chances taken by an Assistant Income-tax Officer or Income-tax Officer to qualify, giving names of officers who were allowed such chances ?

(*v*) The number of Assistant Income-tax Officers and Income-tax Officers now on probation ? How many of them are Muslims ?

The Honourable Sir Basil Blackett : (*i*) Five, of whom two were Muhammadans, two Hindus, and one a Sikh.

(*ii*) Two officers, of whom one was a Muhammadan.

(*iii*) Six, of whom two were Muhammadans, two Sikhs, one a Hindu and one a Christian. Four were exempted in one subject only, one in two and one in all subjects except accounts.

(*iv*) Five chances were given to two officers—one a Hindu and the other a Muhammadan. I am not prepared to give the names of the officers on the floor of the House.

(*v*) Thirteen, of whom seven are Muhammadans.

Mr. K. Ahmed : Has not the Honourable the Finance Member violated and shown disrespect to the solemn undertaking given by His Excellency the Viceroy, Lord Reading, and is not his Department doing gross injustice to the Muhammadan community ?

The Honourable Sir Basil Blackett : I may assure the Honourable Member that gross injustice is not being done to the Muhammadan community.

NUMBER OF INCOME-TAX OFFICERS CONFIRMED IN THEIR APPOINTMENTS BEFORE PASSING THE DEPARTMENTAL EXAMINATION.

622. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah** : (*a*) Will the Government be pleased to state whether before confirmation it is necessary for an Assistant Income-tax Officer to pass or to be exempted from the Income-tax Officers' examination, while he is only to be confirmed as an Assistant Income-tax Officer and not as an Income-tax Officer ?

(*b*) Will the Government be pleased to state the number of Income-tax Officers in the Punjab, if any, who were confirmed in the capacity of an Assistant Income-tax Officer or Income-tax Officer before passing the departmental examination ? How many of them were Muslims ?

(*c*) Will the Government be pleased to state whether the Muslim probationers will get the same number of chances as the non-Muslims have taken to qualify ?

The Honourable Sir Basil Blackett : (*a*) The answer is in the affirmative.

(*b*) Four, of whom two were Muhammadans.

(*c*) The number of chances given has nothing to do with the religious faith of the officer.

WITHDRAWAL OF THE CARD PASSES OF EMPLOYEES OF THE RAILWAY MAIL SERVICE.

623. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah** : (*a*) Are Government aware of the fact that great difficulty is being experienced by the working as well as the supervising staff of the Railway Mail Service in the execution of their duty on account of withdrawal of card passes ?

(*b*) Is it a fact that the Postal Department offered to pay a subsidy to the Railway for the restoration of these passes ; if so, what is the cause of delay in restoring them ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Government are aware that, owing to the withdrawal of card passes a certain amount of difficulty has been experienced by the supervising officers and officials of the Railway Mail Service.

(*b*) The Director General proposed to the Railway Board a scheme whereby a lump sum would be paid on the estimated cost of the passes required. As, however, the Railways are not in favour of this scheme, an alternative proposal is being considered.

†624*.—626*.

RECOMMENDATIONS OF THE JOINT PARLIAMENTARY COMMITTEE REGARDING LAND REVENUE SETTLEMENT AND LAND ASSESSMENTS.

627. ***Mr. A. Rangaswami Iyengar** : Will the Government be pleased to state :

(*a*) What the present position is in regard to the steps that were directed to be taken by the Joint Parliamentary Committee in 1919 in regard to the enactment of legislation in the provinces to fix the principles of land revenue settlements and to bring land assessments within the purview of the Legislature ?

(*b*) What are the provinces that sent up Bills in this behalf for the sanction of the Government of India and what has become of these Bills ?

(*c*) What are the Bills (*i*) which the Government of India refused to sanction, (*ii*) in which the Government of India required modifications, and (*iii*) what is the basis and the substance of such modifications in each case ?

(*d*) Have the Government of India taken any steps to see that these enactments are completed before the next Statutory Commission in accordance with the Joint Committee's recommendations ?

Mr. A. R. Dalal : (*a*) Five provinces, namely, Madras, the United Provinces, Assam, the Punjab and the Central Provinces, have attempted

† Not put at the meeting, but the questions and answers to them will be found at pages 3630—31 of these proceedings.

legislation on the subject, but in no province have the proposed measures successfully passed into law.

(*b*) No Bills were sent up for the previous sanction of the Government of India under section 80 (*a*) of the Government of India Act, but all the provinces mentioned above sent up their Bills for consideration by the Government of India in their executive capacity.

(*c*) There was no occasion for the Government of India to grant or refuse sanction. The Government of India suggested certain modifications in the case of some of the Bills. They regret their inability to disclose the basis and substance of such modifications.

(*d*) In 1920 the Government of India drew the attention of all Local Governments to the recommendations of the Joint Parliamentary Committee upon this subject and have recently again impressed upon them the importance of introducing legislation at an early date.

Mr. A. Rangaswami Iyengar : May I know, Sir, when this " impression " was again made upon the Provincial Governments ?

Mr. A. R. Dalal : Recently.

Mr. A. Rangaswami Iyengar : I want to know more precisely.

Mr. A. R. Dalal : Very recently.

Mr. President : The Honourable Member has not quite answered the question put by the Honourable Member from Madras.

Mr. A. Rangaswami Iyengar : I want to know when these instructions were again sent to Provincial Governments. Was it after those questions were put down on the paper ?

Mr. A. R. Dalal : I could not say that definitely.

Mr. A. Rangaswami Iyengar : You will not deny that ?

Mr. A. R. Dalal : I am not sure of it.

Mr. A. Rangaswami Iyengar : Is it a fact that in consequence of modifications insisted upon by the Government of India, Provincial Governments were unable to get any land revenue legislation through in their provincial Legislatures ?

Mr. A. R. Dalal : If the Honourable Member will specify what the Provincial Government is, I may be able to answer his question.

Mr. A. Rangaswami Iyengar : I am speaking of my own province, Madras.

Mr. A. R. Dalal : In Madras I understand a Bill was introduced in 1924 which fell through.

Mr. A. Rangaswami Iyengar : I am putting it to the Honourable the Secretary in the Department of Education, Health and Lands whether the Bill that was introduced in the Madras Legislative Council in 1924 was introduced in virtue of the modifications insisted upon by the Government of India and, in consequence, whether that Bill could not get through the Legislature.

Mr. A. R. Dalal : I am not aware of that, Sir.

Mr. A. Rangaswami Iyengar : Is not the Honourable Member aware that the Honourable Sir Arthur Knapp specifically mentioned to the

Legislative Council that the original Bill as proposed by the Committee appointed by that Government was not accepted by the Government of India, and that therefore the Local Government was bringing in a modified Bill ?

Mr. A. R. Dalal : I am not aware of that, Sir.

Mr. A. Rangaswami Iyengar : Will the Honourable Member find it out and find us a way out of this trouble ?

Mr. A. R. Dalal : As I said, we have recently again addressed Local Governments, and perhaps the Honourable Member will await their reply.

CONSTITUTION OF A CENTRAL ROAD BOARD.

628. ***Mr. A. Rangaswami Iyengar** : Will the Government be pleased to state whether they have made proposals to or invited proposals from Provincial Governments in regard to the constitution of a Central Road Fund and a Central Road Board ? If so, will the Government lay the material proposals on the subject on the table of the House ?

The Honourable Sir George Rainy : In pursuance of the Resolution on the subject adopted by the Council of State last Session, it is proposed to appoint at an ealy date a Committee, including Members of both Houses of the Central Legislature, to examine the desirability of developing the road system of India, and in particular the means by which such development could most suitably be financed. The Committee will also no doubt consider any proposals that may be made for constituting a Central Road Board. But as Sir Charles Innes stated in the Council of State during the discussion on the Resolution, roads are a transferred provincial subject, and it is necessary to consult Local Governments before proceeding further. The matter has been referred to Local Governments, and it is being arranged to hold a conference of provincial representatives, including Ministers and their advisers on the 22nd of September, which is the earliest date convenient to all Local Governments. The Government have no papers to lay on the table at present.

Mr. A. Rangaswami Iyengar : May I inquire, Sir, if this conference of provincial Ministers and officers is to be held simultaneously with the conference of the Committee of the House that is proposed to be set up ?

The Honourable Sir George Rainy : When the representatives of the Local Governments come up, their meeting will be a conference and will last only a day or two, I should imagine. But the Committee which it is proposed to constitute, including Members of both Houses, must obviously last for a much longer time. I cannot indicate at present when they will be able to report, but it will be on a different basis from the conference.

CONSTRUCTION AND DEVELOPMENT OF LIGHT RAILWAYS OR TRAMWAYS.

629. ***Mr. A. Rangaswami Iyengar** : Will the Government of India receive any proposals from any Provincial Government for the construction and development of light railways or tramways coming under Item 6 (*d*) of Part II of Schedule I of the Devolution Rules ?

Mr. A. A. L. Parsons : The answer is in the negative.

RECOMMENDATION OF THE TAXATION ENQUIRY COMMITTEE REGARDING LAND REVENUES.

630. *Mr. A. Rangaswami Iyengar : Will the Government be pleased to state what action has so far been taken on the recommendations of the Taxation Committee in regard to land revenue ?

Mr. A. R. Dalal : No special action has been taken by the Government of India. It has been left to each Local Government to take such action as it thinks fit upon the Taxation Enquiry Committee's recommendations.

Mr. R. K. Shanmukham Chetty : Is it a fact, Sir, that the Government of India brought up a special officer who had something to do with the Taxation Enquiry Committee, to consider what action the Government of India could take on that Report ?

Mr. A. R. Dalal : In connection with land revenue legislation ?

Mr. R. K. Shanmukham Chetty : In connection with the recommendations of the Taxation Enquiry Committee.

Mr. A. R. Dalal : This question relates entirely to the recommendations of the Taxation Enquiry Committee regarding land revenue.

So far as that part of the Taxation Enquiry Report is concerned, the Government of India have decided that it will be left to Local Governments.

Mr. A. Rangaswami Iyengar : May I assume that the decisions of Provincial Governments will not affect in any way the proposals of the Government of India in regard to the Taxation Enquiry Committee's recommendations ?

Mr. A. R. Dalal : It is impossible to anticipate what decisions the Local Governments will come to.

Mr. A. Rangaswami Iyengar : May I know, so far as this Assembly is concerned, whether this Assembly did not pass a Resolution last year asking the Government of India to proceed with the recommendations of the Taxation Enquiry Committee ?

The Honourable Sir Basil Blackett : This question is getting more general than the recommendations of the Taxation Enquiry Committee regarding land revenue. It is true that a special officer was brought up to examine all the recommendations of the Taxation Enquiry Committee, and as the result of his examination and of the examination of the Government of India in the matter, definite conclusions have been come to with regard to particular portions of the Report. As regards this particular portion, the view taken is that it is for the Local Governments in the first instance to consider what action to take ; and if that action affects the Central Government, they will no doubt communicate with the Central Government on the subject. As regards the last question, my recollection is that this House eventually decided that they did not want to discuss the Taxation Enquiry Committee's Report !

THE METTUR RESERVOIR SCHEME.

631. **Mr. A. Rangaswami Iyengar** : Have the Government of India been pleased to state :

(*a*) On what dates administrative sanction may be accorded to the Mettur Reservoir scheme in the Province of Madras by the Government of India and by the Secretary of State ?

(*b*) What were the final estimates of expenditure on which the scheme was sanctioned ?

(*c*) Whether any and if so, what variations have been made in the scheme and whether sanction was obtained for them ?

(*d*) Whether the scheme as well as the estimates were examined and sanctioned by the Government of India and the Secretary of State ?

(*e*) Whether the Government of India took any steps to see that the Indian Stores Department was employed in the purchase of materials and machinery required wherever possible ?

(*f*) Whether Indian cement was sought to be obtained through the Stores Department ?

(*g*) What is the total amount of cement expected to be consumed and what are the orders therefor so far placed through (*i*) the Stores Department, and (*ii*) the High Commissioner for India ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The sanction of the Government of India was not required under the rules to the Metur Reservoir scheme. The Secretary of State accorded his sanction to it on the 3rd March 1925.

(*b*) The construction of the scheme was sanctioned at an estimated cost of Rs. 6,12,00,000.

(*c*) So far as the Government of India are aware, no material variations in the scheme sanctioned have so far been made or sanctioned. The Government of India have no information whether any minor variations have been made. The Local Government have power to sanction such variations without reference to the Government of India.

(*d*) Yes.

(*e*) The Government of India are not in a position to enforce the utilisation of the Indian Stores Department by major Local Governments which have full autonomy in this respect.

Officers of the Indian Stores Department have, however, visited Madras and explained to the authorities concerned the advantages of making purchases through that Department and the Government of India understand that departmental orders have been issued by the Government of Madras that all orders for plant and machinery required for this project, except special machinery for placing concrete, should be placed through the Indian Stores Department. Orders to the extent of Rs. 4,25,000 have actually been placed by that Department for stores, including plant and machinery, required for the project during the last and the current financial years.

(*f*) An indent was placed on the Indian Stores Department by the Chief Engineer, Metur Project, in March 1927 for 7,000 tons of Indian

cement but was cancelled in April. It is understood that the cancellation was due to the fact that a final decision as to whether cement or lime should be used in the construction of the dam had not been reached.

(*g*) The Government of India are unable to state the total amount of cement which is expected to be used on the project. No orders have yet been placed, so far as they are aware, either by the Indian Stores Department or through the High Commissioner.

Mr. A. Rangaswami Iyengar : May I know whether, in respect of the statement made by the Honourable Member, while the indent for Indian cement was cancelled on the ground that no final decision was taken as to the use of cement or of lime in the construction of this dam, machinery for placing cement to the extent of 30 or 40 lakhs had already been ordered by the Government of Madras ?

The Honourable Sir Bhupendra Nath Mitra : I have no information on that point, Sir. As I have already said, the Madras Government have got full powers in regard to the matter.

REMOVAL OF THE CAPITAL OF THE UNITED PROVINCES FROM ALLAHABAD TO LUCKNOW.

632. ***Mr. A. Rangaswami Iyengar** : Has the attention of the Government been drawn to the protests made by the people of Allahabad against the gradual removal of the capital of the United Provinces from Allahabad to Lucknow ? If so, will the Government be pleased to state whether they propose to take any steps in the matter, and if so, what steps ?

The Honourable Mr. J. Crerar : Government received certain representations a few years ago alleging that the capital of the United Provinces was being transferred to Lucknow. The Local Government then reported that there was not and had not been any question of the transfer of the capital to Lucknow. The memorialists were so informed and the Government of India do not intend taking further action in the matter.

Pandit Hirday Nath Kunzru : Are Government aware that one office after another is being removed from Allahabad to Lucknow ?

The Honourable Mr. J. Crerar : I am not aware.

Mr. Gaya Prasad Singh : Is the Honourable Member aware that a new Council House has also been built at Lucknow ?

Pandit Hirday Nath Kunzru : In view of the fact that Allahabad is the capital and that its important position might be affected, will Government inquire whether it is a fact that one office after another is being slowly removed to Lucknow ?

The Honourable Mr. J. Crerar : If any representations are addressed to the Government of India on the subject, they will no doubt be considered.

Mr. A. Rangaswami Iyengar : Will not the Government make an enquiry and let the House know whether it is a fact that office after office is being removed to Lucknow ?

The Honourable Mr. J. Crerar : The mere removal of individual offices is a matter entirely within the discretion of the Local Government. On the suggestions made, I do not think there is sufficient ground for addressing the Local Government.

Mr. Gaya Prasad Singh : Are we to understand then that there is absolutely no proposal to shift the capital from Allahabad to Lucknow ?

The Honourable Mr. J. Crerar : I am not aware that any such proposal is under consideration.

PRESUMPTION OF THE DIRECT TELEGRAPH LINE FROM DELHI-SIMLA TO LUCKNOW DURING THE LEGISLATIVE SESSION.

633. *Mr. A. Rangaswami Iyengar : (*a*) Is it a fact that in spite of the growing importance of Lucknow, the telegraph office is still a second-class office there ?

(*b*) Is it a fact that in 1922 a largely-signed petition by the trading community and number of other citizens was addressed to the postal authorities ? If so, will the Government be pleased to state what steps were taken thereon ?

(*c*) Has the attention of the Government been drawn to numerous articles which have recently appeared in the *Indian Daily Telegraph* of Lucknow mentioning the inconveniences to which the public and the press of Lucknow are put by the present inadequate telegraph arrangements due to the limited hours of their work ? If so, will they be pleased to state what steps have been taken in connection therewith ? If not, why not ?

(*d*) Is it a fact that the Chief Editor of the *Indian Daily Telegraph* of Lucknow addressed the Director-General of Posts and Telegraphs in March last requesting resumption of the direct telegraph line from Delhi-Simla to Lucknow during the legislative Session, which was stopped in 1926 ? If so, will the Government be pleased to state what reply was given ?

(*e*) Is it a fact that after the Director-General's reply to the Chief Editor of the *Indian Daily Telegraph* of Lucknow, there was an article which appeared in the paper drawing attention to the loss which the Government were put to by the measures which the paper was obliged to take, consequent on the refusal to give a direct telegraph line from Delhi to Lucknow ? If so, are the Government prepared to reconsider their position ?

(*f*) Are Government in a position to state how long it will take to convert the telegraph office in Lucknow from second class to first class ? If not, why not ?

Mr. H. A. Sams : (*a*) There is no classification of telegraph offices into 1st and 2nd.

(*b*) No such petition was received in 1922. A representation was received from the Manager of the *Indian Daily Telegraph*, Lucknow, who was told in reply that there was no justification for keeping the office open throughout the night, as it would entail considerable expense, and the press traffic expected between 11 P.M. and 6 A.M., when the office was closed, would not pay its way.

(*c*) Only one article dated 26th February 1927 has come to notice, and in consequence orders were issued for the expeditious disposal of Multiple press traffic from Delhi to Lucknow *via* Calcutta. Arrangements have been made during the current Session of the Assembly for the Simla office to work the Lucknow office direct.

(*d*) Yes. No further action was taken in view of the action taken as indicated in the reply to (*c*).

(*e*) No such article has come to notice.

(*f*) Does not arise in view of the answer to (*a*).

†634*—637.*

THE INDIAN SANDHURST COMMITTEE'S REPORT.

638. ***Mr. K. C. Neogy** : Will Government be pleased to state whether they consulted the Provincial Governments and the principal Army Staff officers on the Sandhurst Committee Report, and to indicate briefly their views, if obtained ?

Mr. G. M. Young : Provincial Governments have not been consulted. The principal Staff Officers were very fully consulted, as they are the chief military advisers of Government. Government are not prepared to publish their views.

FEDERATION OF THE EAST AND CENTRAL AFRICAN STATES AND MANDATED TERRITORIES.

639. ***Mr. K. C. Neogy** : (*a*) Will Government be pleased to state whether the British Government consulted them on the publication of the White Paper, in July 1927, foreshadowing the federation of the East and Central African States and mandated territories ?

(*b*) Will Government be pleased to state the opinion, if any, given by them on this question ?

(*c*) Was the question of federation examined by the Kenya Committee of 1924, and if so, will Government be pleased to lay their opinion on the subject on the table ?

(*d*) Is it a fact that the Kenya Committee made definite recommendations for adequate Indian representation on the proposed Federation Commission ? If so, were these accepted by the Government of India and the Secretary of State ?

Mr. G. S. Bajpai : (*a*) The Honourable Member is referred to the reply given by me this morning to part (*c*) of Pandit Hirday Nath Kunzru's question No. 579.

(*b*) Does not arise.

(*c*) In connection with Sir Sydney Henn's motion, made in the House of Commons on the 8th April 1924, that the Secretary of State for the Colonies should send out a commission to Africa to report on the practicability of co-ordinating policy and services throughout the territories of Kenya, Uganda, Tanganyika, Zanzibar, Nyasaland and North

† Not put at the meeting, owing to the absence of the questioner, but the questions and answers to them will be found at page 3631—32 of these proceedings.

Eastern Rhodesia, the Colonies Committee of the Government of India, to which the Honourable Member is presumably referring, made certain suggestions regarding the representation of the Indian point of view on the proposed Commission, and the preparation and presentation of the Indian case before that body. The principle of federation was not examined by the Committee. Government regret that they are unable to comply with the Honourable Member's request to lay a copy of the Committee's memorandum on the table.

(*d*) As regards the first part of the question the Honourable Member is referred to the answer just given by me to part (*c*) of this very question. The two suggestions to which I have alluded were accepted by the Government of India and, it is understood, also by the Secretary of State for India.

†640*—646.*

ENLARGEMENT OF THE POWERS OF RAILWAY ADVISORY COMMITTEES.

647. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that members of the Committee of the Bengal National Chamber of Commerce met the Financial Commissioner of Railways, in Calcutta, recently ; and expressed their views that the Railway Advisory Committees " have proved unsuccessful, owing to the impotence that has been thrust on them. No self-respecting man wants to serve on these Committees twice..... At present the members have no authority to suggest any subject for discussion. The Agent can disallow any subject on the flimsiest ground " ?

(*b*) Are Government aware that the above view is shared by the general public, and by members of the Advisory Committees ; and do Government propose to consider the question of enlarging the powers of these Committees, and including more representative men in them ?

Mr. A. A. L. Parsons : (*a*) I had the pleasure of meeting the members of the Committee of the Bengal National Chamber of Commerce recently, but the quotation in the Honourable Member's question does not to my recollection, accurately represent what transpired at our discussion which was of an informal character. No statement was made to me by any member of the Local Advisory Committee that members of the Local Advisory Committee have no authority to suggest subjects for discussion ; so far from this being the case, I understand that the majority of the subjects discussed by Local Advisory Committees are suggested by members themselves.

(*b*) The answer to both parts of this question is in the negative.

PROVISION OF QUARTERS FOR INDIAN EMPLOYEES OF THE EAST INDIAN RAILWAY.

648. ***Mr. Gaya Prasad Singh** : Is it a fact that about 80 per cent. of the Indian employees of the East Indian Railway have not been provided with railway quarters ? Are Government aware that at places like Asansol, Ondal, Dhanbad, Jharriah, etc., rented houses are not available ? Do Government propose to build railway quarters for them ?

Mr. A. A. L. Parsons : The required information is being obtained and will be supplied to the Honourable Member on receipt.

† Not put at the meeting, owing to the absence of the questioner, but the questions and answers to them will be found at pages 3632—34 of these proceedings.

ISSUE OF EIGHT-MONTHLY RETURN TICKETS BY THE NORTH WESTERN RAILWAY.

649. *Mr. Gaya Prasad Singh: (a) Is it a fact that the North-Western Railway administration does not issue 8-monthly return tickets at reduced rates? If so, why?

(b) Are Government aware that the Bengal and North-Western Railway proposed to issue first and second class 8-monthly return tickets at reduced rates for Simla or Kalka, but the North-Western Railway, when approached on the subject, refused to agree to the proposal?

(c) Will Government kindly give the names of Railways on which the system of issuing return tickets is not in existence? And do Government propose to take necessary steps to have the system introduced?

Mr. A. A. L. Parsons: (a) The North-Western Railway do not issue 8-monthly return tickets. The matter is one which rests with the Agent of the Railway.

(b) Yes.

(c) All important railways issue return tickets though the conditions and the periods for which they are current vary on different railways.

The introduction of return tickets is a matter within the discretion of the Agent of the Railway concerned.

DEVASTATION CAUSED BY THE RECENT FLOODS IN INDIA.

650. *Mr. Gaya Prasad Singh: Will Government be pleased to make a detailed statement regarding the devastations caused by the recent floods in different parts of the country, together with an estimate of the probable loss of life and property, and the measures taken to relieve the distress?

Mr. A. R. Dalal: The floods in the Bombay Presidency caused serious damage in the Ahmedabad, Kaira and Broach districts and Baroda State territory in Gujarat and in parts of Kathiawar and considerable damage in the Thar Parkar and Hyderabad districts in Sind. The loss of human life in the British Districts in Gujarat was not large, but the damage in other respects has been heavy. The population of the tract affected is 1½ millions. The principal damage has been to house property. As for crops vigorous resowing operations are going on. The loss of cattle is not so serious as was originally conjectured. Communications have been re-established.

It is hoped to have a reliable estimate of the total extent of the damage and the amount of financial assistance required from provincial revenues within a few days.

The Government of Bombay is distributing *takavi* grants and making grants of timber and other building material. The Central Relief Fund in the Presidency has reached well over 7 lakhs. Other Funds such as the one started by the Honourable Mr. V. J. Patel have also succeeded in collecting substantial sums. (Applause.) The Indian Peoples' Famine Trust are making a grant of Rs. 3 lakhs on certain conditions. (Applause.)

2. In Bihar and Orissa severe floods have occurred in the Singhbhum, Cuttack and Balasore districts and about 50 persons are believed to have lost their lives in the Bhadrak sub-division. There has been considerable damage to houses in the affected tracts, but much of the damage can be repaired without great expense. The damage to crops is not extensive. Serious damage has been caused to the main railway line. Grants for gratuitous relief for the next three months and for *takavi* for retransplantation of crops in August have been sanctioned by the Local Government, and further loans and contributions for house building and for the loss of cattle will be given if necessary. Arrangements for medical relief and for feeding the population affected have been made, and the situation is reported to be well in hand.

Mr. B. Das : In view of the distress described by the Honourable Member in Gujarat, Orissa and different parts of India, may I request the Government of India to see their way to appoint an all-India Flood Enquiry Committee, so that the permanent causes causing floods may be removed ?

Sir Purshotamdas Thakurdas : Has the Indian Peoples' Famine Trust Fund been approached by a non-official Committee for a grant from the Fund or for charitable relief ?

Mr. A. R. Dalal : No, Sir.

Sir Purshotamdas Thakurdas : Do Government think that there is scope for non-official relief to supplement Government relief measures in Bihar and Orissa ?

Mr. A. R. Dalal : That is for the people of Bihar and Orissa and the Government of Bihar and Orissa to consider.

Sir Purshotamdas Thakurdas : Has no non-official fund been started in Bihar and Orissa for this purpose ?

Mr. A. R. Dalal : I am not aware that non-official funds have not been started, but the Government of India have not received any application for help.

Sir Purshotamdas Thakurdas : If any application does come from non-official leaders in that Province, do I take it that it will be sympathetically considered ?

Mr. A. R. Dalal : That will depend on the circumstances and the facts represented.

Mr. Gaya Prasad Singh : Are Government aware that a non-official fund has been started under the auspices of some of the leading men of the Province ?

Mr. A. R. Dalal : I am not aware.

Lala Lajpat Rai : Is it a fact that Orissa has been affected by floods for the last several years consecutively ? Have any steps been taken to prevent those floods ?

Mr. A. R. Dalal : May I draw the attention of the Honourable Member to the reply given by the Honourable Sir Bhupendra Nath Mitra to a question this morning ?

Mr. B. Das: Have the Government of India ascertained from the Government of Bihar and Orissa the total estimate of losses to the villages caused by the recent floods ?

Mr. A. R. Dalal: I have read out the summary of the reports received from the Government of Bihar and Orissa just now and I daresay the Government of Bihar and Orissa will present a more accurate estimate of the losses in course of time.

Mr. Gaya Prasad Singh: Will that statement be available ?

Mr. A. R. Dalal: If a question is put down to that effect, certainly.

Mr. B. Das: Do I take it that the Honourable Member takes it for granted that the mere description of the 60 per cent. loss in life and property does not in any way indicate the total estimate of damage and losses to the people of Orissa ?

Mr. President: The Honourable Member has not heard the answer given by the Honourable the Secretary for the Department of Education, Health and Lands.

CIRCULATION OF THE QUESTIONNAIRE OF THE ROYAL AGRICULTURAL COMMISSION TO MEMBERS OF THE INDIAN LEGISLATURE.

561. *Mr. B. Das: (*a*) Will Government be pleased to state why the questionnaire of the Royal Commission on Agriculture was not circulated to Members of the Indian Legislature ?

(*b*) What is the general practice of the Government in the circulation of questionnaires to representatives of the public ?

(*c*) Was this questionnaire circulated in the Provinces at the instance of the Provincial Governments or was it done on the sole responsibility of the Secretaries of that Commission ?

Mr. A. R. Dalal: (*a*) and (*c*) The procedure as regards the circulation of the questionnaire was settled by the Commission itself. The questionnaire after distribution to certain officials at the headquarters of the Government of India was circulated by the Commission to all Local Governments and Administrations, who were given a free hand to distribute it as they considered suitable.

(*b*) The Committees or Commissions issuing the questionnaires are left discretion as to their circulation.

Mr. B. Das: Do I take it that the Honourable the elected Members of this House are not the representatives of the public and that the Government of India are not responsible to advise the Commission that their questionnaire should be sent to the Members of this House in order that they may give their views and do I further take it that only the officials in the Agricultural Department were asked to give evidence before the Commission ?

Mr. A. R. Dalal: The Honourable Member is very well aware that it was not the official members of the Agricultural Department only who were consulted by the Royal Commission on Agriculture.

Mr. B. Das: Will not the Honourable Member forward a copy of this question and the previous question that was replied to yesterday by

my Honourable friend Mr. Bajpai to the Secretaries of the Royal Commission in order to draw the attention of the Commission that they have not done their duty properly ?

Mr. A. R. Dalal : We will certainly send copies of the questions and the replies to the Secretary of the Commission.

PERMANENT APPOINTMENT OF THE TARIFF BOARD.

562. ***Mr. B. Das** : (*a*) Will Government be pleased to state if they have come to any decision about the life of the Tariff Board ?

(*b*) Was it not a fact that Government wanted to approach the Legislature a year after the first appointment of the Tariff Board as to its future permanency ?

The Honourable Sir George Rainy : (*a*) As announced in their Resolution No. 291-T.-(27), dated the 30th June 1927, the Government have decided to extend the appointment of the Tariff Board for two years from the 5th July 1927.

(*b*) It is a fact that according to the Resolution of the Assembly of the 16th February 1923, the Tariff Board was constituted for one year in the first instance. Since then the appointment of the Board has been extended from year to year but it has not been proposed that the Board should be made permanent.

Mr. B. Das : Is the Honourable Member aware that there is no representative of the Assembly at present on the Tariff Board and no Member or ex-Member of this House is now a member of that Board ?

The Honourable Sir George Rainy : I think, Sir, that by the acceptance of the office of member of the Tariff Board, any Member of the Assembly who was so appointed would immediately have to vacate his seat under the Government of India Act.

Mr. B. Das : Was it not implied at the time that the Tariff Board was formed that one Member of the Assembly having the previous experience of this House would be a member of that Board in order to acquaint the Board with the procedure of this House ?

The Honourable Sir George Rainy : That is not within my recollection, Sir, but I would point out that the President of the Tariff Board, Sir Pestonji Ginwala, was an elected Member of this House before he was appointed to the Board.

Mr. B. Das : Why was not another Member of the Assembly substituted in his place ?

Several Honourable Members : Order, order.

PERIOD FOR WHICH A MEMBER OF THE TARIFF BOARD HOLDS HIS APPOINTMENT.

563. ***Mr. B. Das** : (*a*) Will Government be pleased to state if they have fixed any definite period for which a member of the Tariff Board can occupy that post ?

(*b*) If the reply be in the negative, will Government be pleased to state if they propose to fix the maximum period ?

The Honourable Sir George Rainy: (*a*) and (*b*). The Tariff Board is a temporary body and its life is extended from year to year. The Government have not yet found it necessary to fix a maximum period for the tenure of office by a member of the Board.

QUESTIONS NOT ASKED AT THE MEETING, OWING TO THE ABSENCE OF THE QUESTIONER, WITH ANSWERS TO THE SAME.

PROVISION OF ACCOMMODATION FOR POSTMEN AND LOWER GRADE STAFF ETC

586. ***Khan Bahadur Sarfaraz Hussain Khan**: (*a*) Are the questions of provision of accommodation for postmen and lower grade staff and the restriction of recruitment of outsiders in the clerical cadre so as to give preference to suitable candidates amongst postmen in service for appointments in such cadre, under the consideration of Government ?

(*b*) If so, have Government arrived at a decision ?

(*c*) If a decision has been arrived at, will Government please communicate their decision to the House ?

The Honourable Sir Bhupendra Nath Mitra: (*a*) Yes.

(*b*) No.

(*c*) Does not arise.

ARRANGEMENTS FOR TRAINING MARINE WIRELESS OPERATORS AT THE GOVERNMENT WIRELESS TRAINING ESTABLISHMENT IN CALCUTTA.

587 ***Khan Bahadur Sarfaraz Hussain Khan**: (*a*) Have arrangements been made to give training to marine wireless operators at the Government Wireless Training Establishment in Calcutta ?

(*b*) If so, will Government please state what these arrangements are ?

(*c*) If the arrangements have not been made yet, will Government please state by what time the arrangements are expected to be completed ?

The Honourable Sir Bhupendra Nath Mitra: (*a*) and (*b*). The question is still under consideration.

(*c*) The decision is expected to be reached shortly.

THE ROYAL INDIAN NAVY.

588. ***Khan Bahadur Sarfaraz Hussain Khan**: Will Government please state :

(*a*) Whether the proposed Royal Indian Navy will be a part of the British Royal Navy or independent of it ?

(*b*) Whether the East Indies Squadron is a part of the British Royal Navy or independent of it ?

(*c*) Whether the Dominion Navies are parts of the British Royal Navy or independent of it ?

Mr. G. M. Young: (*a*) and (*c*). I would invite the attention of the Honourable Member to the reply given by me in this House on the 8th March, 1927 to starred question No. 790.

(*c*) The East Indies Squadron is a squadron of the Royal Navy.

NOMINATION TO THE INDIAN CIVIL SERVICE IN INDIA SINCE 1922.

608. *Sardar Kartar Singh : (1) Has the attention of the Government been drawn to the Indian-edited Press, as for instance, the *Tribune* of Lahore, dated 29th May 1927 and 2nd June 1927, on the matter of nominations in India to the Indian Civil Service since 1922 ?

(2) What is the number of Indians so far nominated to the I. C. S. in India since 1922 when the I. C. S. competitive examination was started in this country ?

(3) How many of them were Hindus, Muhammadans, Sikhs, Indian Christians, and Anglo-Indians, and what was the nationality of each nominee, that is to say,—British Indian subject or an Indian State subject ?

(4) In this principle of communal representation what matters are taken into consideration ?

(5) In determining the share of the Sikhs, are their military services to the State taken into consideration ?

(6) What is the population in India of Anglo-Indians; Indian Christians, and Sikhs, respectively, and how many of each have been so far nominated to the I. C. S. since 1922 ?

(7) Is it true that the Government have reserved this year seven posts to be given by nomination ?

(8) If the answer to question No. 7 is in the affirmative, do the Government intend to secure due representation to each of the four communities, namely Hindus, Muhammadans, Sikhs and Christians ?

(9) Is it true that the rule hitherto has been to take the said I. C. S. annual nominees from amongst the candidates who had sat for that examination ? Has any departure from it taken place hitherto ? If so, in how many cases out of the total number and why ?

(10) Are Government aware that the departure referred to in No. 9 causes discontent among the people ?

(11) Are Government going to observe this year the rule referred to in No. 9 ?

The Honourable Mr. J. Crerar : (1) Yes.

(2) The number of Indians (including Burmans) nominated to the Indian Civil Service since 1922 is 21.

(3) The information required is as follows :

Hindus	2
Muhammadans	7
Sikh	1
Indian Christians	3
Anglo-Indian	Nil.
Burmans	8

As far as I am aware one of these was the subject of an Indian State.

(4) and (5). The only consideration is that of preventing the preponderance of any particular communities in the Services.

(6) I would refer the Honourable Member to the Census Reports and to my answer to part (3) of his question.

(7) Yes.

(8) 4 Burmans, 2 Muhammadans and 1 Indian Christian are being appointed. These are included in the figures given in my answer to (3).

(9) and (11). Candidates are selected primarily from among those who have appeared in the competitive examination, but selections are made from outside the examination list where suitable candidates are not otherwise forthcoming. Up to and including the present year six candidates, all Burmans, have been so selected. The reason is that few Burmans have hitherto appeared at the competitive examinations. The whole question of improving the arrangements for recruiting Burman candidates is at present under consideration.

(10) No.

AMALGAMATION OF THE ORIYA-SPEAKING TRACTS UNDER A SEPARATE ADMINISTRATION, ETC.

609. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Have Government under contemplation any scheme of placing the Oriya-speaking tracts under a separate administration and of separating the Benares Division from the United Provinces and amalgamating it with the Provinces of Bihar and Orissa ?

(*b*) If not, are Government considering the question of joining those tracts situated in the United Provinces where a permanent settlement exists with the Province of Bihar and Orissa ?

(*c*) Will Government please state the Districts situated in the United Provinces where a permanent settlement exists ?

The Honourable Mr. J. Crerar : (*a*) I refer the Honourable Member to the speech delivered in this House by Sir Alexander Muddiman expressing the view that for the present any idea of a separate administration for Orissa would be premature. Government have not in contemplation any scheme for the separation of the Benares Division from the United Provinces and joining it to the province of Bihar and Orissa.

(*b*) No.

(*c*) Benares, Mirzapur, Jaunpur, Ghazipur, Ballia and parts of Azamgarh.

FATAL ACCIDENT AT THE LEVEL CROSSING IN JAMALPUR, EAST INDIAN RAILWAY.

624. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to starred question No. 789, on the 8th March, 1927, *re* fatal accidents at the level crossing in Jamalpur, East Indian Railway, will Government please state if the Agent has arrived at any decision ?

(*b*) If so, will they please communicate the decision to the House ?

Mr. A. A. L. Parsons : It has been decided to provide an overbridge for pedestrians and to interlock the existing level crossing gates with signals. And as a means of preventing pedestrians from using the level crossing while the gates are closed for vehicular traffic the existing wicket gates will be removed.

The work has been provided in the scheme for remodelling Jamalpur Yard which is under examination.

THE FILM INDUSTRY IN INDIA.

625. *Khan Bahadur Sarfaraz Hussain Khan : Will Government please state :

(*a*) If there is any film producing business in India, and if so, how many ?

(*b*) If it is not a fact that about 95 per cent. of the films are supplied by America ?

(*c*) The amount of films imported into India during the years 1925-26 and 1926-27 ?

The Honourable Mr. J. Crerar : (*a*) The number of firms of standing producing films at the moment in India is small. Government have no detailed figures at present, but are considering the institution of a detailed examination of the position of the industry.

(*b*) About 60 per cent. of the films shown in India in recent years are of American origin.

(*c*) The figures for the two years were respectively 13,917,199 and 17,482,664 feet.

ESTABLISHMENT OF A CENTRAL ART INSTITUTE AT DELHI.

626. *Khan Bahadur Sarfaraz Hussain Khan : Will Government please state if they are now in a position to state their policy to the House in regard to the proposal to establish a Central Art Institute at Delhi (*vide* Government reply to starred question No. 816, on 9th March, 1927) ?

The Honourable Sir Bhupendra Nath Mitra : The scheme for the establishment of a Central Art Institute at Delhi did not find favour with the majority of Local Governments and in the absence of their co-operation it has not been found possible to proceed with the original scheme for the present. An alternative scheme for the encouragement of Indian art by providing facilities for decoration of the buildings in New Delhi has just been approved by the Standing Finance Committee.

CONSTRUCTION OF THE GAYA-SHERGHATTY RAILWAY.

634. *Khan Bahadur Sarfaraz Hussain Khan : (*a*) Have Government considered the project of constructing the Gaya-Sherghatty Railway and arrived at a decision ?

(*b*) If so, will they please communicate their decision to the House ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) As the project on the 5 feet 6 inches gauge line has been found to be unremunerative, it has been decided to abandon it, and to make investigations later on for a 2 feet 6 inches gauge line.

CONSTRUCTION OF A RAILWAY FROM RAJBARI *via* KUMARKHALI TO JESSORE.

635. ***Khan Bahadur Sarfaraz Hussain Khan** : Will Government please state how matters stand with regard to the proposed construction of a line of railway from Rajbari *via* Kumarkhali to Jessore ?

Mr. A. A. L. Parsons : The line has been examined and has been found to involve very heavy banks and bridging. An alternative proposal has therefore been surveyed taking off from Kalukhali on the Goalundo line and running to Bhateapara on the east bank of the Madhumati river with a branch to Kumarkhali. The total length of construction is 53 miles of which the branch to Kumarkhali is 7 miles. The survey report has just been received and is under examination.

THE CHARSADDA-SWABI RAILWAY.

636. ***Khan Bahadur Sarfaraz Hussain Khan** : Will Government please state what progress if any has been made in respect of the Charsadda-Swabi Railway project since their reply to starred question No. 992, on the 21st March, 1927, that the project was being investigated ?

Mr. A. A. L. Parsons : The investigation is in progress, and it is expected that the report on the survey will be completed by October next.

APPOINTMENT OF VAKILS AS CHIEF JUSTICES OF HIGH COURTS.

637. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply " the question of amending the law so as to make Vakils and Pleaders eligible for such appointment, has been referred to the Secretary of State ", to my starred question No. 842, on 11th March 1927, regarding appointment of Vakils as Chief Justices of High Courts, will Government please state if they have received the reply from the Secretary of State ?

(*b*) If so, will they please communicate the reply of the Secretary of State to the House ?

The Honourable Mr. J. Crerar : (*a*) Yes.

(*b*) The Secretary of State has stated that he is prepared, when opportunity offers, to recommend to His Majesty's Government and to Parliament, the amendment of section 101 of the Government of India Act so as to remove the disability referred to in question No. 842. He is however not in a position to indicate when such an opportunity will occur, in view of the exigencies of Parliamentary business.

RECOMMENDATIONS OF THE INDIAN AUXILIARY AND TERRITORIAL FORCES COMMITTEE.

640. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Referring to the recommendations of the Indian Auxiliary and Territorial Forces Committee, will Government please state if they have received the orders of the Secretary of State on their recommendations forwarded to him ?

(*b*) If they have, will they please indicate the nature of the proposals to give effect to the recommendations of the Committee ?

Mr. G. M. Young : (*a*) Yes.

(*b*) The Honourable Member is referred to the resolution published in the Gazette of India of 20th August.

UNIVERSITY TRAINING CORPS.

641. ***Khan Bahadur Sarfaraz Hussain Khan** : Referring to the question of University Training Corps, will Government please state :

(*a*) If there are any special reasons why the Patna University has got so small a number of " Officers and other ranks " as 2 and 159 respectively ?

(*b*) If the applications submitted by the Universities of Dacca, Nagpur, and Andhra, have been considered and Government have arrived at a decision ?

(*c*) If so, will Government please communicate their decision to the House (*vide* starred question No. 962 and its reply on 15th August, 1927) ?

Mr. G. M. Young : (*a*) The sanctioned establishment of the Patna University Training Corps is 165. The University has not yet supplied sufficient numbers to fill this establishment. The present strength of the unit is 5 officers and 134 other ranks.

(*b*) and (*c*). Government have decided to create University Training Corps at Dacca and Nagpur. The formation of a similar unit for the Andhra University must wait until more funds are available.

EXAMINER OF ACCOUNTS FOR THE ASSAM BENGAL RAILWAY AT CHITTAGONG.

642. ***Mr. Anwar-ul-Azim** : Will the Government in the department of Railways be pleased to state who is the Examiner of Accounts for the Assam Bengal Railway at Chittagong ? How many clerks are serving under him at present ? Their length of service, age and religion and what revenue district they belong to ? How many vacancies occurred under him during the last five years and how many of them were offered by him to the qualified Moslem candidates ? How long it will take for the qualified Moslem candidates to have preference in that department ?

The Honourable Sir Basil Blackett : As I have already stated in reply to the Honourable Member's question No. 223, the present Examiner at Chittagong is Mr. P. C. Nandi. The information asked for is being collected and it will be supplied to the Honourable Member in due course.

MUSLIM EMPLOYEES IN THE CHITTAGONG POSTAL DIVISION.

643. ***Mr. Anwar-ul-Azim** : Will the Government be pleased to state how many new appointments have been made in the Chittagong Postal Division during last three years, and how many of them have gone to Moslems ? How long it will take for the Mussalmans to make the statutory one-third in that division ? And how many of those recruits belong to the Revenue District of Chittagong ?

The Honourable Sir Bhupendra Nath Mitra : With respect to parts 1, 2 and 4 of the question the information is being collected and will be furnished to the Honourable Member in due course.

With respect to part 3 there is no statutory provision that one-third of the staff in each Postal Division should consist of Mussalmans.

TRANSFER OF OFFICERS IN THE CHITTAGONG POSTAL DIVISION.

644. *Mr. **Anwar-ul-Azim** : Will the Government be pleased to state the number of officers in Chittagong Postal Division, who are in their position undisturbed for the last three years ? How often is an officer transferred in the Postal department in Chittagong ?

Mr. H. A. Sams : The Superintendent of Post Offices, who is the only gazetted officer in the Division referred to, has held his appointment for over two years. Three years is the normal limit for holding such a charge within the same Division.

MUSLIM OVERSEERS, MAIL RUNNERS, PEONS, ETC., IN THE CHITTAGONG POSTAL DIVISION.

645. *Mr. **Anwar-ul-Azim** : Will the Government be pleased to state how many overseers, mail runners, peons, and other subordinates have been appointed by the Superintendent and the Postmaster at Chittagong, and how many of those posts have gone to Mussalmans for the last five years ?

Mr. H. A. Sams : The information is being collected and will be furnished to the Honourable Member in due course.

MUSLIM EMPLOYEES IN THE POST OFFICES AT NOAKHALI AND TIPPERA.

646. *Mr. **Anwar-ul-Azim** : Will the Government be pleased to state how many employees are there in the Post Offices of Noakhali and Tippera and how many of them are Moslems ?

Mr. H. A. Sams : The information is being collected and will be furnished to the Honourable Member in due course.

UNSTARRED QUESTIONS AND ANSWERS.

PRESENT POSITION OF RAILWAY PROJECTS IN EASTERN BENGAL.

75. **Mr. K. C. Neogy** : Will Government be pleased to lay a statement on the table showing the latest position in regard to each of the different projects of railway expansion in Eastern Bengal which are included in the present quinquennial programme ?

Mr. A. A. L. Parsons : A statement showing the information asked for is laid on the table.

Statement showing the present position of railway projects in Eastern Bengal.

1. *Ishurdi-Pabna-(Bera)*.—This project is being re-investigated. It is possible that with the construction of the Nawabganj-Abdulpur and Dinajpur-Ruhea lines, paddy from these railways will be diverted to the Pabna and Bera area *via* Ishurdi. If this happens the traffic prospects of the project will materially improve. This area, however, is well served by navigable rivers and competition with boat traffic will be severe.

2. *Singhjani-Pingna-Tangail.*

3. *Mymensingh-Pingna.*—As a sequel to the Dacca Aricha Railway the Agent, Eastern Bengal Railway, now proposes a line from Dacca, *via* Tangail and Gopalpur to Mymensingh which would take the place of the above two lines. It is proposed to survey the alignment in 1928-29.

4. *Faridpur Charmaguria Barisal.*—This project was again examined during the year and the impossibility of keeping open an artificial harbour at Charmaguria established. It is proposed to re-examine the project as for a 2′ 6″ gauge line with ferries over the larger rivers instead of bridges.

5. *Serajganj Bogra.*—It is proposed to survey this line in 1928-29 as a broad gauge line.

6. *Dacca Aricha.*—The line has been surveyed during the past working season and the engineering and traffic reports and estimates are expected to be ready shortly.

7. *Rajbari Kamarkhali Jessore.*—The Agent, Eastern Bengal Railway, now proposes to build a line from Kalukhali, *via* Kamarkhali to Bhatsapara in place of the above line. A report and estimate have just been received in the Railway Board's office for the alternative proposal and are being examined.

8. *Feni-Bilonia.*—This line has been surveyed and the report and estimates are expected to be ready during this month.

9. *Chittagong Fatikchari.*—The report and estimates of this line are expected to be ready shortly.

10. *Sarachar Atharabari.*—The construction of this line is at present under consideration.

11. *Rajapur Ramchandrapur.*—The estimate for this line is at present under revision.

SERVICE CONDITIONS AND EMOLUMENTS OF TELEPHONE OPERATORS IN THE INDIAN POSTAL AND TELEGRAPH DEPARTMENT.

76. **Mr. K. C. Neogy** : (*a*) Have Government received any representations from telephone operators, serving under the Department of Posts and Telegraphs, regarding their service conditions and emoluments ? If so, what action has been taken thereon ?

(*b*) Is it a fact that telephone operators who were not holding permanent appointments in July 1919, have been placed on a non-pensionable footing ; and that all recruitment thereafter has been on a non-pensionable footing, the operators being also liable to discharge on a month's notice ?

(*c*) Is it a fact that signal room clerks, who were graded together with telephone operators till March 1917, on the same conditions of service, enjoy a pensionable status ? If so, what are the reasons for the disparity of service conditions as between these two classes, as indicated in clauses (*b*) and (*c*) ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Petitions have been and are being received by the Director-General who will consider the requests made.

(*b*) Yes.

(*c*) The reply to the first part is in the affirmative. It became necessary on administrative grounds to separate the telephone operators from signal room clerks as there was nothing in common between the duties of these two classes. The service conditions of each class were subsequently revised quite independently with reference to the dissimilar qualifications and nature of employment of the two classes.

PROVISION OF FREE QUARTERS FOR POSTMASTERS.

77. **Mr. Jamnadas M. Mehta** : (*a*) Will Government be pleased to say if it is a policy of the Post Office Department that Postmasters shall be provided with free quarters and that where such quarters are not available, a house-rent allowance shall be granted in lieu of free quarters ? And is it not the policy of the Department that the Postmasters shall live in the quarters wherever provided ?

(*b*) Can the quarters intended for the use of the Postmaster be utilised for the residence of officers other than the Postmaster of the Office ?

(*c*) Are there any proposals to give away the Postmaster's quarters at the newly constructed Government Post Office building at Dadar (Bombay) for the residence of a gazetted officer earning a house-rent allowance ?

(*d*) If the answer to the above be in the affirmative, will Government be pleased to say if such use has their approval ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) Yes, if it is in the public interest.

(*c*) Proposals to this effect have recently been received.

(*d*) The matter is under consideration.

ATTEMPTED BURGLARY IN THE PREMISES OF THE CLARE ROAD POST OFFICE IN BOMBAY.

78. **Mr. Jamnadas M. Mehta** : (*a*) Will Government be pleased to state whether it is a fact that there were two cases of attempted burglary in the premises of the Clare Road Post Office in Bombay ?

(*b*) Is it a fact that as a precautionary measure cash and postage stamps of the Clare Road Post Office are daily required to be removed to the Byculla Post Office since the last attempt at burglary ?

(*c*) If so, were these circumstances considered in renewing the lease of the said premises ?

(*d*) Were the requirements of the Post Office in that particular locality duly advertised before the renewal of the lease ?

(*e*) Is it a fact that after the renewal of the lease there has occurred a theft in the same building next to the said Post Office ?

Mr. H. A. Sams : (*a*), (*b*) and (*c*). Yes.

(*d*) No.

(*e*) Information is not available.

GRANT OF LEAVE ON MEDICAL CERTIFICATES TO NON-GAZETTED GOVERNMENT SERVANTS.

79. **Mr. Amar Nath Dutt** : (*a*) Are non-gazetted Government servants permitted to obtain leave under the Fundamental Rules on support of the certificates of their medical attendants ?

(*b*) Is there any provision in the Madras Medical Practitioner's Act that the registered medical practitioners certificate should be accepted by the authorities empowered to sanction leave ?

(*c*) Have Government invested such authorities with powers to reject certificates granted by the registered medical practitioners or medical attendants ?

(*d*) Under what circumstances should a medical certificate be sent for countersignature by the authorities empowered to sanction leave ?

(*e*) Is the authority sending a certificate for countersignature authorised to direct the absentee on plea of illness to present himself for examination before the countersigning officer ? If not, is it the discretion of the countersigning officer to call for the absentee and examine him if necessary ?

Mr. G. S. Bajpai : (*a*) The Honourable Member's attention is invited to Rule 228 of the Supplementary Rules.

(*b*) No.

(*c*) The Honourable Member will observe from Rule 228 that the discretion to accept a certificate from the medical attendant of an applicant for leave, without counter-signature by a Presidency Surgeon or a medical officer-in-chief medical charge of the district, as the case may be, is vested in the authority competent to grant the leave. The normal rule is that the certificate of the medical attendant of an applicant should be countersigned by either of the officers referred to in the rule. The authority competent to grant the leave can reject the certificate of the applicant's medical attendant only if the applicant for leave cannot or will not, if required, get it countersigned.

(*d*) Countersignature is the normal rule and no special circumstances are prescribed under which countersignature shall be required.

(*e*) The answer to the first part of the question is in the negative and to the second part in the affirmative. With regard to the second part, the Honourable Member's attention is invited to rule 230 of the Supplementary Rules.

Copies of Rules 228, 229 and 230 of the Supplementary Rules are attached.

GRANT OF LEAVE ON MEDICAL CERTIFICATE TO THE EMPLOYEES OF THE RAILWAY MAIL SERVICE, T. DIVISION, TRICHINOPOLY.

80. **Mr. Amar Nath Dutt** : (*a*) During the month of June and July how many medical certificates were sent for countersignature by the Superintendent, R. M. S., T. Division, Trichinopoly, and how many were accepted without countersignature ?

(*b*) On what principle is the Superintendent to send the medical certificate for counter signature ? Is it by knowledge obtained by enquiry that the officials were not ill or on suspicion ? If the latter, in how many cases were certificates granted by medical attendants found unreliable ?

Mr. H. A. Sams : Government have no information nor do they propose to call for the information. If any official feels aggrieved at the action alleged to have been taken by the Superintendent it is open to him to appeal to the next higher authority.

MEDICAL CERTIFICATE OF T. V. NANDAGOPAL NAIDU, AN EMPLOYEE OF THE RAILWAY MAIL SERVICE, T. DIVISION, TRICHINOPOLY.

81. **Mr. Amar Nath Dutt** : (*a*) Did the Superintendent, R. M. S., T. Division, furnish a medical requisition addressed to the District Medical Officer, Tanjore, to T. V. Nandagopal Naidu, after he had produced a medical certificate dated 21st June 1927 from an M. B. B. S. at Trichinopoly ?

(*b*) Is it true that the Superintendent threatened Mr. T. V. Nandagopal Naidu with suspension if he did not obey his order to proceed to Tanjore for medical examination ?

(*c*) Is it true Mr. T. V. Nandagopal Naidu was absent from duty from 21st June 1927 ?

(*d*) Was the salary from 22nd June 1927 to 30th June 1927 disbursed ? If not why not ?

Mr. H. A. Sams : The information is being collected and will be furnished to the Honourable Member in due course.

MEDICAL CERTIFICATE OF MR. RADHAKRISHNA NAIDU, AN EMPLOYEE OF THE RAILWAY MAIL SERVICE, T. DIVISION, TRICHINOPOLY.

82. **Mr. Amar Nath Dutt** : (1) (*a*) Is it true that in his letter B.|5-T. N. R., dated 18th July 1927, the Superintendent, R. M. S., T. Division, has remarked that one Mr. Radhakrishna Naidu's illness is not genuine ? (*b*) Has he not produced a medical certificate from a doctor at Shoranur ? (*c*) On what basis did the Superintendent write to the Medical Officer, Trichinopoly, such a remark ?

(2) Are Government prepared to direct the Director General of Posts and Telegraphs to make enquiries whether the Superintendent, R. M. S., T. Division, has deprived his subordinates of their legitimate rights ?

Mr. H. A. Sams : The information is being collected and will be furnished to the Honourable Member in due course.

SPECIAL BAG DESPATCHED BY THE SUPERINTENDENT, RAILWAY MAIL SERVICE, T. DIVISION, TO MR. ASLAM, SUPERINTENDENT OF POST OFFICES, MADURA DIVISION.

83. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that on the 10th November 1926 one special bag from the Superintendent, R. M. S., T. Division, to Mr. Aslam, Superintendent of the Post Office, Madura Division, (camp Kodaikanal), was despatched by section T.-4 Out to the Sub-Postmaster Ammayanakanur, for delivery to the addressee ?

(*b*) Is it also a fact that the section T.-4 Out did not receive this bag in the usual manner from the connecting section T.-2 In from Madras to Trichinopoly but loose ?

(*c*) What were the contents of the bag ?

(*d*) Is it true that the Superintendent, R. M. S., T. Division, at the time was the brother-in-law of the Superintendent of Post Offices, Madura ?

(*e*) Are Government prepared to enquire if an authorised use of transport by railway has been made for articles intended for the personal use of the officer ?

Mr. H. A. Sams : Government have no information. An enquiry is however being made and the information will be furnished to the Honourable Member in due course.

ABOLITION OF THE LOWER DIVISION SCALE IN THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

84. **Mr. Amar Nath Dutt** : (1) Is it a fact that the entire lower division work was strongly recommended to be classed as upper by the several Deputy Accountants General ?

(2) Is it a fact that Mr. J. C. Mitra, the A. G. P. T. in his D.-O. No. 571, dated 28th July 1921, to the A. G. Railways, considered that the lower division scale might be abolished, if it was possible to enforce the lower efficiency bar strictly ?

(3) Is it a fact that the lower division clerks submitted a memorial to the Auditor General on 31st August 1921 ?

(4) Is it a fact that the Auditor General in his reply to the said memorial assured the lower division clerks that their prayer (in clause "B" if the classification be maintained a time scale of pay of Rs. 60—6—210 may be sanctioned) will be considered in time of revision (will see to this in time of revision) ?

(5) Is it a fact that the upper division scales in offices under the A. G. P. and T. were distributed according to the province, *i.e.*

	Rs.
in Calcutta	60—230
in Madras, Nagpur	60—175
in Delhi	60—200

(6) Is it a fact that no such distinction of province was preserved in the lower division scale, *i.e.*, an uniform scale of Rs. 40—80 was sanctioned for all ?

(7) Is it a fact that the lower division clerks in other Government Offices enjoy a better scale than those of the A. G. P. and T. ?

(8) Will the Government lay on the table the lists of lower division scales which have been sanctioned for the different Government offices ?

(9) Do Government propose to reconsider the lower division scale under the A. G. P. and T. at an early date ?

(10) Was the scale (Rs. 60—6—210) asked by the lower division men in their memorial of 31st August 1921 also promised by the Auditor General ? Are Government prepared to recommend this scale ?

The Honourable Sir Basil Blackett : (1) and (2). The Government are not prepared to publish the opinions of their officers in such cases.

(3) and (4). The attention of the Honourable Member is invited to the final reply conveyed to Mr. Jogiah's starred question No. 1241 in the Finance Department letter No. D.|1251-F.E., dated the 16th April, 1927, a copy of which is in the Library of the House.

(5) and (6). The attention of the Honourable Member is invited to the final reply conveyed to his starred question No. 677 in the Finance Department letter No. D.|2585-F.E., dated the 12th September 1925, a copy of which is in the Library of the House.

(7) and (8). The Government do not propose to call for this information as the results are unlikely to be commensurate with the labour involved.

(9) and (10). The attention of the Honourable Member is invited to the concluding portion of the final reply given to Mr. Jogiah's question No. 1241 referred to above.

PAY OF TELEGRAPH MASTERS, TELEGRAPHISTS AND CERTAIN CLASSES OF POSTAL OFFICIALS.

85. **Mr. Amar Nath Dutt** : (*a*) Will the Government be pleased to lay on the table a copy of the India Office letter No. 4349|22, dated 17th October 1922, for regulating the pay of postal officers according to what is technically called the ' point to point ' system ?

(*b*) Do Government intend to consider the case of senior men above 20 years in service in allowing the principle of ' point to point ' system being applied with effect from March last ?

(*c*) Has the Director General, Posts and Telegraphs, withheld such amplified orders of the Secretary of State ? If so, what are the reasons and under what authority ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) A copy is laid on the table.

(*b*) No.

(*c*) No. The second part of the question does not arise.

No. P.W.-4349|22.

INDIA OFFICE,
WHITEHALL,
London, S. W.-1.
17th October 1922.

Pay of Telegraph Masters, Telegraphists and certain classes of Postal Officials.

SIR,

I am directed by the Secretary of State for India in Council to acknowledge the receipt of your letter of the 31st August No. 1634-P.W. and to inform you in reply that he confirms the orders already issued by the Government of India regulating the pay (*i*) of Telegraph Masters and Telegraphists on transfer between the General and Station services, and (*ii*) of certain classes of postal officials transferred from one to another of the time scale sanctioned for the same class.

I am, Sir,
Your Obedient Servant,
Sd. W. STANTIALL.

The Secretary to the
Government of India,
Public Works Department.

No. 1634-P.W.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

POSTS AND TELEGRAPHS ESTABLISHMENTS.

From

Colonel Sir S. D'A. Crookshank, K.C.M.G., etc., Secretary to the Government of India,

To

His Majesty's Under Secretary of State for India,

India Office, London

Simla, the 31st August 1922.

SUBJECT:—*Regulation of the pay (i) of Telegraph Masters and Telegraphists on transfer between the General and Station services, and (ii) of certain classes of postal officials transferred from the one to another of the time-scales sanctioned for the same class.*

SIR,

I am directed to report, for the approval of His Majesty's Secretary of State for India, the orders issued by the Government of India in the following cases.

2. First, in sub-paragraphs (2) and (3), paragraph 2 of the Resolution of the Department of Commerce No. 1629, dated the 30th April 1920, a copy of which was forwarded with the despatch from Lord Chelmsford's Government No. 385, dated the 12th August 1920, the Government of India laid down the method of bringing Telegraph Masters and Telegraphists on to the revised scales of pay at corresponding points according to length of service, on the introduction of the Station Services approved in paragraph 4 of the Resolution, transfers from the General and the Local Service to the new Station Services were admitted with effect from the 1st September 1920, and the Director General of Posts and Telegraphs rules that the method referred to above should be adhered to in fixing the initial pay of the officials thus transferred. It has now been brought to notice that these orders are not in accordance with Fundamental Rule 22 and as they are not covered by the orders contained in Mr. Stantiall's letter No. P.W.-1552|22, dated the 4th May 1922, the principle applied requires approval by the Secretary of State. The intention of the Government of India in issuing the orders contained in sub-paragraphs (2) and (3) of the Resolution in question was that transfers from one parallel scale of pay to another should be made at the corresponding point and not in accordance with the rule in Article 157 of the Civil Service Regulations, which would have proved both costly and unsuitable. There can be no doubt, therefore, of the propriety of the procedure actually followed, and in view of the desirability of regularising the position as soon as possible, the Government of India have issued orders, in anticipation of the formal sanction of the Secretary of State, approving the application of the general principle laid down in the Resolution of the 30th April 1920 to the cases mentioned above and also the cognate cases of transfers from the Station Service to the General Service and between the Station Service "A" and "B" with effect from the 1st September 1920.

3. The other matter which the Government of India desire to submit relates to the regulation of pay in connection with transfers which have occasionally to be made from one to another of the different time-scales sanctioned respectively, for

(*a*) the clerical staff in post offices,

(*b*) sorters in the Railway Mail Service, and

(*c*) postmen and village postmen,

in the Resolutions of the Department of Commerce Nos. 6458, 6584 and 4737 of 1920, copies of which were forwarded to you with the Finance Department letter No. 1076-E.A., dated the 5th May 1921. As the various scales for each of these three classes of officials were fixed with reference to the cost of living in the different localities embraced and were intended to be equivalent, the Government of India issued orders

that an official on transfer from one time-scale to another should receive the pay which he would have drawn if during the whole of his previous service he had been on the time-scale to which he was transferred. This is obviously the only fair principle which could be applied in the cases in question, which were in fact not contemplated when the Fundamental Rules were issued. At the same time, the principle is not in conformity with rule 22 of those rules, and as such also calls for confirmation by the Secretary of State.

4. I am to request that His Majesty's Secretary of State may be moved to confirm the orders of the Government of India in the cases referred to above.

I have the honour to be,

SIR,

Your most obediend servant,

Sd. S. D'A. CROOKSHANK,

Colonel,

Secretary to the Government of India.

REVISED PENSION RULES.

86. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that the Secretary of State for India has sanctioned revised pension rules ? If so, will the Government kindly lay on the table a copy of the same for the information of this Assembly ?

(*b*) Is it a fact that no provisions have been made for widows of deceased pensioners who on account of premature death could not enjoy the pension ? If so, will the Government be pleased to state the reasons ?

The Honourable Sir Basil Blackett : (*a*) No. The Secretary of State has not sanctioned any revised pension rules.

(*b*) Does not arise.

BARS IN THE TIME SCALE OF PAY OF POSTAL EMPLOYEES.

87. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that the Postal Enquiry Committee recommended only two bars in the time scale of pay of the postal employees ? If so, have the Government accepted the same ?

(*b*) Is it a fact that the Deputy Accountant General, Posts and Telegraphs, Calcutta, has allowed the reckoning of three bars in bringing the men held at Rs. 92 stage into the revised scale of March last ?

(*c*) Will the Government be pleased to intimate what orders have been passed in the appeal made by G. N. Mukherji, clerk, Burdwan H. O., and Sib Ch. Bhattacharya, Sub-Post Master, Burnpur (Burdwan) ?

Mr. H. A. Sams : (*a*) Yes.

(*b*) No. The second efficiency bar of the revised scale of Rs. 40—140 is fixed at the Rs. 100 stage.

(*c*) The cases of both the officials are under consideration.

APPOINTMENT OF RELATIONS OF RETIRED POSTAL OFFICIALS IN THE POSTAL DEPARTMENT.

88. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that the sons and relations of retired Postmasters and sub-postmasters do not get any consideration in securing appointments in the Postal Department ?

(*b*) Is it a fact that the Local Governments show special favour to such candidates for appointment in the Police, Excise, Registration and many other Departments under them ? If so, are Government prepared to grant the same privilege to the postal candidates related to the retired staff ?

(*c*) Will the Government be pleased to state the number of candidates related to the retired staff appointed, and the total number of vacancies during the last 12 months in the Calcutta G. P. O. and its sub-offices ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) No.

(*b*) Part I—The Government of India have no information.

Part II—The answer is in the negative.

(*c*) Government do not possess the information nor do they propose to call for it as the expenditure of time and money involved in the collection will not be justified by the advantage to be gained thereby.

ALLEGED ASSAULTS ON POSTAL EMPLOYEES.

89. **Mr. Amar Nath Dutt** : (*a*) Has the attention of the Government been drawn to letter No. P.R.-88, dated 18th May 1927, from the General Secretary, Provincial Postal and R. M. S. Association to the Deputy Postmaster General, Railway Mail Service, Eastern Circle, and the letter No. R.L.-12-P., dated 20th May 1927, from the Deputy Postmaster-General, Dacca Range, to the Postmaster, Dacca, published in the " Samity ", an organ of the Dacca District Postal and R. M. S. Association in its issue of June and July 1927 ?

(*b*) Is it a fact that the assault was made by a deck passenger on the porter and mail Agent at Tarpassa steamer station and it was immediately reported to Babu Raj Kumar Mukherjee, Inspector, Railway Mail Service, 3rd Sub-division, who refused to identify the accused before the Police at Narayanganj and thereby frustrated the prosecution of the accused ?

(*c*) Is it a fact that Babu Raj Kumar Mukherjee has been transferred as Inspector, Railway Mail Service, Sadar Sub-division, and the Mail Agent who reported the case to the Inspector to Narayanganj by way of punishment by Babu Mohini Mohan Lahiri, Superintendent, Railway Mail Service, S. Division ?

(*d*) Is it a fact that Mr. Querry, Superintendent of Police, Dacca, assaulted Rajendra Chandra Das, a postman, Ramna Post Office, while he was on duty and the Deputy Postmaster-General, Dacca Range, did not think it worth while to take any action for the protection of the Government servant within his jurisdiction ?

(*e*) Are Government aware of the fact that an European officer at Kharagpur railway station assaulted a postman of the Kharagpur Post Office ?

(*f*) Do the Government propose to take any action against the officials concerned who assaulted the postal officials and those for whose neglect the prosecution was frustrated ?

(*g*) Do Government intend to take steps for the future protection of postal employees from such assaults ?

Mr. H. A. Sams : The information is being collected and will be furnished to the Honourable Member in due course.

EXAMINATION OF RESERVE CLERKS IN THE POST OFFICES.

90. **Mr. Amar Nath Dutt** : (*a*) Has the attention of the Government been drawn to letter No. A.S.|18-11, dated 22nd June 1927, from the Director-General, Posts and Telegraphs, to the Postmaster-General, Bengal and Assam Circle, prescribing the examination of the reserve clerks in the Post Offices after a year or in case of their failure a second examination after 18 months by the Deputy Postmaster-General or Personal Assistants of the Postmaster-General at different centres ? Is this in direct contravention of rule 24 of the Fundamental Rules ?

(*b*) Will the Government be pleased to state if the order is meant to be put in force in the Bengal and Assam Circle only or throughout India ?

(*c*) Will Government state the expected amount of expenses to be incurred for travelling expenses on account of holding the examinations at different centres of the Deputy Postmasters-General and the Personal Assistants in the Bengal and Assam Circle and other Circles of India ?

(*d*) Is it in contemplation of the Director-General to appoint substitutes in place of the Deputy Postmasters-General and Personal Assistants during their absence at different centres for management of the office work ? If the reply be in the affirmative is it a fact that the number of the Deputy Postmasters-General and Personal Assistants are in excess over the actual requirements ?

(*e*) Will the Government be pleased to state if in any other service in any other department of the Government, probationary clerks are discharged after a certain period on such examination to the ruin of their prospects ?

(*f*) Is it a fact that the Divisional Superintendents and first class Postmasters take in the reserve clerks after holding a departmental test examination ?

(*g*) Why was the old system of recruiting reserve clerks by the Divisional Superintendents and the first class Postmasters done away with ?

Mr. H. A. Sams : (*a*) Yes. The letter was addressed to all Postmasters-General. It is not in contravention of Fundamental Rule 24.

(*b*) Throughout India and Burma.

(*c*) No additional expense on account of travelling allowance of officers holding the examination is anticipated.

(*d*) No. The second part does not arise.

(*e*) The information is not readily available and Government do not propose to ask for it.

(*f*) No. A copy of paragraphs 1 and 2 of Rule 469, Post Office Manual, Volume II, is attached.

(*g*) It has not been done away with.

POST OFFICE MANUAL, VOLUME II.

APPOINTMENTS.

469. Rules to be observed for the recruitment and training of candidates for reserve clerkships in the Post Office.

1. The leave reserve sanctioned for the post office should be a trained reserve and for this purpose there should be a recognised body of candidates in each Division and first class Head Office group recruited in the manner below :—

(*a*) In connection with each permanent vacancy which is due to occur owing to the retirement of an official, a candidate should be selected and his training begun just early enough to admit of its completion by the date of the vacancy. The time of selection will, of course, depend on whether it is necessary to train the candidate in both telegraph and postal work or only in the latter. Care should be taken to have a suitable proportion of the candidates trained in telegraphy, and the period of postal training, which in the case of men who are to be trained in both classes of work should precede their deputation to the Telegraph Training class, should ordinarily not exceed 3 months. If this matter receive the attention that it deserves, there should seldom be an interval between the completion of a candidate's training and his appointment as a reserve clerk.

(*b*) In addition to the men referred to in the preceding paragraph, a few candidates (the number being fixed by the Head of the Circle according to the requirements of the Division or Head Office group) should be selected from time to time and after being trained for the requisite period should, while waiting for reserve clerkships, be employed as far as possible in filling vacancies due to—

(1) the creation of temporary or season appointments or

(2) the deputation of postal signallers temporarily to departmental telegraph offices or

(3) The deputation of officials to field service in Iraq, etc., or

(4) the placing of officials under suspension.

While not filling such vacancies, the candidates should be required to attend the post offices at the places where they live.

These candidates should be appointed as reserve clerks in vacancies due to death or the creation of new permanent appointments. As it is most undesirable that such candidates should have to wait for appointments for any considerable period after their training is complete, it will be necessary for each Superintendent and 1st class Head Postmaster to gauge his requirements in this respect with great care and, in order to satisfy himself that this is being done, the Head of the Circle should demand an explanation in every case in which a trained candidate is not provided with a reserve clerkship within 6 months of the completion of his training.

(*c*) No candidate should either before or after training be employed in filling the place of an official on leave.

(*d*) Heads of Circles should submit for the Director-General's information at the beginning of each official year a statement showing the number of candidates enrolled in each Division and 1st class Head Office group and containing in respect of each candidate the following particulars :—

(*i*) Date of enrolment as candidate ;

(*ii*) Period of training ;

(*iii*) Period of employment in acting or temporary vacancies ; and

(*iv*) Date of appointment as reserve clerk.

2. The chief conditions required of a candidate for clerical appointments in the Post Office are the following :—

(1) That the candidate should not be above 25 years on the date he is appointed as a reserve clerk ;

(2) That evidence has been produced by him of having passed the educational standard prescribed for the locality concerned which standard should ordinarily be the matriculation examination of a recognised University, or its equivalent ;

(3) That a satisfactory certificate of moral character has been produced from some respectable and trustworthy person ;

(4) That the candidate's handwriting is neat and legible and that he is quick at figures ;

(5) That he is willing to furnish security for Rs. 300;

(6) That before commencing work he produces a certificate of physical fitness signed by a Civil Surgeon.

ALLEGATIONS AGAINST BABU MOHINI MOHAN LAHIRI, SUPERINTENDENT, RAILWAY MAIL SERVICE, S. DIVISION.

91. **Mr. Amar Nath Dutt** : (*a*) Will the Government be pleased to state the rule of the Civil Service Regulations or Fundamental Rules under which a Divisional Superintendent is competent to issue standing orders refusing leave on medical certificate ? If there is no such rule, will Government be pleased to state under what authority Babu Mohini Mohan Lahiri, Superintendent, Railway Mail Service, issued standing orders declining to accept medical certificates in certain cases and refusing the leave recommended by medical practitioners as stated in reply to question 90 (*d*) of the last Session of the Assembly ?

(*b*) Are the Government aware of the orders issued by Sir Ganen Roy late Director General of Posts and Telegraphs, urging the relief of the officials who apply for leave on medical certificate ?

(*c*) Will the Government be pleased to state in how many cases (giving the names of particular individuals) leave on medical certificates was refused to the employees ?

(*d*) Will Government be pleased to state the number of transfers made by Babu Mohini Mohan Lahiri during his administration in the S. Division and the amount of travelling expenses paid for such transfers and to enumerate the particulars of interest of public service for which this amount has been spent out of the public revenue in the shape of travelling expenses ?

(*e*) Is it a fact that Babu Mohini Mohan Lahiri never examined the vans on running railway sections and the condition of service of the sorters ?

(*f*) Is it a fact that all the vans except one of the S.-13 section are so small that during the working season in winter the space is quite insufficient to contain the mail and parcel bags and the Calcutta mails are being carried from Narayanganj to Dacca in ordinary third class passenger trains and Babu Mohini Mohan Lahiri failed to take any preventive action for the safety of the mails ?

(*g*) Has the attention of the Government been drawn to letter No. P.R.-15 (2), dated the 23rd July, 1927 published in the " Samitee " issue of August, 1927, an organ of the District Postal and Railway Mail Service Asociation, addressed to the Deputy Postmaster General Railway Mail Service, Eastern Circle from which it appears that Babu Mohini Mohan Lahiri abused in damaging and defamatory manner Babu Sarat Chandra Chakraborty, a mail guard and caused him to be criminally prosecuted under the Penal Code and the Post Office Act and has kept him under suspension though the court of justice acquitted him without framing any charge ?

(*h*) Are the Government aware that Babu Mohini Mohan Lahiri on one occasion abused the Sub-Postmaster, Kulaura Railway Junction Post Office, and the General Secretary, Provincial Postal and Railway Mail Service Association, Bengal and Assam, brought the facts to the notice of the higher authorities ?

(*i*) Are Government prepared to consider the question of re-instating Babu Sarat Chandra Chakraborty, the mail guard, and issuing orders for payment of his pay with effect from his date of suspension ?

Mr. H. A. Sams : The information is being collected and will be furnished to the Honourable Member in due course.

RETRANSFER TO RAILWAY MAIL SERVICE, S. DIVISION, OF BABU KASISWAR LALA, ETC.

92. **Mr. Amar Nath Dutt** : (*a*) Are Government aware that due to the patronage of Babu Mohini Mohan Lahiri, present Superintendent, Railway Mail Service, S. Division, Babu Kasiswar Lala secured a re-transfer in the S. Division wherefrom he was transferred in the year 1911 by way of punishment ?

(*b*) Will Government be pleased to state the number of sorters in the S. Division whose senior claims were overlooked by Mr. Mohini Mohan Lahiri, the Superintendent, Railway Mail Service, in conferring on Babu Kasiswar Lala the post of Sub-Record Clerk as stated in reply to question No. 89 during the last winter Session of the Assembly ?

(*c*) Are Government aware whether any attempt was made to test the efficiency of the senior sorters to prove that they were unfit to hold the charge of Sub-Record Clerk ? If not, will Government be pleased to state the ground on which the Superintendent arrived at a decision that Babu Kasiswar Lala is the only man capable to hold the charge ?

(*d*) Will Government be pleased to state the educational and other qualifications for which Babu Kasiswar Lala has been given preference to by Babu Mohini Mohan Lahiri, the present Superintendent ?

(*e*) Is it a fact that no less than 13 sorters have been transferred during this short tenure of service of Babu Kasiswar Lala in the interests of public service from the Narayanganj Railway Mail Service office to distant parts of the S. Division and two of them were retransferred to Narayanganj for the same reason ? If the reply be in the affirmative, will the Government be pleased to state the particular interests of public service that these transfers served and the amount of public revenue spent for the transfers ?

(*f*) Will the Government be pleased to state the action taken, if any, for putting the sorters in double and triple duty by Babu Kasiswar Lala as admitted in reply to question No. 90 in the last winter Session ? If the reply be in the negative will Government state why he has been set free ?

(*g*) Are Government aware of the fact that the Sub-Record Clerks at Tinsukia and Gauhati in Assam under the Superintendent, Railway Mail Service, S. Division are senior to Babu Kasiswar Lala and have been serving long in more unhealthy and costly stations while Babu Kasiswar

Lala although recruited from outside the S. Division has been posted by Babu Mohini Mohan Lahiri, the present Superintendent, at Narayanganj without considering their claim ?

(*h*) What action do the Government propose to take in this matter ?

Mr. H. A. Sams : (*a*) The facts are not as stated in the question.

(*b*) It was not stated in the reply to question No. 89 in the last winter Session of the Assembly that the claims of any senior men were overlooked when Babu Kashiswar Lala was appointed Sub-Record Clerk.

(*c*) and (*d*). Government have no information except that Babu Kashiswar Lala was considered by the authority competent to fill the appointment to be best fitted for it. They do not propose to call for any further information. If any official felt aggrieved by the appointment of Babu Kashiswar Lala, it was open to him to appeal to the next higher authority.

(*e*) Government have no precise information about the various details, nor do they propose to waste time and money in endeavouring to collect it. The particular interest of public service served by transfer is its efficiency.

(*f*) No action was taken, because no action was considered necessary.

(*g*) and (*h*). The facts stated are not wholly correct. Further, it is understood that the present men at Gauhati and Tinsukia are unwilling to be transferred.

INSPECTION OF POST OFFICES BY AUDIT OFFICERS.

93. **Mr. Amar Nath Dutt** : (*a*) Will Government be pleased to state if the information as assured by the Honourable Finance Member in reply to starred questions Nos. 355 and 356 on the 14th February 1927, regarding inspection of post offices by Audit Officers, is now ready ? If not, when is the information expected to be furnished ?

(*b*) Has the attention of the Government been drawn to letter No. H.-13|d., dated 31st March 1927, posted at the Ramna Post Office on the 1st June, 1927, from the Deputy Postmaster General, Dacca Range, to the Secretary, District Postal and Railway Mail Service Association published in the *Samitee*, an organ of the Association in its issue of June and July, 1927 demanding " either to establish the truth of the allegations or to withdraw them within 15 days "?

(*c*) Will the Government be pleased to state the result of the enquiry promised ? If no enquiry has yet been made do the Government propose to expedite the enquiry ?

(*d*) Are Government aware that an Audit Officer other than the one referred to by the Postmaster General, Bengal and Assam Circle, went to inspect the Chittagong Head Office in the month of June 1927, but the Postmaster, Chittagong, did not allow him to inspect the office until sanction of the Postmaster General was received ? If the reply be in the affirmative, will Government state why this irregularity was committed ?

(*c*) Do Government propose to discontinue the system of inspection of muffasil post offices by the Audit Officers ?

(*f*) Will Government state the amount of travelling expenses incurred for inspection of muffasil post offices by the Audit Officers and particulars of serious irregularities detected by them during the last five years in India ?

The Honourable Sir Basil Blackett : (*a*) and (*c*). A complete reply to the Honourable Member's questions Nos. 355 and 356 was sent to him on the 15th March 1927 and a supplementary reply, containing the results of the enquiry referred to by him, on the 6th May 1927. A copy of the replies is in the Library of the House.

(*b*) and (*d*). Government are enquiring into the points raised and a further reply will be sent to the Honourable Member in due course.

(*e*) No. As stated in the reply to part (*b*) of question No. 356, Government attach the greatest importance to these inspections.

(*f*) Government do not consider it necessary to obtain any further information beyond what was given in reply to question No. 355 (*a*) and (*c*).

FLOODS IN ORISSA.

Secretary of the Assembly : Sir, in reply to the message of sympathy from this House for the distress caused by the floods, the following telegram was received from the Government of Bihar and Orissa on the 22nd of August last :

"His Excellency the Governor of Bihar and Orissa greatly appreciates the message of sympathy which the Legislative Assembly has communicated through him to the people of Orissa who have suffered from the devastations of the recent floods. His Excellency desires to thank the Legislative Assembly for their cordial interest in the welfare of the afflicted and to assure it that the Local Government have already undertaken comprehensive measures for the relief of distress and generous aid has been received from charitable organisations."

THE GOLD STANDARD AND RESERVE BANK OF INDIA BILL—*contd.*

Mr. President : The House will now resume further discussion of the motion made by the Honourable Sir Basil Blackett, namely, that the Bill to establish a gold standard currency for British India and constitute a Reserve Bank of India, as reported by the Joint Committee, be taken into consideration.

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : Sir, I beg to rise to speak on the motion and also to move my amendment, of which I have given notice, that the Bill to establish a Gold Standard for British India and constitute a Reserve Bank of India, as reported by the Joint Committee, be re-circulated for the purpose of obtaining further opinion thereon.

The Standing Orders have a very wise provision in Rule 44 that, after the presentation of the final Report of a Select Committee on a Bill, it is open even to the Member in charge of the Bill, if he is dissatisfied with the reshaping of the Bill by the Select Committee, to move that the Bill be

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re-committed either without limitation or with respect to particular clauses or amendments only or to make additional provisions in the Bill.

Why does not the Honourable Member feel inclined to appeal to the Committee ? Does he feel that it is no use appealing to Philip drunk again ? Does he feel that the Committee is not sober enough to be appealed to ? Or the Honourable Mover has no new convincing arguments to persuade them to come to his point of view ? If he is confident that he is in the right and he can carry the country with him, it was open to him under the same Rule 44 to move that the Bill, as reported by the Joint Select Committee, be re-circulated for the purpose of obtaining further opinion thereon. If he had done so, the Honourable Mover of the Bill would have fortified himself with the view of the public and then approached this House to reconsider his original Bill. But what do we find ? The Honourable Member in charge of the Bill, who has been in petulant mood from the beginning, instead of taking this wise course, has sent a series of amendments which practically seek to restore his own old Bill. Is this not insulting the Joint Committee of both the Chambers of the Indian Legislature ? Twenty-five gentlemen of both the Houses went to Bombay and Calcutta at considerable inconvenience to themselves in the hottest part of the year and spent a full fortnight in their deliberations, and the Bill and the Report are the result of their labours. If he wanted to have his own Bill only to be considered and adopted, why did he waste the time of the members of the Joint Committee, and why was all the expenditure incurred ? The Joint Committee was constituted of the Honourable the Finance Member's own free choice and nomination. He probably felt that by constituting a Joint Committee of both the Houses he had a better chance to get support for his Bill. He thought the Members of the obliging Upper House would give him greater support. But he did not reckon with his host. The credit is due to the Members of the Upper House who sat on the Joint Committee that they took a firm attitude and a broad outlook in shaping the Bill. We must thank the majority of the Committee for their work. In justice to the Joint Committee the Honourable Member in charge of the Bill should have moved the House that the Bill, as reported by the Committee, be re-circulated for the purpose of obtaining further opinion thereon. The majority has made what improvements they could under the peculiar circumstances they had to do their work. Unfortunately they did not go far enough. The reasons are obvious. On several occasions, the Honourable the Finance Member threatened to drop the Bill altogether, if the Committee did not agree to what he or the packed Royal Commission called the fundamental essentials of the Bill.

The Honourable Sir Basil Blackett (Finance Member) : On a point of personal explanation, Sir. May I ask the Honourable Member what authority he has to say that certain things happened inside the Committee, that I said this or I said that ? I take strong exception to that because the reports in the Press were entirely unauthorised and they were sometimes very misleading. I think it is unfair that I should be accused in this House of a statement of fact which is obviously only a statement of hypothesis.

Mr. Vidya Sagar Pandya : I may say in this connection that this was even mentioned in the House yesterday. The Members were led to

believe that the country would lose the wonderful benefits of the so-called gold standard and the Reserve Bank if they insisted on making the changes they wished to make in the interest of India. The Damocles' sword of withdrawal of the Bill was always hanging over their heads. The result is that we have got a Bill passed by a narrow majority with a number of minutes of dissent. I feel the majority would have been greater but for the fear of losing the whole Bill. Even this House was similarly told yesterday that if the Bill is dropped the responsibility will lie on the opposition. But what is the use of the Bill if it is not in the full and best interests of the country ?

I shall give some of my reasons in requesting this House to accept my amendment. This Bill is a very important measure which vitally affects everybody in the country. It should not be fought on pugilistic grounds, as the Honourable Sir Basil Blackett is reported to have rightly said elsewhere when he was probably in his calmer mood. The various interests of this vast continent should be convinced that the measure is really in their own interests and not devised to suit the European needs first and to allay the fear of the United States of an immediate and direct setback from any action in India. The United States has an exaggerated fear that the gold coinage and the gold coin circulation in India would mean a withdrawal of about 500 million dollars worth of gold within the next ten years and would correspondingly accentuate the decline in world prices. In fear of the additional depression and further complication in an already depressed financial situation the experts of England unanimously opposed any proposal for gold coinage and gold circulation in India and the American witnesses supported their position before the Royal Commission on the close lines of whose recommendation the original Bill is drafted. Thus the Indian public must be given ample opportunity to compare and scrutinise both the Bills, that is, the original Bill drafted on the lines to suit first the alien requirements on alien recommendations and the draft now submitted by the chosen Indian representatives who have their own country's interest at heart and have re-drafted the Bill though not so fully as they might have, if they were not threatened at every stage with the dire calamity and responsibility of losing the very first measure of fiscal autonomy. Is it not therefore very necessary that the Bill should be circulated for further opinion thereon before we proceed with the Bill ?

Another reason for this re-circulation is that in their Report the Committee themselves say they have made a number of changes—several of them of considerable importance. For instance, as they say, and rightly too, that they have made what is perhaps the most important alteration to substitute a bank with a capital supplied by the Government in place of one with private share capital. It is no use creating another East India Company to exploit the country in partnership with the Imperial Bank of India with several of the wholesome restrictions on the nature of the business to be done by them in future removed and also the Government control withdrawn. But the Honourable Sir Basil Blackett's amendment goes to create an East India Company. (Laughter). I am sure the country would approve of the State Bank only if other safeguards provided by the amended Bill are also carried out. It is no use forcing a scheme down the throat of the people and yet saying we are getting rid of the octopus of the Secretary of State and giving India fiscal autonomy.

[Mr. Vidya Sagar Pandya.]

What the shareholders' bank as devised by the original Bill amounts to is transfer of control of currency from the Secretary of State in England responsible to Parliament to the alien exploiters and imperious bureaucracy here, which may mean a change probably from King Log to King Stork.

We had again been regaled with the great advantages of having a shareholders' bank. The Honourable the Finance Member regards it as fundamental that the majority of the members of the Board must be chosen by constituencies independent of the State, and he and his colleagues are by their experience convinced that the device of private share capital, which is well understood in other countries, is the method best calculated to serve India in this connection. The objects of share capital, we are told, are firstly that a body of directors elected by persons who have subscribed some share capital would have greater interest in the institution and command more confidence than directors selected by other means. Secondly, the Bank would be conducted from the point of view of commercial advantage and of what is best in the economic interest of the country. Thirdly, the object is to create a democratic constituency to which the controlling body of directors would be responsible.

I have been connected with banking in India for the last quarter of a century and with the courtesy of the India Office I had the rare privilege of acquainting myself with the inside working of the Bank of England and the five big banks of England when I went to give evidence before the Chamberlain Commission, and I had the opportunity of comparing the banking system both in England and in India. From my experience in India, I find that the three objects are very nice in theory. But in practice the control and direction of the Bank is vested in a group of men responsible to nobody but themselves without any effective supervision and check by shareholders whose interest does not go beyond fat dividends. The directors at the shareholders' meeting are practically left to pass accounts submitted by themselves to re-elect themselves or the partners of the firms to which they belong or their successors, if any of them are removed by the hand of death and to appoint auditors of their own choice to audit their own accounts. This applies to the Imperial Bank and the old Presidency Banks. Owing to the general apathy of the shareholders the directors simply comply with just the formalities required by law and issue a report and balance-sheet. They are not inclined to give any information to the shareholders.

Lest it may be considered I am exaggerating matters I have in my hand a list of attendance at the shareholders' meeting of the Imperial Bank for the last five years. The Imperial Bank is our present State Bank under the ideal scheme of shareholders. Here is the attendance at the general meeting of the shareholders of the Imperial Bank of India for the last five years. In 1921, the meeting was held at Calcutta and only 11 shareholders were present, 9 Directors and Managing Governors, and only 2 gentlemen from outside out of 5,000 shareholders.

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province : Nominated Non-Official) : Whose fault is that ?

Mr. Vidya Sagar Pandya : It is the fault of the system. In 1922, at Bombay, there were 33 present in person and 881 were present by what they call proxy. In Madras, in 1923, 41 were present in person and 1,621

were present by proxy. In 1924, at Calcutta, 16 were present in person and 908 were present by proxy. In 1925, at Bombay, 34 were present in person and 841 were present by proxy. In 1926, at Madras, 13 were present in person out of 5,000 shareholders, while 788 were present by proxy. I may just here explain why in 1923, in Madras, 41 were present in person and 1,621 by proxy. The occasion was that some of the Indians were anxious to have an Indian auditor. Both the Bank and the friends of the auditor had worked to secure proxies. I may also say that a large number of proxies are always registered and remain with the Bank, and that is why you find in the amendments to the Imperial Bank Act a request that the proxies should not be transferred from one office to another whenever there is a meeting.

Now, Sir, as I have explained, out of about 5,000 shareholders distributed all over the continent of India, except on any rare occasion, the directors and the officers of the Bank are left to conduct meetings held only once a year.

The directorate of a bank practically becomes a close borough confined only to certain favoured firms. The directors by mutual courtesy have a freehold and life-long tenure of their offices. The Government have tried on the old Presidency Banks' funeral additions of one or two Government officers in the past, probably to restrain the exuberance of commercial directors, but of what earthly use they were to the Bank it is difficult to say, as they too were generally mute like other directors. The Bank of Bombay failed in spite of an official director on the Board. If there are any independent directors, they and their firms languish under the cold shade of the Secretary or Managing Governor's displeasure and their contempt is seldom purged. Under the present system, a seat on the direction of the Imperial Bank becomes apparently an asset in the partnerships of certain firms but is not a wise or prudent one. The directors in a shareholders' bank in India have not much independence. In the hands of a strong Secretary or Managing Governor, they become dummies or pawns to play with. In short, the Bank is in the pocket of the Secretary or Managing Governor.

Mr. N. M. Joshi (Nominated : Labour Interests) : Is that true of all shareholders' banks ?

Mr. Vidya Sagar Pandya : Of a number of banks even under European management.

Take another case, the case of the Alliance Bank of Simla, Limited. I have seen some of the shareholders' lists some years before it failed. We had a galaxy of European high officials including Viceroys, Commanders-in-Chief, Members of Council, Secretaries to the Government, etc., among the shareholders. What interest did they take in the Bank as shareholders ? We know how miserably it failed. How a Bolton got hold of the Bank under the ideal arrangement of a Bank with private capital and on commercial lines !

Now I shall take the case of France which is practically a State institution in the form of a limited liability company. I shall read an extract from a book based on information supplied from an official source.

Mr. H. G. Cocke (Bombay : European) : What is the name of the book ?

Mr. Vidya Sagar Pandya : I will tell you, Sir. An Honourable gentleman wants to know the name of the Book. Here it is—" French Public Finance in the Great War and To-day " by Harvey E. Fisk, published in New York by the Bankers' Trust Company. I have got it by the courtesy of our Imperial Bank.

" *Ownership* (of the Bank of France.) The bank is entirely owned by its stockholders. For many years none of its stock has been held by the State, that which was originally purchased having been disposed of to the public. The stock is 182,500,000 francs divided on December 24, 1921, among 33,781 stockholders. The par value of the shares is 1,000 francs, equal at par of exchange to $ 200. Its market value at the close of 1921 was 5,530 francs—say, $ 1,106. There were then 11,952 stockholders holding only one share of stock each. There were 7,398 persons who had only two shares and 7,509 who held between three and five shares. Thus 10.6 per cent. of the stock was held by those who owned two shares or less, and over 20 per cent. by those who owned five shares or less...."

That means that probably 30 per cent. had no right of voting.

" .... A very large percentage of the stockholders are women...."

That is, out of the 33,781 stockholders a very large proportion are women.

" .... Only the 200 largest stockholders have a voice in the management of the bank."

Now we can understand what a shareholders' bank implies. Out of 33,781 shareholders, we have got only 200 people to manage the whole show. Thus it is clear there is hardly any control of the shareholders on the Board of Directors in a commercial Bank even under European management, and the idea to create a democratic constituency to which the controlling body of Directors would be responsible is moonshine at present so far as India is concerned.

There appears to be a sort of conspiracy to finally make this new Reserve Bank of India a sort of annexe to the Bank of England. That is why they are so keen about making the Bank as a shareholders' bank for it would be difficult to do so with a State Bank. The Governor of the Bank of England and of the Bank of France had been on a visit to the United States in this connection and an officer of the Bank of England had been to Australia on such a mission. Here I have got a copy of a letter from Australia which would be of some interest to the House. It says :

" Another aspect of the matter which we ourselves are keeping prominently before us is the desirability of the establishment of central reserve banking throughout all the self-governing parts of the Empire, all such institutions working in co-ordination with the Bank of England, which may be described as the Mother Central Reserve Bank of the Empire. At the present time we are enjoying the privilege of a visit by Sir Earnest Harvey, K.B.E., Controller of the Bank of England who has, by the courtesy of the Governor of the Bank of England, come to Australia to give us at first hand the benefit of his wide knowledge and experience. We feel that as a result of this visit the establishment of Central Reserve Banking in Australia on broader lines and conforming to the practices of the Bank of England will eventuate."

Another important alteration made by the Standing Committee is the selection of three directors each by the elected Members of the Central and Provincial Legislatures. The Honourable the Finance Member in his Minute of Dissent waxes eloquent as under :

" Our objection to members of the Legislatures being eligible for the office of Director applies with even greater strength to the proposal that the Indian Legislature and the Provincial Legislatures should be formed into constituencies for the election of members of the directorate. Such a proposal seems to us to be fatal to the scheme

of a Reserve Bank altogether. Under this proposal eight out of fifteen voting members of the Board will be chosen by the Central Executive or the Central Legislature, while three more will be chosen by the Provincial Legislatures, making eleven out of fifteen voting members (in addition to the non-voting Government officer) who will owe their presence on the Board to State intervention. We regard it as fundamental that the majority of the members of the Board must be chosen by constituencies independent of the State. Only so can the full independence of the Board be secured. The proposal further offends against the principle....''

I want to draw special attention to this sentence :

'' The proposal further offends against the principle that the constitutional functions of the Legislature do not and ought not to extend to the exercise of executive functions, such as the appointment of persons to specific posts. In so far as such a function has to be exercised at all in the case of the Reserve Bank by or on behalf of the State, it is a function of the Executive and not of the Legislature.''

Really a Daniel has come to judgment ! When this House asks for the separation of the judicial and executive we are told that it is impracticable. Why do these Members sit here in the Legislative Councils and also lord as Members of the Executive Councils ? How do they reconcile their principles with practice ? Why do they in their own case allow constitutional functions of the Legislature to extend to the exercise of executive functions, such as appointment of persons to specific posts ? Why not ask the country what they want ? But the Government is imperious and would not consult the country but wishes to force the change. The Government which is itself the biggest political party in the country choose to call the directors elected by the Legislatures as politicians ! What are the members of Government and their nominees ? They represent the Government politics. Yet the kettle calls the pot black !

Then, we come to another very important but halting change about the gold standard coin. The Joint Committee, though they regard it as a matter of first importance that gold standard coin should be introduced. yet hesitate to give the public the right to take the gold bullion to the mint to get the gold mohurs proposed by themselves. They talk of the '' gold mohur '' as a definite proof that the Indian currency has been linked to gold, but leave it to the absolute discretion of the most unwilling Governor General in Council to coin it or not. We are told that only two gold mohurs will be struck in the mint as the conspicuous and visible sign of the linking of our currency to gold ! One probably will be sent to the next World Exhibition, and the other kept in Imperial Delhi as a souvenir of the momentous coinage ! This kind of linking of our currency to gold proposed by the Committee reminds me of the platonic marriages where the connection does not extend beyond the sacramental marriage tie as in the famous Russel case. Here also our currency is linked to gold, but the gold goes to the third party. The gold standard is ours, but the gold goes to aliens for remittances abroad, and every effort is made to deprive or rather to cheat Indians of their gold. It is a mercy that sovereigns are retained as legal tender by the Committee, but Sir Basil wants to torpedo them. I remember to have seen a war cartoon in the *Punch* wherein John Bull proudly points at a big gold sovereign and says : '' This is not torpedoed ''. But Sir Basil desires to do so in India in peace times.

Similarly, there are other important matters such as about the bank notes, etc. If the provisions of the Bill are carried out, currency notes, specially under Rs. 5, become practically inconvertible. The determination is to force paper currency on the country, and yet it is called a gold stand-

[Mr. Vidya Sagar Pandya.]

ard. If Sir Basil Blackett's ideas are to be carried out fully, I shall have to use an epigram which was in vogue in the times of Pitt :

"Of Augustus and Rome,
The poets still warble,
How he found it of brick,
And left it of marble."
"So, of Blackett and India,
Men say without vapour,
That he found it of gold,
And left it of paper".

Another feature unfortunately approved of by the Committee is the total exclusion of the directors of other banks from the Board of Directors of the Reserve Bank.

Mr. N. M. Joshi : It is the greatest defect.

Mr. Vidya Sagar Pandya : While in other countries banks are given a special direct share in the capital and representation on the Boards of the Central Reserve Banks, here the Committee considers it a distinct disqualification. Directors of other Banks have sat on the Board of the Imperial Bank for the last 5 years. Government themselves have nominated directors of other Banks who had the additional sin of being Members of the Legislature on the Central Board of the Imperial Bank. What calamity has befallen the Imperial Bank ? How have they abused the confidence ? Now, all of a sudden, the directors of other Banks are treated like lepers and left out. Even on the Board of the Bank of England which is held up as a model, there are out of 26 directors, 15 persons who are connected with joint-stock banks and leading banking firms. Why is an exception made in the case of India ? In England members of Parliament are not disqualified. In fact, the Bank of England had, and has, on its Board members of Parliament, though one or two. Though they are not nominated by Parliament, they are not debarred from sitting on the Board of the Bank of England simply because they are members of Parliament.

I do not wish to take up any more time of the House. But there are similarly other important matters in which changes are made in the framework of the constitution proposed by the Royal Commission. The public have no knowledge of these important changes. The Joint Committee's Report and Bill reached us only on the 19th instant. It was first published in the Gazette only on Saturday last. While we are discussing it here, the public outside has not yet seen it, much less studied it. Standing Order No. 42 requires that the Report of the Select Committee with the amended Bill shall be published in the Gazette. The object is to give the public ample opportunity to study and offer its opinion and criticism. The Bill was published in Simla on the 27th instant and contains very important changes as shown by me. It has not yet reached all parts of the country. For instance, it could not have reached Madras, Rangoon, Karachi and it could not have reached some people yet, for we have got some letters from other places asking us to send copies of the amended Bill and the Report. Representing as I do the commercial community of the Madras Presidency, I had not enough time to consult either the important bankers, merchants or the Chambers and commercial associations in the Madras Presidency. It is no use our assenting to the Bill without

first consulting the important Chambers and trading associations and other public bodies who have a stake in the country. Nothing is lost by postponing the consideration of the Bill till opinions are expressed by the country, especially the commercial and public bodies.

Further, all the papers connected with the Report should be laid before the public and I am sure that if the full report of the proceedings of the meetings of the Joint Committee at Bombay and Calcutta are published, they will go a great way to clear the matter. The Committee has postponed the date of starting the Bank and Sir Basil Blackett has shifted certain dates still further, and if the new Bank is started after another 12 months or so, it will even further simplify the question of the agreement with the Imperial Bank and the amount to be handed on account of the over-generous terms still allowed to the Imperial Bank can be saved and the Government can distribute the agencies of the Reserve Bank among a number of banks. The various commercial and financial bodies as the Chambers and the Banks who are so closely connected with this important measure have had no time even to read, much less to study and express their views or to instruct their representatives to press their views here. We must also take into consideration the views expressed in the minutes of dissent like Sir John Bell and others and there is a large body of the business community represented by him who cannot and must not be over looked. They would be opposed to the views of the majority report. They must equally have an opportunity to express their views, specially in view of the differences among the members of the Joint Committee. All the papers laid before the Joint Committee and the full report of the proceedings of their meeting must be made available to the public. I hope I have made out a good case in support of my amendment, and I move that the Bill to establish a Gold Standard and constitute a Reserve Bank of India as reported by the Joint Committee be re-circulated for the purpose of obtaining further opinion thereon.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Sir, I am glad to have an opportunity of intervening so early in this important debate ; for curiously enough on this occasion it has fallen to the lot of Members sitting in the Opposition Benches to effectively support the motion moved by Sir Basil Blackett and it has fallen to his lot more to criticise the Report that he has presented than to speak in support of it. From what I have seen of the amendments of which Sir Basil Blackett has given notice, it is evident that on almost all the fundamental issues raised in this Bill he has thrown to the winds the recommendations of the Joint Committee and is anxious to go back to the Bill as it was originally presented by Government. My Honourable friend in making his motion yesterday remarked that on most of the technical matters he had accepted the recommendation of the Joint Committee, but it was only on the question of shareholders' *versus* State Bank and on the question of the gold mohur that there was difference of opinion between Government and the majority of the Joint Committee. I beg to submit that it is not merely on these two questions but on almost all the other technical questions as well that the amendments given notice of by Sir Basil Blackett will have the effect of upsetting the decision of the Joint Committee. Sir, to my mind the most fundamental clauses of the Bill are those relating to its constitution, its management, to the composition of the currency reserve and the question of the gold mohur, and

[Mr. R. K. Shanmukham Chetty.]

I maintain that on all these points Sir Basil Blackett is endeavouring to upset the decision of the Joint Committee.

As a member of the Joint Committee I would like to take this opportunity of explaining to the House some of the salient features of that Report. So far as the question of shareholders' *versus* State Bank is concerned, my task has been made considerably easy by the very lucid exposition which the Honourable the Pandit gave last evening. I do not therefore wish to speak at any great length on that point, but I would like to add one or two words on this subject. In support of a private shareholders' bank it is no good either for Sir Basil Blackett or for any Honourable Member of this House to rely upon what has been said on this point by the Royal Commission on Indian Currency and Finance ; for I submit that the Royal Commission has not taken into consideration the question of the advisability of having a State Bank. They proceed on the assumption that it must be a private shareholders' bank and in paragraph 91 they remark :

"There is no need nor is it in fact desirable that a Central Bank should be endowed with any very great amount of capital"

They have not sufficiently considered the question whether it is necessary and desirable for a Central Bank to have share capital subscribed by private shareholders. In paragraph 89 they take it for granted that every true Central Bank must contain in its charter a provision for private shareholders, and I therefore submit that they have not devoted their attention at all to this aspect of the question. Even if the other countries of the world may have Central Banks constituted on a private shareholders' basis, under the peculiar circumstances of the case of India it would not be desirable to have a State Bank. My Honourable friend Sir Basil Blackett in support of his scheme of a private shareholders' bank said that a bank constituted on that basis would be one that is most easily understood by other countries of the world. I realise, Sir, that most of the Central Banks of the world are banks with private shareholders' capital, but I ask this House to consider whether there is not one fundamental difference in the conditions that exist in the other countries of the world and in the conditions that exist in India, which would justify us in discarding this precedent of Central Banks in other countries. Sir, if I am not mistaken one of the fundamental provisions of the charters of Central Banks all over the world is that every shareholder must be a person belonging to the nationality of that country and, even in those banks where persons who do not belong to the nationality of the country are allowed to be shareholders, they are not allowed to exercise the right of voting at meetings. I ask whether Sir Basil Blackett would for a moment be prepared to concede this fundamental point which is incorporated in the charter of every Central Bank in the world ? Would he be prepared to say that no one except an Indian can be a shareholder in the Reserve Bank of India ; or as an alternative that even if outsiders who are not Indians are permitted to be shareholders they will not be permitted to exercise the right of voting at general meetings ? Sir, if my Honourable friend is prepared to concede that, I would straightaway agree to the constitution of a Central Bank with private shareholders.

The Honourable Sir Basil Blackett : May I say that I shall be perfectly willing to add to the draft amendments I have that no one who is not an Indian or a British subject ordinarily resident in India should have a vote.

Mr. R. K. Shanmukham Chetty : Sir, that does not satisfy the point that has been raised by me. If the right to vote is confined to Indians and Indians alone, persons belonging to the Indian nationality—in which statutory natives represented by my friend Colonel Gidney would be included—I for one would have no objection to a shareholders' bank. But that is not practicable. We on this side know that Government would not even look at such a proposal. But my Honourable friend Sir Basil Blackett said yesterday that we might introduce certain special safeguards, as, for instance, that the majority of the shares should in the first instance be given to Indians and those who are resident in India. But I ask him whether in practice it would be possible to put this restriction upon the future transfer of shares. I maintain that it will make the working very complicated and cumbrous if we are going to say that not merely in the first instance but even in the case of future transfers the majority of the shares shall always be held by Indians or persons ordinarily resident in India. Our apprehension against having a shareholders' bank is this ; we cannot keep members representing European commercial interests from being shareholders in such a bank. And whether our apprehension is right or wrong, the impression remains that the interests represented by European commercial men come very often directly into conflict with the interests represented by Indian commerce. And so long as that state of affairs continues it is not possible for us to agree to any scheme which would hand over the management of the entire financial system of our country to foreign capitalists. Even if the management of the financial system of the country were to be entrusted to Indian capitalists, I would still have some objection to such a course. I do not want that on an important concern like this vested interests should be created. For we all know as a result of the experience of almost every joint stock concern, not merely in India but all over the world, that the control exercised by the small shareholder is absolutely negligible if not non-existent. The managing agents or directors of any joint-stock company will tell you how ineffective and unreal the general control of the shareholders of the affairs of a corporation is. It is therefore no use to say that provisions might be made in the Bill to ensure that persons should not be allotted more than a certain number of shares, thereby safeguarding against the passing of control into the hands of a few capitalists.

Sir, to look at this problem from the point of view of a shareholders' *versus* a State Bank is, I submit, not the correct way of looking at it. For even the scheme which has been evolved by the Joint Committee does not provide for a State Bank in any real sense of the term. I submit that the use of the word " State " in this connection is in a very loose sense. The Central Bank, as recommended by the Joint Committee, is not a State concern in the sense that it is to be managed and controlled by the State. The fact that the Governor and Deputy Governor and certain Directors are to be nominated by the Government does not necessarily make it a State Bank subject to the control of the Government. I would like to give to the House an analogy in support of my contention. The Judges of the High Court are appointed by the Executive. They are paid by the Government,

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but is it for a moment contended, Sir, that the High Court is under the control of the Executive, that the Judges of the High Court are subordinate to the Executive ? We have again the recent example of the Public Service Commission, the members of which are appointed by the Executive. But is it for a moment contended that the Government of the day controls the actions of the Public Service Commissioners ? I maintain it does not. The fact therefore that a certain number of Directors are to be nominated by the Government and that Government subscribes 5 crores does not necessarily make this bank a State Bank in the real sense of the term. Sir, what is it that makes Sir Basil Blackett insist upon having a private shareholders' bank ? Is it because he wants to find this 5 crores of capital which is to be subscribed by the shareholders : or is it because he wants to devise an electorate which will be independent of Government control ? Obviously a shareholders' bank is not wanted simply for the purpose of finding this 5 crores of rupees, because even if this is so subscribed, look at the huge assets, the solid assets which the Government will be handing over to the shareholders' bank. From the Currency Reserve some 230 crores will be handed over to the bank ; and apart from this there will be the Government balances, amounting at times to 40 or 45 crores of rupees. Is it contended, Sir, that a shareholders' bank subscribing 5 crores of capital should be entrusted with these huge reserves amounting to about 270 crores of rupees ? I submit that it is not the proper thing to do. And the fact that Government is going to contribute 5 crores of rupees would not, I submit, make the bank necessarily a State Bank.

Sir, I am at one with the Honourable the Finance Member in wanting that the bank that we are to establish must be entirely free from the control either of the Government or of the Legislature. There is not the slightest difference of opinion on that point. I am sure nobody on this side contends that in the day to day management of the affairs of the bank or in the control or direction of the general policy of the bank either the Executive Government or the Legislature of the country should have any voice at all. If it is taken for granted that there is no serious difference of opinion on this point, I submit there is no meaning in the Honourable the Finance Member still insisting that the shareholders' bank is the most ideal scheme that can be devised. Having thrown out the idea of a private shareholders' bank the Joint Committee devised what appeared to them the best scheme of management possible under the circumstances. One very important provision that we made is that of the Governor and Deputy Governor, one of them at least must be an Indian. I find now that the Honourable the Finance Member has given notice of an amendment to delete this provision. We are accused of introducing racial discrimination in this matter. Sir, it is unfortunately in this country that we have to make provision that these high appointments have to be given to Indians. In other countries, the idea of giving these appointments to anybody who does not belong to the nationality of the country will not be entertained for a moment. We are told that the best man available must be chosen irrespective of the fact whether he is an Englishman or an Indian. Sir, if Government are to ask us to subscribe to that dictum, I ask the Honourable the Finance Member to state whether, if the best man available for the Governorship of the Bank happens to be a Czecho-slovakian, are Government prepared to

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nominate him to that post ? If the best men available among Englishmen only are to be appointed, we want to restrict the choice further : " appoint the best man available among Indians ", and surely it is not an unreasonable request to make. And I would draw the attention of the House to the necessity of seeing that this safeguard is kept in the Bill, for, if it is left to future developments and to the promises that might be made on the floor of this House, those promises would suffer the same fate that other promises have suffered in the past. By bitter experience we have realised that there is no more use pinning our faith even to solemn declarations made on the floor of this House : and nothing short of a statutory provision of this nature will satisfy the Honourable Members on this side of the House. I want the House to bear in mind this, that if the first Governor or Deputy Governor is not to be an Indian, for 15 years you may not have an Indian for these posts. If the first Governor and Deputy Governor happen to be non-Indians, we may have to wait for 15 or 20 years to get an Indian Deputy Governor on the Board ; and I would therefore implore the House to bear the importance of this proviso in mind.

Apart from this provision that we have made in the directorate, the Joint Committee devised a scheme of management which, as I have said, seemed the best under the circumstances. The scheme as finally settled by the Joint Committee has come in for a good deal of criticism at the hands of the Honourable the Finance Member, especially that portion of it in which we make provision for the representation of the Legislatures. Well, Sir, I want to make my own position clear, and I am sure that is the view shared by many others who have been associated with me on the Joint Committee. I did not subscribe to that scheme on the assumption that the representation of the Legislatures was a fundamental principle which we could not ignore. The only principle that I wanted to be accepted is that the Board must consist of a majority of elected Indian members. If my Honourable friend the Finance Member is prepared to give us an alternative scheme or schemes, which will ensure that there will be on the Board a majority of elected Indian members, then, Sir, I for one am prepared to consider the matter. I did not and do not consider representation of the Legislature as a *sine qua non*. That being the case, it is no use for the Honourable the Finance Member to say : " Now that you have thrown overboard my shareholders' scheme, it is for you to devise an electorate ". I confess it is very difficult to devise a suitable electorate. That does not necessarily mean that we must go back to a scheme which according to some of us is very vicious at least under present circumstances. Sir, I may assure my Honourable friend, the Finance Member, that if the scheme is to be wrecked merely on this one issue, he may rest assured that we will not allow that to be done. It will depend upon the Honourable the Finance Member to give us a satisfactory alternative which will ensure a majority of elected Indian members on the Board.

Sir, so much for the constitution and management of the Bank. I would now like to say a word or two about certain other salient features of the Bill as amended by the Joint Committee. The clauses referring to the business that can be transacted by the bank are a very important part of the Bill. and in amending these clauses we have always kept in view the one fundamental principle that the Reserve Bank should not come into competition with the ordinary commercial banks of the country. We have

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kept that limitation absolutely clear in our minds. But the provisions of clause 12 of the Bill have come in for a good deal of criticism from certain quarters. In that clause provision is made that under certain circumstances the Reserve Bank will be permitted to enter the open market for transactions This, it was represented to us, would give to the bank the power to come into competition with the ordinary commercial banks. But the Joint Committee thought that a provision of this nature was necessary if the bank is to discharge effectively the obligations imposed upon it, and we have taken good care to see that this provision would not be abused under any circumstances. Provision has been made that, if this clause is to be brought into operation, it can only be by a majority of two-thirds of the directors present at a meeting, and we have also provided that the directors should decide to put into effect this clause only if they are satisfied that it is necessary in the interests of Indian trade and commerce. Sir, it may be necessary that, on certain occasions, to make its discount policy effective, the bank may have to go to the open market to neutralise the activities of the ordinary commercial banks, and under such circumstances I submit it would be very unwise to take away this power of entering the open market completely from the Central Bank. The provision of clause 11 (*3*) has also come in for a good deal of criticism. That clause refers to the exchange business that might be conducted by the bank. It was pointed out to us that the only function of the bank, so far as exchange was concerned, was to intervene when exchange touches the upper or lower gold points, and that in conducting the remittance operations of the Government, the bank should act only as the agents of Government and not on its own independent responsibility. The main argument that was advanced in support of this contention was that if the Reserve Bank is given unlimited powers of operating on exchange, it might gamble in exchange with a view to make money. No doubt there is a danger, but we have provided that, normally, the bank should enter the exchange market solely to conduct the remittance operations of the Government of India and to conduct remittances on behalf of *bona fide* customers. I maintain it is essential, if the bank is to undertake the obligation of maintaining the exchange, that they must be given perfect freedom to remit money at the time which in their opinion seems suitable. To give this discretion to the Government would, I submit, perpetrate the evils of the present system.

Sir, I would now turn my attention to the composition of the currency reserves which is covered by clause 25. An analysis of this clause would show that it is provided that the gold assets of the currency reserve must be not less than 40 per cent. and that the bullion portion including the coin must be at a minimum of 30 crores of rupees, but that at the end of the 5th year it must be 20 per cent. of the total and at the end of the 10th year it must be 25 per cent. of the total ; and we have also made a provision that at the end of the 10th year the gold securities should not be more than half of the gold assets. I find that the Honourable the Finance Member wants to delete this important proviso that at the end of the 10th year the gold securities should not be more than half of the total gold assets. I submit that the provisions as embodied in this clause are the result of a compromise. If we are to have our own way we would provide that at least 40 per cent. of the reserve must be gold bullion and gold coin ; but as a measure of compromise, we accepted the proposal of

Government subject to this important proviso that at least at the end of the 10th year the gold securities should not exceed half of the total gold assets. We have also made a provision that 85 per cent. of the gold in the reserves must be held in British India. These provisos, which the Joint Committee thought it necessary to embody in the Bill, are meant to secure a free inflow of gold into the country and also to ensure that most of the gold bullion would be held in British India.

With regard to the obligation imposed upon the bank to sell gold or gold exchange, the Joint Committee has made a very important amendment. The obligation to sell gold is restricted to obligation to sell gold only in India and not in outside countries. This amendment was made by the Joint Committee with a view to enable them to press that a greater percentage of gold should be held in India than would otherwise be possible. The obligation imposed upon the bank to maintain exchange at the lower gold point is, I submit, achieved by the obligation to sell gold exchange at that point. It is not therefore necessary that the obligation to give gold in foreign countries should be imposed upon the bank and thereby introduce complicated provisions in the Bill.

Sir, I now come to an important matter on which the Honourable the Finance Member wants to upset the decision of the Joint Committee, and that is the provisions relating to the gold mohur. In this matter again, I submit, the decision of the Joint Committee was in the nature of a compromise. If some of us had our own way, we would have liked to see that provision is made that gold coins must be minted and circulated in India immediately. People who demand that would be dubbed as extremists, but even the moderates would ask that if not in the immediate present that at least at some very defined and definite future the obligation to redeem notes in gold coins must be imposed upon the bank. But, Sir, we did not press either of these points, and the provisions as finally agreed to are in the nature of a compromise. Now, what are those provisions ? It provides for the minting of a gold mohur worth Rs. 20. Discretion is entirely left with the Governor General in Council to coin and issue such quantities as the Governor General in Council may think proper. We do not want to impose upon the bank the obligation to give gold mohurs in exchange for bank notes. At first sight, it would appear that the provision that we have made is so innocuous that one cannot understand the opposition of Government to such an innocuous provision. But what is the reason which made us insist upon a provision of this nature ? To have a provision of this nature would ensure, and visibly ensure, that the standard coin of India is a gold coin. Whether that gold coin is actually in circulation or not is a different matter. But we want to establish the principle that our standard of value is no more a silver rupee but a gold coin. But my Honourable friend Sir Basil Blackett would say : " You have got that even now ; the rupee that you have got is in effect a gold rupee (as he would call it) ; the rupee represents 8.4 grains of gold and not so many grains of silver ". Sir, that was the impression under which the Indian public had been labouring all these years, and it was only very recently that we were told that we were wrong in that impression, that the value of the rupee is a value that the Finance Member may choose to attach to it. If the value of the rupee had represented certain grains of gold there would not be any justification for any Finance Member to alter that standard of value. That standard of value has, as we all know, been

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altered in the last Delhi Session. Sir, we do not want that anything of that nature should happen in the future. I know that the imposing of the obligation to give gold bars in exchange for currency would be considered as a safeguard against the recurrence of any such danger ; but I want our people to realise that after all our standard of value has been founded upon a gold coin and the question of that gold coin coming into active circulation will be a question only of time. I am really very surprised that the Honourable the Finance Member should have thought fit to oppose this innocuous provision that we have made. The importance of this provision would be seen from the stoutness of the opposition which the Honourable the Finance Member gives to that, and I would request the House not to agree under any circumstances to delete this important provision that we have made.

Sir, these are some of the salient points that have been embodied in the Bill as finally amended by the Joint Committee. If Honourable Members will look at the Schedule to the Bill, as amended by the Joint Committee, they will find that the list of banks included in the Schedule has been greatly enlarged. While under the original proposal of Government only a few select banks were included in the Schedule, we thought it fit that as many banks in the country as possible should be brought into this reserve system, and we finally decided that every bank which has got a total paid-up share capital and reserve of over Rs. 3 lakhs should be included in the membership system of the Reserve Bank. These are the main changes that we have made in the Bill and the Honourable the Finance Member has been very much perturbed over these. Sir, this measure for the establishment of a Reserve Bank for India has been heralded as the greatest measure of financial liberalism ever offered to India. It has been received in certain quarters with a certain amount of scepticism, if not with suspicion. There is no need to go into hysterics either over the merits of this measure or over the defects that may lurk in it. It must be conceded that to place the financial system of our country on a sound and secure basis there must be a co-ordination of the currency and the banking reserves of the country and a unified policy in these two matters. Now, this co-ordination and this unified policy cannot be achieved without the establishment of a Reserve Bank. For obvious reasons no Government in the world can have control over the banking reserve, and if the financial system of a country is to be placed on a sound basis, there must be a co-ordination between the banking and the currency reserve. I would submit to the Honourable the Finance Member that the Bill as it has emerged from the Joint Committee is certainly a very good measure. Let him not be frightened at it. I would like to conclude my speech with the metaphor which the Honourable Member himself used when he brought his pet child before this House in the last Delhi Session, we thought that, though it was not quite a monster, it was an ugly, unwashed and uncouth child. There were those in this House who thought that under no circumstances could this child be made to look decent. Sir, we thought we might nurse this child in the Joint Committee, and with that object we undertook in our hands the care of this child. In June we took this child to Bombay. Some people may think that Bombay in June is not a sanitorium for a sickly child. But, Sir, we took it there with the hope that, even though the climate of Bombay may not be quite suitable, in that city we could seek

for expert medical advice. And when we took the child to Bombay to our consternation on the very first day there was the danger of the child succumbing to the baneful effects of the unhealthy and mosquito-infested marshes of the Back Bay of Bombay. Fortunately, the child survived and we took it again to Calcutta, and after breathing the fresh air of the beautiful maidan there, the child revived life. Sir, we now present to the House that child, washed and clothed, and more healthy than it was when presented by the Honourable the Finance Member. And now the Honourable the Finance Member wants to disown it. Sir, if he wants to disown it, the blame will not rest on our shoulders. If this Bill fails to become law, I can assure the Honourable the Finance Member the blame will rest upon him and upon him alone and not upon Members on this side of the House. (Applause.)

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan, Rural) : Sir, I had no mind to make any very long speech on the Bill before the House ; and indeed I should not have been tempted to stand up at all, but for the excellent thought-provoking paper that was read to us this morning by my Honourable friend Mr. Vidya Sagar Pandya. I think I listened to one of the very best speeches in this House which yet was a little too good for the official Benches who had almost cleared away at the beginning of his speech. But I think the Honourable Sir Denys Bray was here listening to the speech of Mr. Pandya and he seems to have relished that speech as much as I relished it myself. I am glad, Sir, that with the long experience in banking that Mr. Pandya commands he has given his ideas on this technical subject with a literary grace and ease, enlivened with the great humour and illustrated with a lot of facts, which as I said I greatly relished. I thought it was a great pity that the Honourable Member in charge of the Bill was not present to listen to the very trenchant criticisms that Mr. Pandya made against which I thought should weigh with most people to give up once for all the idea of a shareholders' bank. He quoted from the annals of the Imperial Bank of India as to how the directors were conducting the business of that bank year after year during the past five years ; and the figures that he placed before us were such as not to encourage any man with a free mind, such as I think all of us should have, to vote for a new shareholders' bank which might be managed no better, possibly much worse than the Imperial Bank as it is at present managed. I therefore thought that there was very great cogency in Mr. Pandya's arguments when, considering the divergencies of opinion between the Honourable the Finance Member and his great desire to present the Bill as originally introduced by him on the one hand and the divergencies to be found in the Bill as it has come out from the Joint Committee on the other. I thought there was very great cogency in Mr. Pandya's contention that the Bill might well be sent back for opinion to the country, to those who may be interested, to all who ought to be interested and who indeed will be vitally interested in the passing of a Bill of this kind. However, Sir, I am not very sanguine

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that Mr. Pandya's amendment for referring the Bill back to the country for opinion would be acceptable to the majority of the Members. Unfortunately in the very imperfect world in which we live, in my own philosophical way, the only consolation that I can give to my Honourable friend Mr. Pandya is that arguments do not always carry the day ; no, not at all in this imperfect world of ours. If arguments alone would weigh with us, I think Mr. Pandya's arguments were cogent enough to send back this Bill to the country for opinion ; and it is only after such public opinion has been elicited that the Government will be justified in proceeding further with the amendments that have been put forward either by the Government Benches or by very many of my friends on this side, who, of course, claim to be all experts over this banking Bill. Luckily, I do not claim to be an expert. As I have already said, I have scrupulously taken care to keep myself out of the danger zone of pullings, counter-pullings, re-pullings and things of that kind ; and I hope it will be vouchsafed to me to be able to give my vote in a perfectly free manner.

Only one word more I wish to say ; that is, on behalf not of the commercialist, who of course always will have his interests safeguarded, not on behalf of the great industrialists who will be able to take care of themselves and whose interests indeed almost everybody here seems to be very particular about ; I only wish to say a word about the interests of the vast bulk of the people who really contribute to the revenues of the Government and whose money, therefore, in reality would form the bulk of the money in any State Bank. I wish to put in a word that their interests should be adequately safeguarded. Just at present, from what I have heard, I do not believe there is going to be any very great contest as to whether it should be the old shareholders' bank or the new State Bank. If what I hear is true, if all that the little bird that has been whispering in my ear turns true, I think the Honourable the Finance Member will act up to the old adage that discretion is the better part of valour and give up his shareholders' proposal, for even the empty benches here, I am sure, will be quite loud in imposing their will against him on that point. (Laughter). Therefore, if it is going to be a State Bank of some kind, the only other moot question is going to be, I fear, with respect to the directorate. On that directorate, however formed, as I have already said, I am perfectly sure that in all human probability the rich men, the rich landlords, the rich merchants, the rich industrials and the rich capitalists and so on will all be more than adequately represented. I do not hold a brief for any of the above-mentioned men. I do not represent them. I represent the average man. I represent the vast bulk of the people in India, the great agriculturists. My constituency specially consists of those who pay land-revenue varying from very small sums of money, such as Rs. 50, Rs. 75, Rs. 100 to Rs. 200, and so on. I would appeal to the Honourable Sir Basil Blackett that in any scheme of directorate that he is going to evolve—I dare say the pot is melting and something will come out soon which will be acceptable to all parts of the House—in any scheme that he is going to evolve, the interests of the vast bulk of the agricultural people of this country would be adequately safeguarded. At present, in the Bill as it is drafted and placed before the House, I find there is only one member given to what are called the co-operative banks. I do not believe that is quite adequate. I am not going to waste my

breath in opposing that clause, as I hear it is not going to be the final thing at all. Some other thing is being talked and talked, and talked over and talked about. Therefore when the final thing is shaped, when the members in the directorate are fixed, I urge very strongly that at least three or four members should go to represent what I call the great bulk of the people, the ordinary tax-payers, not exclusively the great big income-tax payers who pay Rs. 1,000 or Rs. 2,000, not these exclusively. The vast bulk of people contribute small sums of money, it may be ; but it is really these small sums that will go to make up the large capital of the State Bank that is going to be established. I would make an earnest appeal to all, officials and non-officials alike, and I hope that this will be made a non-party point, namely, that at least three or four directors should be drawn from people who will represent the great agricultural masses of this country. My only point, I repeat, is that agricultural interests should be adequately represented on the directorate ; but as to what the electorate that would represent them should be, I hope those who are going about doing very restlessly the melting and the remoulding business will look to it. Whether after all it is to be through agricultural registered societies or through co-operative banks or through any other medium, to me it does not matter, the only point I am keen about is this—that there ought to be adequate or sufficient representation on behalf of the great millions of the people, who, I hope, it will be worth repeating, contribute the largest share to the credit of the State Bank or in fact to the finances of the country. These are the few remarks that I wish to offer. Once more, at least so far as I am concerned, I wish to tender my hearty thanks to my Honourable friend Mr. Pandya for what I consider to be the best speech that has been made during this Session. Indeed I hope, when his speech is printed and read, the official Benches who were conspicuous by their absence all with the exception of Sir Denys Bray, and two others—I am proud to observe that both of them were Madrasis, setting a better example to their official Superiors—I hope that these absentees will feel sorry that they were not here to enjoy the good humour with which Mr. Pandya's speech abounded and which relieved the sharpness of the very strong thrusts which otherwise he made into the position of those who would contend for a shareholders' bank. For the very good reasons advanced by him I should have indeed supported the amendment of Mr. Vidya Sagar Pandya ; but I fear there is no chance of its being carried through. I therefore content myself with once more urging the claims of the agricultural population of India to have adequate representation in any scheme of directorate that may be finally evolved ; and I trust that this point will receive the sympathetic consideration of the Honourable the Finance Member.

Mr. Kikabhai Premchand (Bombay : Nominated Non-Official) : Sir, I rise to support the principle of the proposed Reserve Bank with great pleasure, since it has won my approval through the slow educational process of conversion, but I cannot support the Report of the Joint Committee. When the project of a Reserve Bank was first broached, it was my feeling then that this could best be accomplished through the medium of the already existing Imperial Bank. Although I have veered from this opinion, I still believe we morally owe that institution certain obligations, if only in proper protection to the investors in its stock. I cannot concede that the terms proposed are over-generous. To those who would charge me with inconsistency in this connection, I would say that

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I have endeavoured at all times to keep open the avenues of my mind for the reception of new thoughts and ideas, and I disavow mental obstinacy.

The outstanding merit of the suggestions now embodied in this Bill is the aim, for the first time in the history of our currency, towards bringing the control of both currency and credit under a single institution through healing the breach from which so many shortcomings of the administration of our currency have accrued. Of no less importance to my mind, is the first concrete proposal to give the main provisions of our currency system the use of law. It is quite simple to make out a strong case for the thesis that many of the difficulties and disadvantages we propose repairing to-day have arisen from the decision adopted, when the gold standard was officially accepted, that it be left for development by administrative action and not in accordance with the ruling of law. I recognise that when funds were fluid it was desirable to admit of a certain degree of latitude in pursuing this new objective. I also appreciate the skill and fidelity with which the succession of Finance Members endeavoured to make the principles of the standard effective. Circumstances were too strong for them largely because they were not reinforced by the authority of the Statute. Now these great ends—the linking of credit with currency under commercial management and the establishment of the rule of law for the practice of administrative discretion—are of such vast importance to India, that all things being equal, the proposals should command our unhesitating acceptance.

Examining the Indian situation in the light of these necessities, my first reaction to the recommendations of the Currency Commission relative to the Reserve Bank was a feeling of regret that the Commission had not set their gaze on the development of the Imperial Bank into a Central institution, charged with the true functions which it is now proposed should be committed to the Reserve Bank. Some of the Members in this House may be acquainted with my correspondence with the Honourable the Finance Member on this subject. The Imperial Bank has a franchise from the Legislature, on the authority of which large investments, some of them of a semi-trustee character, have been made in its stock. The Imperial Bank is the chief institution which by the rapid opening of new branches, can coax into circulation the very large " stores of value "—I will not call them hoards—which will strengthen our financial system. Anything which might impair the power of the bank to prosecute this activity would be detrimental to our true interests. However, I am satisfied, from a close examination of the Bill before us, that the interests of the Imperial Bank and its shareholders are not sacrificed, but rather that the terms proposed are equitable in view of the suggestions to broaden the scope and increase the usefulness of that institution. I am further satisfied now that there are very serious practical difficulties in entrusting to one institution the note issue and the handling of Government balances and remittances, especially when that institution, namely, the Imperial Bank is to be made still freer, than under the present Act, to carry out its fundamental work, the extension of banking facilities in India. For all these reasons, which have not been easily accepted, I am convinced that the establishment of a Reserve Bank on the broad lines now proposed is best of true Indian interests.

Sir, I believe it erroneous to hold that the greater latitude which we propose conferring on the Imperial Bank will result in unfair competition to indigenous banks or that their scopes of operations will thereby be curtailed. There is surely room for all and there is not yet in existence, nor is there likely to exist, any institution capable of replacing the Imperial Bank in resources or in ability to develop mufassil credit. In past periods of depression our industries have been courageously upheld by this great corporation and to shackle it now with the fetters which would necessarily be imposed on any bank entrusted with a note issue, would scarcely be to our industrial and commercial interest.

Sovereigns : Sir, I believe the argument for the retention of sovereigns and half sovereigns as legal tender coins to be untenable, for they have at no time in the past been employed as legal tender coins.

Gold Mint : I can see no advantage in the opening of a gold mint at this particular juncture ; in fact, it will wholly defeat the object of the gold bullion standard. A gold mint would retard the strengthening of our gold reserves ; it would add to the difficulties of maintaining a stable exchange ; it would depreciate our holdings of silver, and it would disturb the gold standards of other countries, with resultant suffering to the trade of India. For the same reason, despite the value attached to the sovereign, I accept the necessity of demonetising that coin, for such a step is imperative if we are to prosecute successfully the gold bullion standard and ultimately pave the way for an effective gold standard.

Shareholders' Bank : Sir, there should be no need to lengthily discuss the necessity of a Reserve Bank as this is generally accepted by the responsible commercial community, and having made mention of the desirability of its co-operation with the Imperial Bank, I now turn to the all important subject of the ways and means by which the desired end may be most effectively achieved. I am unable to support in the interest of trade and commerce a Reserve Bank without share capital or the manner in which it is suggested by the majority of the Joint Committee that the directors be elected. In establishing a banking institution, the most important function of which is to control and stabilise credit and note issue, every precaution should be taken to ensure its direction by qualified men. It is my sincere belief that the most efficient operation of such a bank is to be obtained only by means of a shareholders' bank, for directors who have much at stake through their ownership in industry and allied commercial interests, will obviously be more concerned with the success of the bank and its subsequent utility to the public than mere political office holders. Furthermore, there is the likelihood that if a Reserve Bank is established without shareholders' capital, politicians will canvass votes from various public bodies having the right to nominate members to the Board of Directors.

I also cannot agree with the opinion expressed that a directorate responsible to private shareholders would tend to be controlled by vested interests or that conflicting motives would arise within the management between Indian and foreign capital. As for the fear that foreign interests might gain control, I would point out that if the majority of the Board is to be Indian as recommended, there is nothing to prevent its refusing to permit objectionable individuals having any interest in the Bank. This fear

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may be allayed, by fixing the value of the shares to the small denomination of one hundred rupees instead of five hundred each as suggested by the Currency Commission, by limiting at allotment the amounts to be individually held and also by the reduction of the maximum rate of interest to 6 per cent. in order that small investors will have very little temptation to part with their holdings.

Granting, Sir, without prejudice to my opinion, that it may be desirable to start a bank without a share capital, it is certainly contrary to the interest of any bank to have its directors nominated by Legislatures. This procedure inevitably results in the consignment of the bank to the mercy of the political party in power, and with so many parties in the various Legislatures, it is easy to understand that it would prove extremely difficult for them to select qualified and practical men to conduct the business of a bank. As a result, we would have at the helm men of many masters, with possibly very little knowledge of finance. An equally grave defect resulting from this procedure would be the lack of continuity in bank policy due to political dictation. Political control and political agitation are factors which should not be permitted to affect the operations of any bank, especially a note issue bank. It seems to me that since the one great objective in establishing a Reserve Bank is to exclude currency and exchange from the hands of the Legislature and Government, there is every sound reason to keep the authority which controls currency out of politics. If, by investing control in the Legislature and Government, the bank is brought under their control, its worthy object will be completely defeated. I therefore maintain, Sir, that a shareholders' bank is the sole solution for keeping politics and banking apart, particularly in a bank of this type.

For these reasons I cannot support the motion before the House.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : I rise to support the motion for taking this Bill into consideration. The Honourable the Finance Member in his speech on the motion spoke in a hyperbolic and panegyric strain about the virtues of this measure. He described them more as a rhetorician than as a sober business man that he is credited to be. But, Sir, when robbed of the rhetoric and the verbiage with which he has surrounded this Bill, I cannot help feeling that much ado is being made about nothing, in particular, in his insistence on the starting of the Reserve Bank. The first question is whether a Reserve Bank is at all necessary. It is said that it is a measure of unexampled liberalism in finance and that it will bring in its train beneficent consequences which this country has never enjoyed before. In the latest issue of the paper, *the Financial News*, which the Chairman of the Currency Commission edits, he also has written of this Reserve Bank as the greatest boon which this country has ever received. Therefore, Sir, let us examine in a sober mood whether a Reserve Bank is after all such a great boon as is claimed.

There are two opinions about a Reserve Bank. Some think a Reserve Bank should be the foundation stone under the shelter of which banking will develop in a country, and under which production will be stimulated, trade will be encouraged, and the social life of the people, as a result of a stabilised currency, will proceed on a more normal

course. Others, on the contrary, hold that until a network of banking institutions has been developed in a country, there is no necessity whatever for such a luxury like the Reserve Bank. The curious part of all this is that, while this country is being given this alleged boon, almost all the British Dominions and Colonies refuse to have a Reserve Bank, and even in England there is nothing like the Reserve Bank that is proposed here. There is no Reserve Bank in Canada, there is no Reserve Bank as such in Australia. I do not know that there is a Reserve Bank in New Zealand, and a Currency Commission recently appointed in Ireland came to the conclusion that it was not necessary to have a Reserve Bank in the present stage of the development of that country. The only unfortunate country that has so far got a Reserve Bank is South Africa, and ours is the second country within the British Commonwealth, as it is called, which is being subjected to this experiment. Canada, Sir, is most fully developed in banking. It has a bank for every 2,500 of population, while in India in a population of 315 millions all the banks and their branches do not come to more than 360. That shows that Ireland which is undeveloped in a banking sense, and Canada, which is most developed in a banking sense, both of them do not consider that either for their credit or for their currency policy there is any necessity whatever for a Reserve Bank. But it is said that outside the British Empire there are Reserve Banks in European countries and in the United States and that more Reserve Banks are being started. Sir, not one of the Reserve Banks which existed in the pre-war days except to some extent perhaps the Federal Reserve Board in America can be said to have deserved all the praises that are being bestowed on them. Almost in every European country under stress of war the Reserve Bank failed to maintain stability of exchange or of prices. In most countries currency became depreciated and in some the notes were entirely repudiated. In France even to-day the franc is barely one-fifth of the value which it used to have in pre-war days ; it cannot be suggested that the history of the pre-war Reserve Banks encourages the idea that a Reserve Bank is either a haven of rest or safety ; and the post-war Reserve Banks need not be considered at all because they have been started to meet a wholly different state of things. Most of the European countries became bankrupt during the War and the Genoa Conference was more concerned with making them stand on their legs again than with dealing with normal countries. The problem before that Conference was not the starting of Reserve Banks for normally constituted countries, and, as Professors Joshi and Wadia pointed out before the Royal Commission, it is misleading to quote that Conference as any guide for a normally constituted country. Therefore, Sir, I do not think that either the pre-war banks or the post-war banks of the reserve character lead us to any sure and reliable guidance for the purpose of starting such a bank in India, and I ask the House not to expect too much, not to build any hopes of an extravagant character on a Reserve Bank even if we start one. After all it is an instrument for doing something. It is not the thing itself. The more important thing is the stability of the currency itself, and, Sir, unless there was an honest standard, honestly maintained, no Reserve Banks could ever give us that stability which we all desire. Although Government called it a minor point we know that the substance lay in the ratio question and not in the machinery with which we are concerned to-day. But I do not

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say that a Reserve Bank of a properly constituted character under national control is not desirable even in a backward country. The second point therefore is whether it was not possible to have converted the Imperial Bank into a Central Bank of reserve instead of having this multiplicity of institutions. I do not want that there should be any misunderstanding in this matter. I do not suggest that the Imperial Bank should have been allowed to retain its present shareholder character ; but the Imperial Bank has been doing the work of centralising credit in this country for several years past and with a proper modification of its charter we might well have entrusted this existing institution with the work which the Reserve Bank will do ; well-informed opinion in the initial stages of public discussion of this question was in favour of entrusting the Imperial Bank with the function for which the Reserve Bank is to be started. The *Times of India* published voluminous correspondence between the Finance Member and my Honourable friend Mr. Kikabhai last year. At that time no one strove harder than Mr. Kikabhai in favour of the Imperial Bank. To-day he has been educated, he says, into acceptance of the Reserve Bank. I know that he has got the best tutor in the Finance Member of the Government of India. (*The Honourable Sir Basil Blackett* : " Thank you ".) I know that Mr. Kikabhai could be educated into almost anything by the Finance Member of the Government of India. He is the aptest pupil. Although he has to-day spoken strongly in favour of a shareholders' bank, his education is proceeding at such a rapid rate that if to-morrow the Finance Member accepts a State Bank, Mr. Kikabhai will be forthwith educated into accepting it.

But, Sir, let us lay aside all these considerations whether a Reserve Bank is necessary and whether the Imperial Bank could have been constituted into a Reserve Bank. The Joint Committee has now definitely said that we must have a separate bank from the Imperial Bank. Then the question arises whether it should be a shareholders' bank. A controversy has been raging over it ever since the Bombay sitting of the Joint Committee and that controversy is not yet over. Why is so much stress laid by Government on the shareholders' bank ? They profess to believe that the shareholders' bank will be a bank, independent of any control either of Government or other agency. Now, Sir, why is so much faith being placed in a body of shareholders who invest their money primarily for earning dividends ? The shareholders' bank is a bank where people invest their money for making more money. A tailor, a tinker, a motor driver, any man can invest his money in a shareholders ' bank, and I would like respectfully to invite the protagonists of the shareholders' bank to tell me whether a tailor or a tinker is really qualifed to be entrusted with the control of the banking reserves and the currency reserves of any country and, if so, why. What is the special qualification of a tailor or a tinker of which the Finance Member is so enamoured ?

The Honourable Sir Basil Blackett : What is the present qualification of people other than tailors and tinkers ?

Mr. Jamnadas M. Mehta : At least they are on equal terms. I am not making light of the qualifications of a tailor. He has to dress us all well but he cannot dress this thing. That is quite certain. Therefore,

Sir, I have been unable to understand the great stress that is being laid on the private shareholder. Is he qualified to control a Reserve Bank ? Is there any guarantee that you will obtain qualified shareholders ? Is it to be laid down as a condition in the share application form that only those who understand currency and banking will be allowed to become shareholders ? Certainly not. It will never pass the mind of an investor in a shareholders' bank that his institution is going to take care of the banking and currency reserves. 99.9 per cent. of the shareholders of this bank will never give a single thought to the object with which this bank is concerned. Why then so much insistence on a shareholder's bank ? Even supposing we get a qualified body of people—supposing by some miracle in a shareholders' bank you get people who are educated enough to understand the position—of course we know that many of those who will buy shares will be interested in nothing but their dividends—but supposing some qualified people do come there, does the Finance Member realize that shareholders of a corporation like this will be scattered all over India and that the meeting at which they are supposed to exercise their control will be held once a year in one centre only ? And is it possible to imagine that any man who holds from one to five shares will go to the extent of travelling from, say, Lahore or Calcutta to Bombay, to attend a meeting when his sole interest in it is a matter of six rupees or 30 rupees, while the cost of the journey is 60 rupees ? It is absurd and on the face of it ridiculous to expect such a body of shareholders, disorganized, scattered, interested only in small dividends, ignorant of the whole object with which this bank is to be brought into being, to take an intelligent interest in its operations. The idea has only to be stated to be scouted by any intelligent man. It is said that the shareholders will elect the directors who will therefore be independent. I invite anybody in this House to tell me when the shareholders of any limited company in any part of the world have ever effectively asserted themselves in the election of the Board of Directors. I have in my hand a book written by Mr. Hartley Withers, who will not be regarded as unqualified to speak on the subject. Writing about the Board of Directors of the Bank of England, which is a body of shareholders, Mr. Hartley Withers says that the shareholders do not really take any part in the election of the Board of Directors. I shall read the quotation from his book on the " Meaning of Money ", page 215. The Board of Directors in the Bank of England is called the Bank Court. Mr. Hartley Withers says :

" The Bank Court is a Committee recruited chiefly from the ranks of the accepting houses and merchant firms and its members are nominated by itself subject to the purely formal confirmation of the shareholders."

That is how the Bank of England elects its Board of Directors, and we have that on the authority of a great banker and publicist. So I say, the mystery remains why such stress is laid by Government on a shareholders' bank. There is another objection to the shareholders Bank. The 8 per cent. which was going to be paid to them is now reduced to 6 per cent. cumulative. What does that mean ? Government could today borrow at 4 or 4½ per cent. Why should the income of this new bank be frittered away in paying 6 per cent. cumulative interest to a body of 5,000 people at the cost of 320 millions when Government can get that money at 4½ per cent. ? From all points of view therefore, economy,

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control, intelligent interest, and even the safety of the bank itself, a shareholders' bank, is absolutely unacceptable. In a private shareholders' bank started for ordinary banking business we need capital, because the larger the capital the greater the security for the depositors who will then have confidence in the security of their deposits. But here this shareholders' bank is going to have a capital of 5 crores, and we are going to entrust to it nearly 300 crores, or even more, of our currency assets which may increase to 400 or even 500 crores ; in addition there will be large public deposits amounting to crores again, and then Provincial Governments and public bodies will also necessarily bank with the Central Bank ; and can all these crores be secured by this paltry capital of 5 crores ? What then is the idea of this shareholders' bank ? From every point of view it is altogether unacceptable and ought to be rejected by this House. But the mystery why Government insist on it remains, and I will attempt to solve it. In the shareholders' bank in addition to the Governor and Deputy Governor some of the Directors also will be nominees of the Government and the remaining 9 people will be elected by the shareholders. These last will be elected at a meeting which will be meagrely unattended. As Mr. Vidya Sagar has pointed out, the number of people who take an interest in the annual meetings is so small that practically the Governor and Deputy Governor will nominate the remaining 9 directors, most of those present will be their followers ; and the Board will be constituted as the Governor and Deputy Governor desire. The Governor and Deputy Governor under the Finance Member's brilliant idea are to be the nominees of the Government. They will owe their office to Government ; they will be the creatures of the Government. The moment they pretend to any independence they will be deprived of their jobs. (*An Honourable Member* : " Why "). Yes, there is no doubt about it. Therefore the whole body of directors will be virtually the nominees of the Government of India and the Secretary of State. And what will be the result ? The policy against which this country has been crying out for 30 years and more, which has been pronounced by a packed Commission to be wrong and undesirable, that policy will be continued as it is under the screen of a so-called independent shareholders' bank. That is the mystery behind the insistence on a shareholders' Bank. In another portion of his book Mr. Hartley Withers points out that the directors, customers and depositors in a bank are mainly merchants trading on borrowed capital ; these people will never have the courage to stand up against the Governor and Deputy Governor on a point of policy. For if they do so, as Mr. Hartley Withers says, the next time they want accommodation they will be met with a frigid and discouraging countenance. And I would like to see in this world the commercial man who will have the courage to oppose the Governor and Deputy Governor who hold the strings of his solvency in the hollow of their hands.

Mr. Kikabhai Premchand : The same thing will happen with the other directors too.

Mr. Jamnadas M. Mehta : I am not quite prepared to say it will not happen, but I am glad you admit it will happen under this. That is the greatest condemnation of a shareholders' bank. Mr. Kikabhai himself admits that this thing will happen in the shareholders' bank.

Mr. Kikabhai Premchand : But it will be the other way too.

Mr. Jamnadas M. Mehta : The " same thing " means " this thing will happen ". (Laughter.)

Mr. Kikabhai Premchand : I did not say that.

Mr. Jamnadas M. Mehta : If there is any meaning in language, it means you admit, now because your conscience is not being educated, (Laughter) that this thing is sure to happen in a shareholders' bank.

Sir, I am sure I have convinced this House that for all these reasons the idea of a shareholders' bank has only to be stated to be rejected. Sir, if there is to be no shareholders' bank, the substitute is provided in the Joint Select Committee's Report. We have heard from the Finance Member the most severe condemnation of that part of the scheme of the Joint Select Committee. I am here to maintain, and I am sure I shall do so to the conviction of this House, that in the present circumstances of this country, the scheme of the personnel of the Board of Directors evolved by the Joint Select Committee offers the only safeguard against such a bank drifting into the conditions which I have described in regard to a shareholders' bank. Believe me, Sir, even a State Bank has no charm for me unless it is a State Bank under national control : a State Bank without national control is a shareholders' bank *minus* the capital. Therefore, even a State Bank, unless it is controlled in the interests of the nation, is not acceptable to me, and I hope it will not be acceptable to this House. The Joint Committee's scheme, Sir, I submit, is a most moderate scheme ; in this country it is impossible to have a control which is fully national. (*Mr. N. M. Joshi* : " Why ? ") Because the House will not accept it ; the House is not national on the whole ; and it was not possible for us in this Joint Committee to secure national control in the full sense of the word. In any country outside India the question would never arise as to who should be the directors. The Germans may be a very competent body of financiers and bankers (some of them are). Dr. Schacht is supposed to be the greatest banker in Germany and one of the greatest bankers in Europe, but he would never, however clever he is, be elected a director of the Bank of England. In the Bank of England only Englishmen will be elected (Laughter), I mean or ' Scotchmen ' will be elected directors, because they belong to the same country. I will say, " Britisher "—a Britisher alone will be allowed, no Frenchman, no German and of course no Indian ; however clever Sir Purshotamdas Thakurdas is, he can never hope to be a director of the Bank of England (Laughter), and Mr. Kikabhai may rest assured he will never be one. I of course do not even aspire to it. But, Sir, my point is that in the Bank of England no man but a Britisher can become a director. In Germany the same will be the case. I have also got with me the text of a statutory provision about the Irish Currency Board which says that only those who reside in that country will be eligible for election to that Board. (*An Honourable Member* : " Reside "?) Yes, reside, not be birds of passage like you, reside as *bona fide* traders, citizens and subjects who want to make India their home, not as visitors for the purpose of making money or a career and then going off to England. In this country, however, we have to say that because the British have financial interests in India they must find a place on the Board of this Bank. There are many Germans with financial interests in America, but no German will be admitted to be a director because he has financial interests. I have got a letter from a gentleman

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very well acquainted with Wall Street financial operations. He is in touch with the best bankers and statesmen of America. He himself is a great financier. He writes to warn me about the personnel of the Board of Directors of this Bank. (*Honourable Members* : "Who is he ? Name, Name"). Why should you want to have the name ? It is enough that he is a big man, a financier acquainted with the best brains, bankers and statesmen in America. He knows what is going on there, and writing to me about this Reserve Bank, he refers to one Mr. Paul Warburg. (*Mr. Kikabhai Premchand* : "Who" ?). Mr. Paul Warburg—you don't know even the name ? Mr. Paul Warburg is the author of the Federal Reserve Board ; the great scheme of the Federal Reserve Board, for which America is so celebrated to-day, was due to his initiative, and the President of the United States offered him during the war the post of Governor of the Federal Reserve Board. But he was a Jew of German extraction, and although settled in America, he said the prejudice against his German origin would be so great that for any financial disaster which might overcome America, he would be charged with having German sympathies and with having brought about that disaster. "Therefore in the interests of America I am not going to remain on the Board of Directors of the Federal Reserve Board" said Mr. Warburg.

The Honourable Sir Basil Blackett : Is the Honourable Member aware that Mr. Paul Warburg was for many years a member of the Federal Reserve Board ?

Mr. Jamnadas M. Mehta : But is he aware of this—which is more important—that he refused to accept the Governorship of the Federal Reserve Board because he was of German extraction ? And that shows that he must have understood the feeling in America that foreigners are not wanted. But here in this country we had to provide, I am ashamed to say in the Joint Committee we had to provide, that the European commercial interests must be represented. It is therefore, I say, a moderate scheme. If we had our way, there would not have been a single European on the Board of Directors of this Reserve Bank. That would have been the straightest and the most direct course for any country to follow, but under our moderate scheme we had to accept two representatives of European commercial interests, and, further, we had also to accept the Governor and Deputy Governor as Government nominees. Then, again, Sir, we gave Government the power of nominating two Indians, so that there will be even under the Joint Committee's Report two nominees of the Government as Governor and Deputy Governor, two nominees who will be Indians and two Europeans—and the Government guard their interests and they guard the interests of Government. Thus under this scheme of the Joint Committee, practically six representatives of Government, will be on the Board of Directors. Then we said "Having provided six for you, give us at least a majority of Indians whom we can trust, and whom we can elect according to our best judgment." We have provided that there will be two representatives of Indian commercial interests ; in addition three will be elected by the Central Legislature, through its elected Members, and three more will be elected by the elected Members of the various Provincial Councils and one will be elected by the co-operative banks. In addition to that there is going to be an officer of the Finance Department of the Government of India who will have no vote ; although

we have only 9 out of a body of 15 which are elected by representative institutions, the Finance Member says that he cannot accept that under any circumstances. Why, Sir ? This Reserve Bank is not a private bank. It is to be charged with the custody, safety and control of the currency reserves of this country. The currency reserves of a country are for the safety of the note issue and the stability of exchange. Is there anybody in this House who will tell me that only commercial men are interested in this ? Stability of exchange and the safety of note issue are not subjects in which commercial men only are interested. Every humble man, every villager who has got a rupee, every petty clerk who has got a five-rupee note in his pocket, is equally interested, because the safety of the five-rupee note, the stability of exchange of the money he has got in his pocket, will depend on this bank. Therefore this bank is not an institution where the so-called qualified commercial men should alone be represented. Sir, as this Reserve Bank is to be entrusted with the safety and custody of our note issue and the stability of exchange, on which depend the stimulus to production, the safety of trade, and the improvement of the social life of the nation, when these very things, the foundations of a well organised State depend on this bank, when not the dividends of a few petty shareholders, not the speculation of capitalists and multi-millionaires, but the safety of the small savings of the villager and the petty clerk depend on the personnel of the Board of Directors of this bank, why on earth, may I ask, should these men be kept out of the Board of Directors ? Sir, the Joint Select Committee did the wisest thing in having a Board of Directors who will look after the interests not merely of the commercial men, not merely of the capitalists, but of the humble villager, the petty clerk and everybody who has got a coin or a note in his pocket.

The Honourable Sir Basil Blackett : And of the tinker and the tailor.

Mr. Jamnadas M. Mehta : Yes, it should be representative. The tailor as a constituent I want, not as master. You want to make the tailor my master. I want him as a fellow citizen. I repeat that the Joint Committee did the wisest thing in having a Board of Directors who will look after the interests of the agriculturist, the trader, the clerk, the poor man, the man in the street, the wage-earner and everybody ; and these Legislatures,—next to the Indian National Congress,—these Legislatures are the only bodies which represent public opinion in this country. I say here with the greatest confidence that if the Indian National Congress was given the power, the Board of Directors constituted will be the most competent and most efficient body that ever could be thought of in this country. But I know it cannot be expected in a Joint Committee of this House and the other House. Therefore, we had to turn to the Legislatures. Government have created the electors, franchise is fixed by them ; voters' lists are framed by them. There you find agriculturists, income-tax payers, householders, those who pay rent, wage-earners, everybody is represented on the roll of electors of the various Legislatures, and the chosen representatives of these people represent all interests not merely political interests as is being suggested. This House is not a mere political body. It does not deal merely with political questions. This House deals with political, military, industrial, social and commercial questions ; every conceivable interest of the nation is considered and finally adjudicated here. Yet, why should it be branded as merely

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a political institution ? Because Government know that if this House was given the power, if elected Members only were given the power, then the game would be up. That is the real objection. Otherwise, Sir, the local and the Central Legislatures are under the present conditions the best custodians of the country's interests. We may be politicians, but it is wrong to say that on a non-political issue we cannot bring to bear a non-political outlook. It is a libel ; it is calculated defamation, and is done with the deliberate object of throwing mud at the people's representatives. I claim, Sir, that the Joint Committee evolved a scheme under which you could constitute a Board which will be independent, reliable, and representing every interest in the country. But the Finance Member is dead against it ; he has carried on a campaign against it. For the last 10 days this House is convulsed with the various moves and counter-moves. We find that there was a conference at Viceregal Lodge with the best intention to find out a solution. The object of the conference was very laudable. But, I submit, Sir, that the intervention of the head of this Government in so controversial a matter, however well intentioned, is a grave constitutional impropriety. Sir, the Governor General has to assent to a Bill before it is placed finally on the Statute-book. He has to make up his mind whether he should give his assent or not ; and if he is made a partisan before the Bill is considered in this House, grave consequences will ensue jeopardising the confidence of the country in the impartiality of the head of the administration. It was a most improper course adopted by busybodies. The House will resent this. The Viceroy was made, I am afraid, a catspaw by officious men. This grave constitutional impropriety will, I hope, never be repeated—the intervention of the third party to legislation who is finally to assent to every piece of legislation. I am glad, Sir, I was not a party to it. Only an accident saved me. (Laughter.) Thus, Sir, for the last 8 or 10 days we have been in this great difficulty. The Finance Member would not hear of election by the Legislatures although I say they are the best and most competent bodies. Well, I am bound to give him an alternative. If he is genuine in his protestations that he made yesterday ; " If you simply eschew the Legislatures ", he said, " I am willing to have a Board with an Indian outlook, Indian majority and so on ", I am prepared to give an alternative if he is willing, if he is really in a mood to give us an independent elected majority on the Board of Directors of this Bank. Sir, the municipalities and district boards of this country represent all interests. The local boards represent the agricultural communities in the widest sense of the term ; they are in touch with local life and local interests in all parts of India ; the municipalities of this country are in touch with the city life of this country in all its aspects. I say, Sir, if the Government are willing to substitute an equally effective personnel of Board of Directors of this Bank in place of the Legislatures, here is an alternative which I am offering them for consideration, namely, that the elected Presidents of the local boards and the municipalities in every province be constituted into an electoral college and they elect one man from each province on the Board of Directors of this bank. In this way every class of people will be represented on the Board of Directors.

The elected heads of these bodies in each province constituted as an electoral college to elect one representative will be, in my opinion, the only effective substitute for what is really the best scheme, namely, the election

by the Legislatures. I hold that Legislatures would have been the best, but if you must reject them, here is an alternative which, in my humble opinion, is an effective substitute if you want an independent Indian Board.

Sir, I have now disposed of the most contentious part of the Joint Committee's Report and I will only touch on one or two more points before resuming my seat. The first is the constitution of the reserves as adopted by the Joint Committee on the principle of proportional reserves. Sir, I am not in favour of them. I stand for the fixed fiduciary system : every civilized country, so long as it has not reverted to a state of barter, must have a certain minimum volume of currency which will always remain in circulation and which will never come for conversion into gold. Therefore, you might treat that minimum as a fixed fiduciary amount not requiring gold backing. Against that currency you can have securities of a corresponding amount. That will be the fiduciary portion of your reserves. That will never come for conversion into metal. You can fix the fiduciary amount as large as you like taking into account the rise of prices, the state of development of the country and all other considerations, but when you have done so, you should have all other notes backed by gold cent per cent. That is what is called the fixed fiduciary system. The superior merit of that system has been amply demonstrated ; while currency in most parts of the world, except perhaps America for which there are special reasons, could not stand the strain of the war, it is only the currency of England, based on the fixed fiduciary system, which could return to the gold standard earliest in spite of its great travail during and after the war. To-day, if England has a gold standard, I say it is due to this fixed fiduciary system. England is called the banker of the rest of the world because there you can at any time have gold for any credit instrument that you present. Why should not the system which has been the admiration of the entire world to-day be instituted in this country, and why instead should we be asked to adopt a system which the bankrupt nations of the world are compelled to resort to ? I will develop this question more when my amendment comes up for discussion in the House. But, in the meantime, the House ought to take a warning that these proportional reserves are dangerous. They are devices of the post-war Reserve Banks of Europe ? The bankrupt European States want loans from England and America and a beggar cannot be a chooser. Because they want money they have to accept any terms on which the creditors would lend them the money. The proportional reserves which the Reserve Banks are adopting in Europe are due to the fact that, unless they did so, neither England nor America would give them loans. Why should India follow them ? Do not be under the misapprehension that the fixed fiduciary system has been played out and that this new-fangled system is the last word in currency wisdom. The fixed fiduciary system has been tested by experience and has since the war been investigated three times on behalf of the Bank of England and found satisfactory. The Honourable the Finance Member who asks us to adopt these proportional reserves will not be surprised when I tell him that he was a member of one of those committees which upheld the fixed fiduciary system. He will have to explain to this House why with his signature on the report upholding the fixed fiduciary system he recommends the proportional reserve system to this country ? On the report of that Committee, dated the 3rd December 1919, the fourth signature is that of " Basil P. Blackett ". This document endorses the findings of a preliminary report stating that the

[Mr. Jamnadas M. Mehta.]

fixed fiduciary system based on the Bank Charter Act of 1844 is the safest and the soundest.

The Honourable Sir Basil Blackett : For England.

Mr. Jamnadas M. Mehta : Very well. The House will take note of that qualification. If it is the safest for England, why do you not recommend the safest course for India also ? The Finance Member attaches his signature to a document in which he affirms that the fixed fiduciary system is the best and yet, for reasons which we have yet to understand, he says India should not have gold cent per cent. against its notes. We will be very pleased to hear from him the reasons for this change. But until then the House will understand that the Finance Member speaks with two voices—one for India and the other for England. The fact is, England wants gold. I have got heaps of papers showing that England wants gold, more gold and nothing but gold. Under the system of reserve which is to be adopted in this country 40 per cent. is to be gold coin, gold bullion, gold securities ; and gold securities may be one-half of that 40 per cent. after the end of the tenth year. It means that if we have 400 crores of currency notes and rupees in circulation, we will have 160 crores of gold and gold securities, out of which 80 crores of gold securities may be kept in England or elsewhere, but in England mainly. This could not have been accomplished, under present circumstances by the Secretary of State for India without arousing bitter opposition and protest. It is, therefore, sought to be done with our consent in the name of a sound reserve system. I trust, Sir, the House will realise that the fixed fiduciary system is the best and not the proportional reserve system.

Now, Sir, I want to refer to the grave breach of faith which the.....

Mr. President : Order, order : If the Honourable Member is not fortunate enough to catch the eye of the Chair next time, he must thank himself.

Mr. Jamnadas M. Mehta : Now, Sir, I only want to draw the attention of the House to the grave breach of faith which the Honourable the Finance Member has committed. I am not privileged to tell the House what happened in the Joint Committee, but now its Report is before the House. The Committee recommended that Government will not sell the silver in the currency reserves except in circumstances of extreme necessity. He accepted the recommendation of the Committee and before the ink was dry on that acceptance and before we reached our homes from Calcutta, we read in the newspapers that 42 lakhs worth of silver had been sold to the great detriment of the holders of silver and rupee securities in the country.

The Honourable Sir Basil Blackett : Sir, a personal charge like this requires an immediate answer. What the Joint Committee said was that the Government should be cautious in selling silver. I was at considerable difficulty at that time because I knew we were selling silver cautiously, but to say that there is any charge against me for agreeing to something which I did not agree to is not correct and I object to it strongly and can only characterise it as something that ought not to be said in this House. (Applause from the Official Benches.)

Mr. Jamnadas M. Mehta : The Honourable the Finance Member may charge me with what he likes. That is his habit when he has no real explanation for his actions. The Report is before the House. Let the Honourable Members read what the Joint Committee has recommended and what the Honourable the Finance Member has agreed to, and I would be surprised if they do not come to the same conclusion. Yesterday the Honourable the Finance Member was in a fighting mood when he said that the scheme of the Joint Committee was a monstrosity. In my opinion that scheme is the best. His scheme, as I have already said, seeks to maintain the existing control of the Government of India and the Secretary of State under the guise of an independant shareholders' bank. It is the same old jackdaw in peacock's feathers. Sir, with these words, I agree to the motion that the Report of the Joint Committee be taken into consideration.

Sir Alexander Murray (Associated Chambers of Commerce : Nominated non-official) : Sir, I have listened with very great interest and a good deal of profit to the speeches delivered on both sides of the House. I have listened to the Honourable the Finance Member protesting that there is very little difference, only one or two points, between him and the other side. I have listened to speakers strongly differing from that statement. Undoubtedly there have been changes made in the Joint Committee, changes in the form of capital, changes of constitution, changes regarding coinage and other minor details, which are debatable but not worth referring to at the present moment The Minutes of Dissent also indicate that all parties are not of one mind and differ rather materially ; but I will leave it to the Leader of the House to deal with the gentlemen on the other side. I would, however, like to make one or two remarks regarding some of the statements made yesterday by my Honourable friend Pandit Madan Mohan Malaviya. The Pandit, in particular, referred to Professor Keynes and said that in 1913 he advocated a State Bank for India. Now it is quite true that in pre-war days, the Professor did use the words " State Bank " and drew a distinction between the form of Central Bank in force in England and the type of Bank on the Continent. But I do not think that what he had in view was the form of a State Bank that is particularly referred to here to-day as distinct from the ordinary Central Bank with shareholders' capital which we are accustomed to now-a-days. The Pandit also relied on something that my Honourable friend Sir Purshotamdas Thakurdas has said in his minority report. The Pandit paid a tribute to the knowledge of Sir Purshotamdas Thakurdas regarding currency and exchange matters as shown by the report. I would like, Sir, to associate myself. (Hear, hear), with what the Pandit has said. I was for six or seven months closely associated with him, seeing each other almost every day, and I can assure you, Sir, that I have never met anybody who tried to get at the root of the problem and who worked out each detail for himself in the manner Sir Purshotamdas Thakurdas did. I have sat on more than one Committee with him and all I can say is that whenever there is a committee to be constituted in which both sides of a question must be closely looked into and in which both points of view must be carefully considered, I do not know anybody whose name would occur to me sooner than that of my Honourable friend Sir Purshotamdas Thakurdas.

Mr. President : That is not the question at issue.

Sir Alexander Murray : The Pandit said that Sir Purshotamdas advocated a full-fledged State Bank. With all due respect to the Pandit, I must say that Sir Purshotamdas Thakurdas did nothing of the kind. He advocated converting the Imperial Bank into a full-fledged Central Bank. I would like here to refer to the actual words used by Sir Purshotamdas. He said :

"Whilst fully appreciating the reasons which have induced my colleagues to propose the creation of a new Central Bank, and recognising that this is perhaps the ideal system, in the special conditions of India, I am of opinion that the ends in view for as far ahead as we can see will be better served by developing the Imperial Bank of India into a full-fledged Central Bank".

I agreed with a good deal of what Sir Purshotamdas said in his minute of dissent as regards a Central Bank for India. For instance, in particular, I entirely agree with Sir Purshotamdas in this sentence, which is the only sentence in which he refers to State as distinct from Central or Reserve Bank or anything else. He says :

"It is admitted that in India none but a State-aided bank has either found it possible systematically to develop branches, or is likely to be able to do so in future".

That is to say, in order to develop branch banking in India, it would be necessary in my Honourable friend's opinion to give State aid, and as a matter of fact I also hold the same opinion, and it is for the reason that I am somewhat disappointed that the Joint Committee in their wisdom thought it advisable to cut down the provisions that have been made for State aid being given to the Imperial Bank with a view to continuing their programme of developing branches in India. My Honourable friend Sir Purshotamdas' main objection, as I understand it, to the Imperial Bank and the Central Bank operating side by side in India was that we would have two banks fed by Government funds to a great extent. My Honourable friend Pandit Madan Mohan Malaviya used the same argument. Let us see, Sir, what that amounts to ? The recommendations of the Joint Committee which have been approved by them are to the effect that the Imperial Bank for twenty years should be allowed the use for the first five years of 3 crores interest-free, for the next five years of 2 crores interest-free and for the next five years of 1 crore interest-free while in the second period of five years, they also were to get one crore subject to two per cent. interest, for the third term of five years they were to get two crores subject to two per cent. interest and in the last term they were to get three crores subject to two per cent. interest. Now, what are the facts. The Government must keep their cash balances in some bank and in the past they have been keeping them in the Imperial Bank. Ordinarily they would keep them in the Reserve Bank whenever it is constituted. My Honourable friend, Mr. Kelkar, yesterday asked for figures from the Honourable the Finance Member who referred him to the blue-books. I have looked up the blue-book to which Mr. Kelkar was referred and I find given there the figures of the cash balances belonging to the Government of India held in the Imperial Bank during the years 1924-25, 1925-26 and 1926-27. These are the monthly averages 21 crores, 16 crores and 20 crores, apart altogether from the balances in the Government Treasuries, spread over the last three years. That means that there was loose cash in the Imperial Bank of India belonging to the Government of India averaging each month a sum of 19 crores. Now, what is it that is suggested that the Reserve Bank should give to the Imperial Bank in future ? It is suggested that

they should have an average of 1½ crores interest-free and 1½ crores interest-bearing per annum. What are 3 crores per annum out of an average of 19 crores per annum which is the monthly average that lies in the Imperial Bank. There are three parties affected apart from the Imperial Bank ; there is the Government, there is the public and there is the indigenous banker. Now the Government suffers no loss because in the past they have been accustomed to carry 19 or 20 crores every month free of interest.

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The public are suffering no loss for the reason that they presumably are getting money cheaper than they would otherwise be doing, and the only party who suffers, as far as I can see, is the indigenous bank. I agree that the indigenous bank does suffer to a certain extent, though ultimately it probably benefits as a result of the increased banking facilities that come through the free use of this money being given. It was because I agreed with Sir Purshotamdas Thakurdas as to the necessity for State aid being given to some bank or another to continue ordinary banking, the development of ordinary banking that I was strongly in favour of the Imperial Bank being allowed to carry on that work apart from the Reserve Bank, and it was on this point that Sir Purshotamdas and myself differed for the first time as regards the Imperial Bank and the Central Bank. You may have noticed that in the interesting minute of dissent of Sir Purshotamdas which extended to 153 paragraphs, only 4 paragraphs are devoted to the question of the Central Bank of India, whereas in the Report of the rest of the Members of the Commission, more than one-third of their Report is taken up with the question of the Reserve Bank and the best means of giving effect to the idea of a Central Bank in India. I think it is apparent on the face of it that there was pretty general agreement between Sir Purshotamdas and the rest of us as regards banking in India, the only difference between us being whether the Imperial Bank should be converted into the Reserve Bank, as Sir Purshotamdas desired, or whether we should have an entirely new Reserve Bank. Now, I would like to give you some of the reasons that influenced myself in thinking that it would be a mistake to carry on the Imperial Bank as the Reserve Bank. The Imperial Bank is the successor to the old Presidency Banks, the Bank of Bengal, the Bank of Bombay and the Bank of Madras. These Banks for over 100 years the Bank of Bengal goes back to the beginning of last century and the others to the early part of that century—these Banks have done a good deal for banking in India. Banking in India consisted mainly of three branches. There were the Presidency Reserve Banks which I have named ; there were the Exchange Banks, and there were the indigenous banks. Now, in 1921, the Presidency Banks were amalgamated in order that there might be a Central Bank. These words you will find in the debates that took place in 1921 in the old Council. The intention was that the Imperial Bank should be made a Central Bank ultimately, and I personally tried to persuade myself that it was only right that the Imperial Bank should be carried on as a Central Bank. But when I came to details I found that it was impossible. As one Member of the Commission said when we spoke of the amalgamated Presidency Banks and wondered whether it would be possible to recreate them with a view to allowing the new Imperial Bank to go on as the Reserve Bank, it was easy to

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scramble eggs, but very difficult to unscramble them after it had been done. If you can conceive, Sir, the Imperial Bank being converted into a Reserve Bank, and nothing else taking its place in the ordinary banking system of India, we will have a new Reserve Bank in the air and with the old Presidency Reserve Banks and their successor dropped out, nothing between the Reserve Bank up in the air and the Exchange Banks and the indigenous banks down below. That may be all right from the Exchange Banks' and the indigenous banks' point of view, but I personally could not bring myself to see that it was in the best interests of India that a void should be created, that all the Presidency Banks and their successor, the Imperial Bank, should be wiped out and nothing left to take their place. It was for that reason that I—in particular held the opinion that it was advisable that the Imperial Bank should continue as a Commercial Bank and that we should proceed to look round for other means of creating a Reserve Bank.

Mr. N. C. Kelkar : (Bombay Central Division : Non-Muhammadan Rural) : What was the precise disadvantage ?

Sir Alexander Murray : Turning now to the reasons for supporting a shareholders' bank, several Members on the other side, my friend Pandit Malaviya in particular, referred to Norway, Sweden, Denmark France, Belgium and Germany and made remarks which really are not borne out by the history of these banks as I read them. Norway, Sweden and Denmark have still pre-war banks and I may deal with them later. The case of France, Belgium and Germany is different. Speaking of Germany, Mr. Jamnadas Mehta made a statement that I would like to correct at once. He said that no foreigner would be allowed to be a member of the governing body of the German Bank.

Mr. Jamnadas M. Mehta : I spoke of the Federal Reserve Bank mainly.

Sir Alexander Murray : I think the Honourable Member spoke about the German Bank.

Mr. Jamnadas M. Mehta : I spoke of many banks including the German Bank.

The Honourable Sir Basil Blackett : And in particular referred to the German Bank.

Mr. Jamnadas M. Mehta : If what I mentioned was incorrect, I stand corrected.

Mr. President : Order, order.

Sir Alexander Murray : May I say, Sir, that the constitution of the German Reichsbank provides for a governing body of 14 members, and one of these 14 at the present moment is an Englishman, Sir Charles Addis, who came and gave evidence before the Royal Commission. The Honourable the Finance Member has put Mr. Jamnadas right regarding the Federal Reserve Bank.

Mr. Jamnadas M. Mehta : May I correct Sir Alexander Murray ?

Mr. President : If the Honourable Member has any personal explanation to make, he must wait till the end of Sir Alexander Murray's speech.

Sir Alexander Murray : He also said that he did not think that the Bank of England would for a moment consider the possibility of any Indian born subject becoming a member of the Board. Personally I do not believe for a minute that if the conditions warranted it the Bank of England would object to having a Bombay born or Indian born member on their Board. They would certainly have him, if otherwise acceptable. My friend Mr. Jamnadas also referred to Canada —to Canada and Ireland, I think, in particular. Ireland is a country that stands by itself. Professor Parker Willis, who came over there as Chairman of the Committee that inquired into the possibility of creating a Reserve Bank for Ireland, decided that the size of the country and the trade done in it did not justify the expense involved in the formation of a Reserve Bank, and personally, I agree with Professor Parker Willis. I am amazed that my friend should compare the small trade done in Ireland with the big trading business in India. I am not an Indian in the sense Mr. Jamnadas is, but I do say there is no comparison between India and Ireland as far as trade and commerce are concerned. He also referred to New Zealand and specially to Canada where the very same interests are at work in preventing a Reserve Bank being formed as have been at work here for the past 100 years, or 90 years at any rate. In 1836 it was suggested that there should be a Central Bank in India, and vested interests turned it down. In Canada, I think there are 16, or may be 12, chartered banks operating, each one guaranteeing the other's notes, and I think the vested interests were too strong there to allow of the Reserve Bank being created. We next turned to Australia and South Africa as well as the other parts of the Empire before going to America for the form of Reserve Bank that might be suitable to us. Mr. Jamnadas Mehta was frank enough to confess that there is no Reserve Bank in Australia, and that is perfectly true, though I have seen it stated in the Press and elsewhere that Australia has a State Reserve Bank. That is not the case. I may quote here the statement made by Mr. Bruce, the Premier, when he was at home, that it was an ordinary trading bank and not a State Bank in the form in which we desire to see created a Central Bank for India. Turning to South Africa, we have been told that we ought not to copy South Africa, because it has not been a success—the Reserve Bank there. As a matter of fact, South Africa never had a chance. The constitution of that Bank was framed by a Committee of the House of Representatives without the addition of anybody else to that Committee. I ask you, Sir, suppose we were invited in this House—with due respect I believe that Members of this House do know as much about currency and finance as members of the House of Representatives—suppose we had been asked to frame a constitution without expert opinion or advice, we would have made pretty much the same mess of it as the people in South Africa. (At this stage Mr. Vidya Sagar Pandya made a remark which was inaudible at the Reporters' table.) I was speaking of the constitution of the Committee. The Reserve Bank of South Africa carried on for a few years and found that they could not function properly. They brought two experts out to see what should be done to improve the working of the Bank. We had the benefit of reading their report and their evidence and a perusal of these documents is of considerable value. As a matter of fact, South Africa is comparatively a small country, compared with India. There are two big banks trading there, the Standard Bank of South Africa and the National Bank of South Africa now absorbed in

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Barclay's Bank, and there the same old vested interests that stood in the way of a Reserve Bank for Canada stand in the way of the proper functioning of the Reserve Bank in South Africa. Although the Bank started in 1921, it was only during the last twelve months ending the 31st March 1927, that the Reserve Bank was given the Government balances which one would have thought to be the first thing that a Reserve Bank would have got in any country. Therefore, when people say that we ought not to copy anything that was done in South Africa, I agree that the conditions are quite different, but I do think that we are entitled to draw from the experiences of that Bank and the reports of the experts who came from other countries with a view to revising the constitution—we are entitled to draw assistance from them with a view to making recommendations as to what should be done in this country.

We then turned to America and found there a great deal in common between the two countries. America is a very big country ; so is India a very big country. America has its own particular problems as regards agriculture and the financing of agriculture ; so have we in India these problems. America has had its banks for over 130 years ; so has India its banks for over 150 years. The First Bank of the United States of America had Government capital and Government interests in the Bank, and the Second Bank there had Government capital and Government interests which continued till 1836. In the same way here, the old Bank of Bengal had Government capital and Government interests in the Bank. I believe I am right in saying that the Bank of Bombay and the Bank of Madras had Government capital and that, down to 1876 or something like that, Government held a share of the capital invested in banks in India and had a right to appoint directors to these banks Therefore, we were starting more or less on parallel lines, big countries, big turnovers, agriculture, big spaces to cover, Government moneys invested in the banks in both countries and then withdrawn, only banks with shareholders' capital functioning for the past 50 or 60 years or more in both countries. We were very fortunate. We could not go to America ourselves, but we got across men who certainly knew what they were talking about. Benjamin Strong, Governor of the Federal Reserve Bank of New York, came across, and he brought with him Professor, Sprague and Professor Hollander, men who have made a deep study of the subject. He also brought the statistician of his Bank to give all the figures that they had at their disposal. Over and above, Mr. Roberts, the Vice-President of the National City Bank of New York, not a Reserve Bank but an ordinary Joint Stock trading indigenous bank—I think I am right in saying that the name of that Bank is now included in the Schedule of banks that are going to deal with the proposed Reserve Bank—Mr. Roberts, Vice-President of that Bank, came across and his evidence was very interesting. He compared India with America and he said that he had been approached in 1913 when they came to form the Federal Reserve Bank and he expressed the opinion that one Central Reserve Bank for the United States of America was the right thing. He also thought that one Central Bank in India with branches in the different sections was the right thing to do. But the people in the States did not accept his advice. They said that the country was so large, the interests were so varied, the seasonal demands for crops were so heavy that they should not have one Central Reserve Bank but 12

Reserve Banks. They have 12 Reserve Banks in the United States with a Central Board for these Banks in Washington. We proceeded to make a recommendation that in India we also should have one Reserve Bank only, but we suggested that there should be three local boards, three regional banks, following the example in America where they have got 12 instead of 3. We recommended that in Bombay and also in Madras and Calcutta there should be local boards which would function and create an interest in the Reserve Bank and help to keep the interest alive all over India. The Government of India and the Joint Committee in their wisdom have not agreed that there should be local boards they have suggested that there should be one Central Board and that in Bombay. I accept that recommendation myself, but I think it probable it will prove to be not on right lines. Pandit Madan Mohan Malaviya cited the cases of Norway, Sweden and Denmark and said that we ought to have a constitution such as they have, because there particular members of the Boards are nominated by the Legislature. In this connection I would point out to the Honourable Pandit that there is a difference between those countries and India. In those countries everybody in the Legislature is elected and the parties are either in power or out of power. If a party is in power and wants to do something with which the other party disagrees it is possible for the latter party to get into power and to bring up its own scheme and have it passed. With all due respect, in India that is not the position Here we have the Government in control and we have the Opposition. The elected Members here normally are in a state of opposition and it is only natural that they should be in a state of opposition.

Pandit Madan Mohan Malaviya : Not necessarily.

Sir Alexander Murray : Well, very largely. I think that is a distinction between the Legislature in India and Legislatures at home where the responsibility must go with the party in power and if another party comes into power it in turn takes the responsibility. Here we have an opposition which does what it likes. We can indulge in destructive criticism and we have the power to cause a good deal of trouble without any responsibility attaching. Therefore, I say it is not right to make a comparison between what is done in Norway and Sweden and what may happen in our own particular case where only a limited number of the House is elected.

Pandit Madan Mohan Malaviya : We have the power and responsibility to legislate.

Sir Alexander Murray : I admit there is a distinction. The Pandit in particular made reference to the fact that at the present moment the Government of India and the India Office between them are responsible for the finances of India. He said, and I agree with him thoroughly, "For goodness' sake do not take away one of these safeguards, namely, the India Office, and leave us entirely in the hands of the Government of India." I quite agree with the Pandit. But see what he has suggested. He suggests—" put us in the place of the Secretary of State."

Pandit Madan Mohan Malaviya : We want to nominate three directors.

Sir Alexander Murray : Yes, to be nominated by elected members only : what about an unfortunate man like myself who is a nominated

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member of this House as the result of an election by the Associated Chambers of Commerce. I do not know whether the Pandit was really talking for all the parties on his side of the House. As a matter of fact in the province that I come from, the leader of a particular party has just been asked if he would help to form a party in order to carry on the Government and he has refused. I do not know whether the other Members on his side of the House are prepared to endorse what my friend Mr. Malaviya said when he suggested that the elected Members of this House ought to take the place of the India Office so far as control of the Imperial Bank and its functions is concerned.

Pandit Madan Mohan Malaviya : I wish to correct a statement.....

Mr. President : Order, order. Sir Alexander Murray.

Sir Alexander Murray : Now, personally, I would like to have a shareholders' bank. I am entirely in favour of the shareholders' bank but since I came back to this country and had an opportunity of discussing the points at issue, I have realised that the mentality of the leading Indians is such as to make the vocal general opinion in India against the shareholders' bank.

Mr. Malaviya referred to railway State management. Now, there is a difference between railway State management and banking State management but all the same, in deference to the opinion that generally is held in India on this question, I think myself that I should not press any longer for the shareholders' bank, although I still think it is the best form. The point at issue here is not between State and shareholders. It is really between State and vested interests. Mr. Chetty was very clear, on this point in his speech this morning. Personally I felt rather hurt at some of the things Mr. Chetty said regarding non-official European business men. He would exclude them at any price from any say in the Bank. Later on he softened the blow by saying that he was quite prepared to exclude Indian capitalists also. I would like here to take strong exception to the general tenor of Mr. Chetty's remarks on this question of what he called the foreign capitalist. He also went as far as to say, if I remember aright, that he did not agree that the best man should always be chosen for any post. In particular, he said regarding the Governor of the Bank if the best man were to be chosen it might result in a Czecho-Slovakian being put in. I do not know why Mr. Chetty should have pitched upon a Czecho-Slovakian. There is no doubt that Czecho-Slovakia is one of the best run countries in Europe. President Maszarik and his chief Minister Dr. Benes are two of the cleverest men in Europe.

Mr. R. K. Shanmukham Chetty : That is exactly the reason why I referred to Czecho-Slovakia.

Sir Alexander Murray : I am very glad to hear it. I hope he did not make that remark by way of reproach. I would like to point out that so long as India is an integral part of the Empire and till such time as you are, shall I say, entirely self-governing, I do think that in matters of this description it is but natural that if there is an Englishman, or even a Scotsman or an Irishman who is suitable let us not really go to Czecho-Slovakia or to Russia or to any other country outside the Empire. Now, on this question of vested interests, I feel very sore. Mr. Chetty seems to think that we Europeans have no business interests in India, indeed no

business to be in India at all. The firm with which I am associated has been in India for nearly a hundred years. We have very large interests in India. We are interested in jute mills, tea gardens, mines, timber—I would not like to enumerate all our interests. We have in our employ many thousands of people whose daily life depends on the management of the particular firm with which I am connected. And that is not a big firm as far as Calcutta goes. There are one or two firms even bigger. I only mention to you that we have been in the country for about a hundred years and when a man like myself has been nearly 30 years in the country surely we are entitled to a certain amount of consideration when it comes to expressing opinions as to how a Reserve Bank should be run or any other public body in which we are all interested.

Diwan Chaman Lall (West Punjab : Non-Muhammadan) : Do your interests get that consideration in America ?

Sir Alexander Murray : In that connection Mr. Jamnadas Mehta made a reference to municipalities. I would like to tell him that I was a member and Chairman of a municipality as far back as last century and I have been for 16 or 17 years continuously serving in municipalities. I think that is an additional argument for saying that surely it is very hard on firms such as that with which I am associated that Mr. Chetty and other gentlemen on those Benches should think that we are not to express our opinions, still less to take an active part in the management of the public bodies in India.

Mr. R. K Shanmukham Chetty : I rise on a point of personal explanation.

Mr. President : Personal explanation cannot be given unless the Honourable Member gives way.

Sir Alexander Murray : With pleasure, Sir.

Mr. Jamnadas, M. Mehta : We have many more to offer

Mr. President : The Honourable Member is not entitled to make a second speech.

Mr. Jamnadas, M Mehta : I want to correct some mis statements.

Mr. President : If the Honourable Member chooses to make strong speeches he must be prepared to hear strong replies.

Mr. Jamnadas, M. Mehta : I submit that we are entitled when mis-statements are made to contradict them. (*Cries of* " Order, order " from certain parts of the House.) What " Order, order ". I am submitting it to the Chair.

Mr. President : The Honourable Member will resume his seat. He has been told to wait till the end of the Honourable Member's speech

Mr. R. K. Shanmukham Chetty : I did not intend to convey that the non-official European community in India should not have a voice in all these matters. What I object to is to their having a complete control in these matters. I said that the predominant control over the Reserve Bank in India must vest in Indian hands. That is what I said.

Sir Alexander Murray : I accept the statement from Mr. Chetty. I do not feel quite so sore about it now as I did. I am sorry that I allowed my feelings to carry me farther than was advisable, but one

[Sir Alexander Murray.]

cannot help feeling these things after being associated with the country for so many years. I would like to turn now to the question of the type of Bank we ought to have. Assuming that I defer to the opinions of my friend Mr. Malaviya and others that the Bank ought not to be a shareholders' bank, I still think that we ought to have a Reserve Bank of some description. The Pandit referred us to the opinions of my esteemed friend Sir John Bell. Now, I agree with everything he says regarding Sir John Bell, the great experience which he has and the weight which ought to be attached to his views. He said in his dissenting minute :

"While the establishment of a Reserve Bank in India may be regarded as an ideal to be achieved in the future, I am not convinced that the present is an appropriate time."

Now, as I have said already, that has been said for the last 90 years. It was said in 1836, it was said in 1867, again in 1898, and it has been said down to the present time. And the Exchange Banks say the same thing, the indigenous banks say the same thing, all the vested interests say the same thing, and I am sorry that with all the weight I attach to Sir John Bell's point of view I cannot accept that point of view. Another point he has made is :

"It is true that the immediate establishment of a Reserve Bank has been recommended by the Currency Commission, and, if this recommendation be accepted, I think it would be better to give effect to it by transferring the Currency Department of Government to the Imperial Bank, and allowing that institution, at least for a period of years, to carry out the functions of a Reserve Bank."

Now, that is aslo what my friend Sir Purshotamdas has been saying, and it is quite natural. It is just the same old process. What will happen here is what has been happening in Australia. This House will set up the Imperial Bank as a Central Reserve Bank ; they will find it is not functioning properly, and they will come along later on and say, "Oh, the Imperial Bank as now constituted is not functioning properly as a Reserve Bank ; we shall have to decommercialise it." And before we know where we are we shall be in the position to which I referred in the earlier part of my speech. You will have the Imperial Bank entirely decommercialised and ending up in becoming nothing but a pure Reserve Bank. That might serve some particular interests but I cannot say it is the interest of India as a whole. And nothing that anybody can say will convince me that you can take out of the banking system of India the Imperial Bank as now working as the successor of the old Presidency Banks and still have an efficient banking system in India. For that reason I am strongly against any more of this putting off and putting off and allowing perhaps other 50 years to elapse before we have a Reserve Bank. Let us have a Reserve Bank of some decription now. It is for that reason I would appeal to Honourable Members to come to an understanding on this point. As far as I can judge from my conversations with my friends .....

Mr. President : The Honourable Member need not refer to private conversations in this House.

Sir Alexander Murray : I am sorry. I would like to say that as far as I understand the position, the elected Members of this House would like to appoint three members out of the 16 members of the directorate. Now three members are not a lot, and when it comes to appointing them I suppose we will probably find that one at least must be a Muhammadan.

In these days it is only right. I take it that another one must be a Parsi, in the light of the extraordinary knowledge of economics and finance which the Parsis in India have. So we are reduced to no more than one to represent the Hindus and the Sikhs and the Englishmen and Scotchmen and Anglo-Indians. Now surely to goodness we are not going to allow the negotiations for a Reserve Bank to break down on this question of the election of one, two or three men. I personally am prepared to consider any proposition put before me that will provide reasonably for the representation on the Bank not only of the particular interests of Calcutta, Bombay, Madras, Karachi and the big towns, but also of the interests of the hinterland, so to speak, of the United Provinces, the Central Provinces, the Punjab and all those other parts of India that we in the big towns do not hear much about and which really deserve to have their special interests protected every bit as much as those in the big towns. In the course of the debate a good deal of reference was made yesterday to monstrosities. I think the Leader of the House started it and I think my friend the Pandit took it up. I think it is simply monstrous myself that a word of that description should be attached even as a very loose label to the negotiations which are now going on for a Reserve Bank. I think India ought to have a Central Bank. As I have said, the question has been debated for years and it has been turned down again and again. The Bombay people and the Madras people combined against Bengal away back in the sixties I think to turn down the proposition for an amalgamated Central Bank. Then we amalgamated the Presidency Banks into the Imperial Bank in 1921, with a view to having a Central Bank, and I personally will be very disappointed if we do not have our Central Bank now. Reference was also made yesterday to what the world thought about us. The Leader of the House made the reference and the Pandit referred to it. Now, personally, though it is my misfortune to be only a non-official European business man I am as jealous of the fair name of India as any Indian born Member of this House or any Indian outside this House, and I do think that we in India with all our great interests are entitled to have a Reserve Bank that will rank in the same class as the Reserve Banks of other countries. It may be that the American Reserve Banks are suitable, or the South African Reserve Bank, but in these days it is necessary to have a Central Reserve Bank, and I appeal to this House to make an earnest endeavour to have a bank and not to be influenced by the putting off tactics of anybody who suggests that we ought not to have a Reserve Bank of any description. It is for that reason I cordially support the motion before the House that the Report of the Joint Committee be taken into consideration. And if the Bill as now before us, amended in Joint Committee, is not suitable, surely amongst a body of men such as we are it will be possible to make alterations that will meet the wishes of the people in the House. (Applause.)

Mr. President (to Mr. Jamnadas Mehta) : The Honourable Member will confine himself to a mere statement of fact in making a personal explanation, and not attempt to make another speech.

Mr. Jamnadas M. Mehta : I wish to contradict a mis-statement by Sir Alexander Murray.

Mr. President : If it is not a personal explanation, then Honourable Member has no right.....

(At this stage Mr. Jamnadas Mehta remained standing and was called to order by the Chair and several Members.)

Mr. Jamnadas M. Mehta : Cannot I contradict a mis-statement ? Sir Alexander Murray said, challenging my statement, that there was no restriction in the German Reisch Bank against foreigners and.....

Mr. President : The Honourable Member is replying to the speech.

Mr. Jamnadas M. Mehta : He is wrong.

Mr. President : He may be wrong, but the Honourable Member is not entitled to give a reply.

Mr. Jamnadas M. Mehta : In this constitution of the German Bank which I hold in my hand it is said that the President and members of the Board of Management of the Bank must be German nationals.

Sir Alexander Murray : There are 14 members of the Governing Body of which 7 are nationals elected by nationals and 7 are foreigners, one of whom is Sir Charles Addis.

Mr. President (to Mr. Jamnadas M. Mehta) : Anything more ?

Mr. Jamnadas M. Mehta : That is all. I maintain that I am right.

The Honourable Sir Basil Blackett : I think the Honourable Member has got hold of an old constitution.

Mr. Jamnadas M. Mehta : I have the latest, that of 1924.

The Honourable Sir Basil Blackett : I can assure the Honourable Member that there is no doubt in the matter.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 31st August, 1927.

LEGISLATIVE ASSEMBLY.

Wednesday, 31st August, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

BENGAL DETENUS.

651. ***Mr. Gaya Prasad Singh** : Will Government kindly give the names of the Bengal detenus, and the provinces in which they are confined at present, together with a statement giving their weights when arrested, and their present weights ?

The Honourable Mr. J. Crerar : I will communicate to the Honourable Member the names of those persons at present detained in jail under the Bengal Criminal Law Amendment Act. I am afraid I cannot undertake to give the information asked for in the remaining part of the question.

Diwan Chaman Lall : May I ask the Honourable Member as to why he is not in a position to give the other information ?

The Honourable Mr. J. Crerar : Because I do not consider it would be to anyone's advantage to do so.

Diwan Chaman Lall : Does not the Honourable Member consider that it is to the advantage of this country that it should know how these detenus are being treated ?

The Honourable Mr. J. Crerar : I regret very much I cannot add to the answer I have already given.

Diwan Chaman Lall : May I ask the Honourable Member whether the real reason why he is not prepared to give the information is that these detenus are being very badly treated ?

The Honourable Mr. J. Crerar : No, Sir.

Diwan Chaman Lall : Has the Honourable Member any objection to telling us whether they have lost weight or not ?

The Honourable Mr. J. Crerar : I have already said that I regret I cannot add to the answer I have already given.

Diwan Chaman Lall : May I ask the Honourable Member whether he will give us any reasons why he cannot add to his answer.

The Honourable Mr. J. Crerar : I think I have already done so.

RENTING OF PRIVATE BUNGALOWS AT DINAPORE BY THE EAST INDIAN RAILWAY FOR THEIR NON-INDIAN EMPLOYEES.

652. ***Mr. Gaya Prasad Singh** : Is it a fact that the East Indian Railway authorities have rented private bungalows at Dinapore for the

accommodation of their non-Indian employees ? If so, what is the total amount of rent which is paid on this account per month ? Why is a similar privilege not extended to Indian employees ? If bungalows have been rented for the Indian employees, what is the total amount of rent per month ?

Mr. A. A. L. Parsons : The required information is being obtained and will be supplied to the Honourable Member on receipt.

Diwan Chaman Lall : May I ask when the Honourable Member received notice of this question and how long he has been taking to obtain this information ?

Mr. A. A. L. Parsons : I cannot say off hand when notice was received, but it would take a considerable time to collect the information asked for.

Diwan Chaman Lall : May I ask the Honourable Member whether he will be pleased to indicate when he instituted these inquiries ?

Mr. A. A. L. Parsons : As soon as the question came to me.

Mr. Gaya Prasad Singh : Will this information be laid on the table ?

Mr. A. A. L. Parsons : I expect the statement will be much too long. But if there is any desire in the House as a whole to have the information, I am quite prepared to put a copy of it in the Library.

REMEDYING OF DEFECTS AT BAIDYANATH DHAM ON THE EAST INDIAN RAILWAY.

653. ***Mr. Gaya Prasad Singh** : (*a*) Are Government aware that Baidyanath Dham (East Indian Railway) is an important place of pilgrimage and also a health resort, and is visited by a large number of pilgrims and visitors ?

(*b*) Is it a fact that there is no raised platform at the station, and that this is a source of considerable inconvenience and danger to the passengers, specially women and children ; and that there is no waiting room either for male or female passengers ?

(*c*) Is it also a fact that there are no arrangements for drinking water, and the lights during the night are insufficient both in the trains and at the station, which causes accidents, and risks of accidents and thefts ?

(*d*) Do Government propose to take the necessary action to remedy the defects complained of ?

Mr. A. A. L. Parsons : I am bringing the suggestions in the Honourable Member's question to the notice of the Agent, East Indian Railway.

MOHMAND DISTURBANCE ON THE FRONTIER.

654. ***Mr. Gaya Prasad Singh** : (*a*) Will Government kindly give the causes and an account of the Mohmand disturbances on the Frontier in June last, and the part played by the land force and the Royal Air Force in suppressing them ?

(*b*) What was the number of casualties on both sides ?

Sir Denys Bray : The origins of the Mohmand disturbance are obscure. But they appear to be traceable to a concerted aggressive movement against the Maliks of certain loyal sections under the sustained agitation of a well-known Mullah. Their unexpected resistance brought a rival Mullah upon the scene, whose fanatical preaching succeeded in assembling a tribal lashkar, twelve to fifteen hundred strong. It crossed the administrative border on the night of June 5th and attacked the blockhouse line, despite clear warnings from us that any attack on the district would be at once met by bombing from the air. Orders were accordingly given to the Royal Air Force to disperse the lashkar ; and within 36 hours they did so. This striking success was achieved with surprisingly few casualties. The lashkar lost, it is believed, 15 killed and 16 severely wounded. The Royal Air Force had no casualties at all. Ground troops were held in readiness at Shabkadar and Shankargarh, but owing to the rapid dispersal of the enemy it was not found necessary to bring them into action.

Diwan Chaman Lall : Is it the policy of the Government of India that they should use aeroplanes to bomb men who are not in a position to resist with equal force the forces of the British Government ?

Sir Denys Bray : Certainly, Sir, if they attack the British Government

Diwan Chaman Lall : May I ask whether it is a civilized method to employ against these unarmed people ?

Sir Denys Bray : My Honourable friend is under a complete misapprehension if he thinks a tribal lashkar is unarmed. And I would point out at any rate in this particular case that the operations were amazingly humane. The casualties, as I said, were amazingly few. I have never known myself a tribal lashkar of this size attacking British India and being dispersed with so few casualties on their part.

Mr. Gaya Prasad Singh : I do not wish to ask question No. 655.

†655.*

NUMBER OF TIMES THE POWERS OF VETO AND CERTIFICATION HAVE BEEN USED SINCE THE INTRODUCTION OF THE REFORMS.

656. *Mr. **Gaya Prasad Singh** : Will Government kindly state how many times the powers of veto and certification have been used since the introduction of the Reforms, with respect to the actions of the Legislative Assembly and the Council of State separately, and the occasions on which the powers were used ?

Mr. W. T. M. Wright : Under the head " Powers of Veto " I understand the Honourable Member to refer, first, to the power conferred on the Governor General by sub-section (2-*a*) of section 67 of the Government of India Act to direct that no proceeding shall be taken by a Chamber of the Indian Legislature in relation to a Bill, clause or amendment which affects the safety or tranquillity of British India or any part thereof, and, secondly, to the power of the Governor General to withhold assent from a Bill passed by both Chambers of the Indian Legislature. No use has been made of either of these powers. The power of certification conferred by section 67B of the Act has been used on four occasions, particulars of which will be found in the statement which I lay on the table.

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† Not asked by the Honourable Member.

Statement of cases in which the power of certification under section 67B has been used.

Serial No.	Name of Bill.	Occasion for use of Power.
1	The Indian States (Protection against Disaffection) Bill, 1922.	Refusal by Legislative Assembly of leave to introduce.
2	The Indian Finance Bill, 1923 ..	Failure by Legislative Assembly to pass Bill in form recommended by Governor General.
3	The Indian Finance Bill, 1924 ..	Ditto.
4	The Bengal Criminal Law Amendment (Supplementary) Bill, 1925.	Ditto.

PUBLICATION OF THE REPORT OF THE SUB-COMMITTEE OF THE SKEEN COMMITTEE.

657. *Mr. **Gaya Prasad Singh** : Will Government kindly state why the report of the Sub-Committee of the Skeen Committee, which visited Europe, etc., has not yet been published, and when will it be available ?

Mr. G. M. Young : The Honourable Member is referred to the answer which I gave to Pandit Hirday Nath Kunzru's starred question No. 512.

Diwan Chaman Lall : May I ask the Honourable Member whether any one of those witnesses who came before the Sub-Committee said that the evidence they were giving was confidential ?

Mr. G. M. Young : That has been answered by me already. No witness said so to the Sub-Committee.

Diwan Chaman Lall : May I ask the Honourable Member what objection the Government of India could have to the publication of the evidence ?

Mr. G. M. Young : It is not a question of the Government of India's objection but of the authorities under whom those official representatives served, that is, His Majesty's Government.

Diwan Chaman Lall : May I ask the Honourable Member whether it is not a fact that this is a report of a Sub-Committee appointed by the Government of India, and that the Government of India are perfectly competent to issue this report if they so desire ?

Mr. G. M. Young : It is not a fact that the Sub-Committee was appointed by the Government of India.

Diwan Chaman Lall : May I ask whether it is not a fact that the Sub-Committee is a Sub-Committee of a Committee appointed by the Government of India, and that therefore the Government of India are perfectly within their rights in publishing the evidence if they so desire ?

Mr. G. M. Young : That, Sir, is perfectly true.

Mr. A. Rangaswami Iyengar : May I know, Sir, who was the authority that intimated to the Government of India or to the Skeen Committee the procedure that they should not disclose the information that was submitted to them and who acquiesced in it ?

Mr. G. M. Young : The fact intimated to the Government of India was that certain material laid before the Sub-Committee was confidential.

Mr. A. Rangaswami Iyengar : I want to know who is the authority that said that it should be treated as confidential.

Mr. G. M. Young : The authority was His Majesty's Government.

Diwan Chaman Lall : May I ask the Honourable Member whether, if it were a fact that the material was confidential, the witnesses themselves would have said so ? Have they said so ?

Mr. G. M. Young : I have already twice informed the House that the witnesses did not say so to the Sub-Committee, as far as I am aware.

Diwan Chaman Lall : Is it a fact that the Sub-Committee itself recommended publication and that they are the best judges in this matter ?

Mr. G. M. Young : The first part of the question, Sir, I have already answered. The second is a matter of opinion.

Mr. A. Rangaswami Iyengar : May I know if the Sub-Committee was informed that His Majesty's Government had decided that this material should be treated as confidential, and that therefore they should not do anything to get it published ?

Mr. G. M. Young : They were not so informed.

Pandit Hirday Nath Kunzru : May I ask whether it is not a fact that this question relates to the report of the Sub-Committee, and that the Home Government objected only to the publication of the proceedings without their consent ?

Mr. G. M. Young : No, Sir. I have already given very full information, on all these questions. The Home Government, referring to the material laid before the Sub-Committee, said that it was confidential, and, as regards the publication of the report, the Government of India, in consultation with the Home Government, decided not to publish the report.

Pandit Hirday Nath Kunzru : Do I understand that the Government of India then also objected to the publication of the report and not merely the Secretary of State for India ?

Mr. G. M. Young : Sir, I cannot disclose the details of the discussion. The fact is that, as the result of a consultation with the Secretary of State for India, the Government of India decided not to publish the report.

Pandit Hirday Nath Kunzru : May I ask whether it is not a fact that the entire responsibility for the non-publication of the report does not rest with the Home Government ?

Mr. Gaya Prasad Singh : Is it a fact that the publication of the Sub-Committee's report will be damaging to the Government case ?

INSPECTIONS OF COMBINED OFFICES IN THE GAYA DIVISION BY THE SUPERINTENDENT OF POST OFFICES AND THE TELEGRAPH TRAFFIC OFFICER.

658. ***Mr. Gaya Prasad Singh** : (*a*) With reference to question No. 97 of the 9th February 1925, will Government be pleased to state the number of inspections of combined offices, made by the Superintendent of

Post Offices, and the number of inspections made by the Telegraph Traffic Officer in the Gaya Division (Bihar and Orissa) in 1926-27 ?

(*b*) Will Government be pleased to give the names of those combined offices in Bihar and Orissa which are not required to be inspected at all by a Superintendent of Post Offices ? And is it not a fact that even important combined offices like Gaya, Ranchi, Jamshedpur, etc., are also required to be inspected at least once in a year by the Superintendent of Post Offices ?

Mr. H. A. Sams : (*a*) 15 by Superintendents of Post Offices. 3 by the Deputy Postmaster-General, Traffic.

(*b*) A list will be given to the Honourable Member. This is a list of single-handed combined offices which are ordinarily inspected by Postal Inspectors and, if the necessity arises, by a Postal Superintendent.

The reply to the latter part of the question is in the affirmative.

DISTRIBUTION OF TELEGRAPH TRAFFIC WORK AMONG THE SUPERINTENDENTS OF POST OFFICES.

659. ***Mr. Gaya Prasad Singh** : (*a*) Is it not a fact that all Telegraph Traffic work originating in a circle office is distributed from there among the Superintendents of Post Offices for action and report ? If so, what arrangements are there in the Divisional offices for dealing with such cases ? Does not a separate section for Telegraph Traffic work exist in each circle office for the disposal of the very work, which is actually distributed among the Superintendents of Post Offices ?

(*b*) Do Government propose to take any steps either to check the distribution of Telegraph Traffic cases among the Superintendents of Post Offices, or to provide at least one clerk with Telegraphic Traffic qualifications in each Divisional office for dealing with such Traffic cases ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The fact is not as stated. Only cases calling for local enquiry are so distributed.

The staff of the Divisional Offices is calculated with reference to all the work, both postal and telegraph, which has to be dealt with.

The system of maintaining a separate section for telegraph traffic work in each Circle office is being abolished.

(*b*) Government do not admit the tendency referred to nor do they propose to make the provision suggested.

RATES OF ANNUAL INCREMENTS OF SUPERINTENDENTS OF POST OFFICES AND FIRST CLASS POSTMASTERS.

660. ***Mr. Gaya Prasad Singh** : (*a*) With reference to question No. 315 of the 7th February 1927, will Government kindly state if the rates of annual increment in the pay of Superintendent of Post Offices, and first class Postmasters were not the same from 1910 to 1925 ?

(*b*) Is it not a fact that when the time-scale of pay was introduced, the same rates of annual increments were fixed in the pay of both classes of officers ?

(*c*) On what grounds have increments of Rs. 30 for first class Postmasters and Rs. 20 for Superintendent of Post Offices now been sanctioned ?

(*d*) Has there been any increase or decrease in the responsibilities and work of the two classes of officers owing to which the present differential rates of increment have been introduced ?

(*e*) Is it not a fact that a Superintendent of Post Offices has to inspect a much larger number of offices, and to control a much larger number of subordinates than first class Postmaster, but still the former gets the lower rate of increment, and the latter gets the higher rate of increment in the pay ?

(*f*) Is it not a fact that all first class Postmasters get free quarters, whereas Superintendents of Post Offices have to pay rents for their quarters ?

(*g*) Do Government propose to consider the question of equalizing the rates of increment in the pay of the two classes of officers ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) They were not the same.

(*b*) No.

(*c*) The increment in the scale for the first class Postmasters was raised from Rs. 20 to Rs. 30 in consideration of the fact that Postmasters do not usually attain gazetted rank until late in their service and in consequence very few of them could expect to rise to the maximum of the old scale.

The posts of Superintendents are filled partly by direct recruitment from outside the Department and partly by selection from the subordinate ranks, and generally speaking the incumbents of these posts pass the whole or greater part of their service therein. In these circumstances it is obvious that the scale of pay appropriate to Superintendents can have no relation to that sanctioned for gazetted Postmasters. It may be pointed out that the increment in the Superintendents' scale is Rs. 20 in the earlier and Rs. 25 in the later years of service.

(*d*) No.

(*e*) Generally speaking yes, but there are exceptions.

(*f*) Yes, because first class Postmasters are required to live on the post office premises in the interests of the service.

(*g*) No. The existing scales of pay were fixed by Government after a careful review of all the circumstances of the two classes of officers.

Haj Pilgrims.

661. *Khan Bahadur Makhdum Syed Rajan Bakhsh Shah : (*a*) Will the Government please state the number of the Hadjis who are British subjects and went to the pilgrimage this year, and how many of them came back to the Indian shores ?

(*b*) Will the Government please state the number of the Hadjis who are British subjects and perished on account of scarcity of water and other hardships of the journey ?

(*c*) What steps, do Government propose to take to draw the attention of the Government of the Hedjaz to remove these inconveniences in future ?

Sir Denys Bray : (*a*) 27,568 Indian pilgrims sailed from Indian ports. The return sailings are still incomplete, but so far some 20,000, of whom the bulk are Indians, have returned to India.

(*b*) The mortality among Indian pilgrims is reported to have been 1,800 or a little over 6 per cent. About 200 of these are believed to have perished at Mina, where shortage of water was reported ; death was due in almost all cases to senile debility or heat prostration, the shade temperature during the actual Haj being 124°. High though the death rate on this year's pilgrimage, it is understood to be among the lowest on record.

(*c*) His Majesty's Consul is continuously on the watch for opportunities to further the interests of Indian pilgrims.

Mr. K. Ahmed : What more falicities do Government propose to offer to British subjects going on pilgrimage ?

Sir Denys Bray : I am not sure that I have followed the gist of the Honourable Member's question ; but so far as facilities on the journey to and from the Hedjaz are concerned, perhaps he will address his remarks to my Honourable friend Mr. Dalal.

†662.*

GRANT OF SPECIAL ALLOWANCES, CORRESPONDING IN AMOUNT TO THE OVERSEAS ALLOWANCES DRAWN BY OFFICERS OF NON-INDIAN DOMICILE, TO INDIAN OFFICERS OF THE SOUTH INDIAN RAILWAY.

663. ***Mr. M. S. Sesha Ayyangar** : With reference to the Overseas allowances first introduced in the scales of superior officers sanctioned in 1919-20 :

Will the Government be pleased to state :

(*a*) On what principle the Government allowed to Indian officers already in service at the time on State Railways the same rates of rupee overseas pay as were sanctioned to officers of European domicile on the same scales and with the same service ;

(*b*) Whether, if the Government are satisfied that the principle followed by them is fair and equitable, they issued clear and definite instructions to the Company-worked Railways, when they sanctioned revised scales of pay with overseas allowances for those Railways, that the same principle should be followed in respect of rupee overseas pay to Indian officers, at least in those cases where the conditions of service for Indian and European officers were similar to those on State Railways ;

(*c*) Whether on the South Indian Railway in fixing the initial rate of pay of the various officers under the revised scales of 1920 with overseas allowance, the rate of pay was shown in the figure without showing basic pay and overseas pay separately ;

† Not put at the meeting, but the question and answer to it will be found at page 3732 of these proceedings.

(*d*) In the absence of a clear indication as stated above, whether or not initial pay included overseas pay in individual cases, what principle was followed by the South Indian Railway in fixing the initial pay of Indian and European officers respectively with reference to overseas allowance ;

(*e*) Whether in connection with the acting pay drawn by certain Indian officers acting in the District grade, the Government Examiner, the Agent, and the Home Board decided after a full discussion of the subject that the pay drawn under the revised scale by Indian officers in service prior to 1920 did *not* include any element of overseas allowance ;

(*f*) Whether it is a fact that on a subsequent representation from the Agent in 1922, the Home Board sanctioned in the case of Indian officers already in the service of the South Indian Railway Company, at the time of the introduction of the new scales, the grant of special allowances with effect from 1st January 1920 corresponding in amount to the overseas allowances drawn by officers of non-Indian domicile ;

(*g*) Whether when the allowances had been drawn by the Indian officers, the Home Board ordered a retrenchment of a portion of the amount drawn, on the ground that the initial pay already fixed for the Indian officers under the revised scales included an element of the overseas allowance, though this ruling was in direct contravention of the ruling of the Board on the same subject referred to in question (*e*) above ;

(*h*) What were the amounts retrenched in each case and the method of recovery adopted ;

(*i*) Whether it is a fact that during the previous revision of the scales of superior officers in 1908-09 certain European officers of the Medical Department whose initial pay had been admittedly by an error notified in excess were allowed to draw the increased rate of pay though the error had been detected before (and not after as in the present case) it had been actually drawn ?

Mr. A. A. L. Parsons : (*a*) As prior to the introduction of the overseas pay the European and Indian officers in the Railway Services were drawing the same scales of pay, it was considered that Indian officers in service, at the time overseas pay was introduced, should be granted overseas pay or its equivalent.

(*b*) The Government Resolutions on the subject were communicated to the Company-worked Railways.

(*c*) The scales of pay sanctioned for the different classes of officers of the South Indian Railway showed basic and overseas pay separately.

(*d*) Officers of non-Asiatic domicile were granted pay on the scale applicable to such officers. Indian officers, in service at the time these rates of pay were introduced, were granted the rates of pay of their substantive grades on the scale applicable to officers of non-Asiatic domicile.

(*e*) to (*i*). Government have no information.

ARREST OF SARDAR DIWAN SINGH, EDITOR OF THE *Riyasat* OF DELHI.

664. ***Mr. B. Das** : (*a*) Has the attention of the Government been drawn to the recent raid made on the office of the *Riyasat*, an Urdu newspaper at Delhi, and the arrest of Sardar Diwan Singh, the editor of the paper at the instance of the Patiala State and his subsequent release by the Special Magistrate at Delhi, the details of which are published in the *Hindustan Times* of July 29, 1927 ?

(*b*) Is it a fact that the alleged offence for which Sardar Diwan Singh was arrested had taken place thirteen years ago when he borrowed Rs. 300 from a private individual ?

(*c*) Is it a fact that such proceedings were taken before a formal complaint was lodged in a judicial court either in Patiala or in British India ?

(*d*) Will Government be pleased to state if the Magistrate of Delhi permitting this police search and arrest satisfied himself that a court of law in the Patiala State had taken cognisance of the offence ?

The Honourable Mr. J. Crerar : With your permission, Sir, I propose to answer this and the next question together.

(*a*) Government have seen the report referred to.

(*b*) The alleged offence took place in January 1916.

(*c*) No complaint was lodged in the Delhi Province, the offence alleged being in the Patiala State. Government have no information as to the proceedings in the Patiala State.

(*d*) The permission of the Magistrate was not required, the procedure followed being that laid down in Rule 26-7 of the Punjab Police Rules, 1915.

EXTRADITION PROCEEDINGS AGAINST SARDAR DIWAN SINGH, EDITOR OF THE *Riyasat* OF DELHI.

665. ***Mr. B. Das** : Have extradition proceedings been started before any Magistrate at Delhi against Sardar Diwan Singh ?

The Honourable Mr. J. Crerar : The answer is in the negative.

Mr. M. S. Sesha Ayyangar : With regard to No. 664 (*c*), is it a fact that the complaint was lodged three years ago ?

The Honourable Mr. J. Crerar : I have no information to that effect

Mr. M. S. Sesha Ayyangar : As regards 665, is it a fact that Colonel Vincent refused extradition proceedings three years ago for the same criminal complaint ?

The Honourable Mr. J. Crerar : With regard to that also, I have no information.

Pandit Hirday Nath Kunzru : May I ask whether the Honourable Member saw a statement to the effect in the papers ?

The Honourable Mr. J. Crerar : No, Sir.

Mr. Gaya Prasad Singh : Is it not a fact that Sardar Diwan Singh wrote a series of articles against the Patiala State in the newspapers ?

The Honourable Mr. J. Crerar : I have heard the allegation.

U. Tok Kyi : What is the nature of the offence committed by Sardar Diwan Singh ?

The Honourable Mr. J. Crerar : I am not prepared to say that any offence was committed by him.

U. Tok Kyi : May I ask, Sir, if he is not a British subject ?

The Honourable Mr. J. Crerar : I am not aware of that.

Mr. A. Rangaswami Iyengar : May I know, Sir, if, having obtained the information that a search warrant had been issued, the Government will now enquire whether there is any attempt to start extradition proceedings against this person ?

The Honourable Mr. J. Crerar : I do not think it necessary to make any enquiry as to whether there is any intention to take extradition proceedings. If the authorities of the Patiala State propose to take extradition proceedings, they will doubtless do so according to law.

Diwan Chaman Lall : May I ask if it is a fact that three years ago similar proceedings were taken and extradition was refused ? Would the Honourable Member not interfere in this matter now and protect the rights and liberties of a British subject ?

The Honourable Mr. J. Crerar : I must point out to the Honourable Member that extradition proceedings may involve proceedings of a judicial character. The Honourable Member seems to invite executive interference in proceedings of a judicial character.

Diwan Chaman Lall : May I ask the Honourable Member whether it is not a fact that no judicial proceedings were taken against Sardar Diwan Singh and that the search took place without any materials being placed before the Magistrate ? Therefore it lends colour to the allegation that it is executive action and not judicial action that has taken place in this case.

The Honourable Mr. J. Crerar : The Honourable Member seems to be confusing search proceedings and extradition proceedings.

Diwan Chaman Lall : All that I am driving at is this. May I ask whether it is not clear to the Honourable Member, as it is clear to me, that since no actual judicial proceedings were taken or alleged to have been taken that action was taken against Diwan Singh ? Therefore it lends colour to the allegation that it was executive action and not judicial action that was taken.

The Honourable Mr. J. Crerar : I think that is more an argument than a question.

†666*—671.*

ISSUE OF PASSES OVER THE EAST INDIAN RAILWAY DURING CHRISTMAS.

672. ***Pandit Hirday Nath Kunzru** : (*a*) With reference to the reply given to question 1192 (*b*) on the 25th March 1927 that there is no religious differentiation with regard to the issue of passes during Christmas on the East Indian Railway are Government aware that the Agent of

† Not put at the meeting, but the questions and answers to them will be found at pages 3732—34 of these proceedings.

the East Indian Railway issued a circular in October, 1926, to the Agents of other railways that " the issue of second, intermediate and third class free passes to Indian employees—other than Indian Christians—for journeys over this railway between the 14th of December, 1926 and 14th of January, 1927, inclusively, should be withheld " ?

(*b*) Did the Agent of the East Indian Railway state in the above mentioned circular that " any applications for passes to non-Christian Indians in urgent or exceptional cases should be referred to this office with a statement of the special circumstances of the case " ?

(*c*) Was it further stated in the circular that " a special restriction will be imposed on applications from the Indian staff of this Railway for passes over your railway for the period under reference " ?

(*d*) Is it a fact that this circular is renewed every year ?

(*e*) Is it a fact that there is another circular which prohibits the issue of passes during Christmas for pilgrimages ?

(*f*) Were these circulars issued with the knowledge or consent of Government ?

(*g*) What were the reasons which made the East Indian Railway, which is a Government line, take the lead in suggesting religious discrimination in the issue of passes during Christmas ?

(*h*) Do Government propose to take any steps and, if so, what steps to convey its displeasure to the Agent of the East Indian Railway and to stop the practice of giving preference to Christian over Hindu and Muhammadan employees ?

Mr. A. A. L. Parsons : (*a*), (*b*), (*c*) and (*e*). Government have ascertained that the East Indian Railway Administration issued the circular letter mentioned to all railways, with which they interchange passes, regarding the issue by those railways of passes at Christmas to their employees over the East Indian Railway, and since the East Indian Railway had applied this restriction to other railways they imposed a similar restriction on their own employees wishing to travel on other lines. The reply given to the Honourable Member's previous question related to the issue of passes at Christmas time to East Indian Railway employees only for journeys over the East Indian Railway only and not over foreign lines, and I regret that this was not explained at the time, as it was not then known to Government. The exact position is that in view of the heavy public traffic over the East Indian Railway at Christmas time, East Indian Railway employees, whatever their religion, cannot get passes over the East Indian Railway unless the issuing officers are fully satisfied that the withholding of a pass to any individual during this period would cause real hardship ; and it is in this connection that the reference to pilgrimages in the Agent's notification, mentioned in part (*e*) of the Honourable Member's question, which is applicable only to the East Indian Railway, occurs. That is to say, a mere assertion that an employee wishes to go on a pilgrimage will not justify the issue of a pass unless the individual can show that refusal of a pass would be causing him real hardship. Further, the employees of other railways can, under the first circular mentioned in the Honourable Member's question, only get passes at Christmas time over the East Indian Railway if they are Indian Christians or if the Agent of the East Indian Railway in urgent or exceptional cases agrees to their

grant ; and employees of the East Indian Railway can only get passes over other railways on the same condition.

(*d*) Yes.

(*f*) No.

(*g*) and (*h*). I do not think this restriction on passes in the interests of the public travelling over the East Indian Railway can be described as religious discrimination. It is no doubt unfortunate that it should not be possible to give to Indian Christians the same facilities for visiting their relations or families at the time of their great religious festival as it is ordinarily possible to grant to the members of other religions on similar occasions ; but the grant of passes must be subordinated to the needs of the travelling public.

Pandit Hirday Nath Kunzru : May I ask, Sir, whether the Agent of the East Indian Railway informed Government that there was such a circular in existence when he told them with reference to the question I asked in March last that no religious discrimination was made in the issue of passes.

Mr. A. A. L. Parsons : No, Sir, because he was not asked for that information. The Honourable Member's previous question referred to the issue of passes by the East Indian Railway. This particular mention of Indian Christians occurs merely in a circular letter regarding the issue of passes not by the East Indian Railway but by other railways to the employees of those other railways. The answer given before by the East Indian Railway, and the answer given in the House either by me or by Sir Charles Innes was quite correct ; though had we had the information at that time that it only referred to local passes, we should of course have given that information to the House.

Pandit Hirday Nath Kunzru : Does the Honourable Member mean to say that, while the East Indian Railway itself makes no religious discrimination, it asks other railways to discriminate between Christian and non-Christian employees ?

Mr. A. A. L. Parsons : Yes, Sir. It withdraws during Christmas time, for traffic reasons, particular concessions to the non-Christian employees of other railways which are in force during other periods of the year.

Pandit Hirday Nath Kunzru : Is the Honourable Member aware that the previous question of mine to which he has referred asked only whether religious discrimination was made in the issue of passes to non-Christian employees during Christmas and not at other times ?

Mr. A. A. L. Parsons : The previous question to which the Honourable Member refers was as follows :

" Is it a fact that the *East Indian Railway* does not issue passes to non-Christian employees during Christmas ? "

Pandit Hirday Nath Kunzru : Does the East Indian Railway, then, generally refrain from giving passes to its non-Christian employees during Christmas or not ?

Mr. A. A. L. Parsons : The East Indian Railway, as I have explained, generally refrains from giving passes either to its non-Christian or to its Christian employees during Christmas time.

Pandit Hirday Nath Kunzru : Does the circular state that or does it only single out non-Christian employees for that treatment ?

Mr. A. A. L. Parsons : The circular does not mention any distinction between the Christian and non-Christian employees. It runs as follows :

"In view of the heavy demand for passenger accommodation in the Railway's mail, express and passenger trains during the Christmas holidays, the issue of free passes to Railway servants, their families or dependants between now and the 5th of January should only be made when issuing Officers are fully satisfied that the withholding of passes during this period would cause real hardship. Passes required merely for the purpose of sight-seeing or pilgrimages during this period should not be given."

The Honourable Member will observe that no distinction is drawn in this circular between Christian and non-Christian employees of the East Indian Railway in the issue of passes by the East Indian Railway.

Pandit Hirday Nath Kunzru : May I ask the Honourable Member, Sir, whether in reply to my question he did not accept the accuracy of the quotation that I gave in part (*a*) of my question, and may I ask him the date of the circular from which he has read out just now ?

Mr. A. A. L. Parsons : In reply to part (*a*) of the Honourable Member's question to-day, I admitted the accuracy of the quotation given in his question and explained that it occurred in a circular relating to the issue of passes not by the East Indian Railway but by other railways to the employees of those railways. The date of the circular I have just read out to the House is the 18th December 1926.

Pandit Hirday Nath Kunzru : How is it, then, that during Christmas, while the East Indian Railway asked other railways to discriminate between Christians and non-Christians, it subsequently issued a circular which does not mention non-Christians specifically ? Is it not to be inferred from it that the policy to be acted upon is the one mentioned in the circular issued in October 1926 from which I have quoted in my question ?

Mr. A. A. L. Parsons : I think, Sir, it will really be better if the Honourable Member will wait and see my reply in print. The position is exactly as I have explained it. Passes are withdrawn, except when real hardship is caused, from all employees of the East Indian Railway during Christmas time over their own railway. The withdrawal is not extended—I expect partly from motives of courtesy—to the Indian Christian employees of the other railways who can ordinarily grant passes over the East Indian Railway. I can only say that the Railway Board regret the necessity for this discrimination, if it can be called discrimination, against Indian Christians who, on their own railway, are not able to get those facilities at the time of their big religious festival which members of other religions can ordinarily get, because their religious festivals do not fall during a period of heavy traffic.

Pandit Hirday Nath Kunzru : Do the Railway Board, then, approve of this circular ?

Mr. A. A. L. Parsons : Yes, Sir.

Pandit Hirday Nath Kunzru : May I ask whether any restrictions are imposed on Christian employees at any time of the year ?

Mr. A. A. L. Parsons : I hope no restrictions are imposed on Christian or other employees of the railways except when the exigencies of traffic need them. I am perfectly sure that if the East Indian Railway found that the requirements of traffic at, say, the time of the Puja holidays

made it impossible for them to issue passes in the ordinary way to all the servants of the railway, the restriction would be applied last to their Hindu employees.

Pandit Hirday Nath Kunzru : May I know, Sir, whether Government have agreed to the policy of restricting the grant of passes only to non-Christian employees during Christmas and whether they think that there is no time of the year when restrictions should be imposed on other than non-Christian employees ?

Mr. A. A. L. Parsons : There is no policy of restricting the grant of passes to non-Christians during the Christmas holidays. I am afraid I have not been able to understand the Honourable Member's question.

OAKGROVE SCHOOL, MUSSOORIE.

673. ***Pandit Hirday Nath Kunzru** : (*a*) Do Government maintain the Oakgrove European School (Mussoorie) ?

(*b*) Is it meant exclusively for the children of the Christian employees of the East Indian and North Western Railways, or can children of non-Christian Indian employees of any class be admitted into it ?

(*c*) What is the total expenditure incurred on the school ?

(*d*) What is the scale of fees charged to its pupils ?

(*e*) Does the school submit any report periodically to Government ? If so, will Government be pleased to lay the latest report received by it on the table ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) It is meant mainly for the children of European and Anglo-Indian employees of the East Indian and North Western Railways.

(*c*) The gross recurring expenditure in 1925-26 was Rs. 2,85,860. The Local Government contributed Rs. 29,000 towards this expenditure and the receipt from fees and other sources amounted to Rs. 1,51,452. The net expenditure was Rs. 1,34,408.

(*d*) A statement showing the scale of fees is placed on the table.

(*e*) No report is now submitted to Government.

Statement showing the scale of fees at Oakgrove School.

The children of employees of the East Indian Railway are charged according to the following scale :

Children of parents.	One child Rs.	Two children Rs.	Three children Rs.	Four children Rs.	Each additional child Rs.
On pay of Rs. 210 and under	14	26	36	45	9
On pay of Rs. 211 to Rs. 324	19	34	48	60	12
On pay of Rs. 325 and over..	21	37	52	66	14

The boarding and tuition fee of children of employees of other Railways is Rs. 49 and for non-railway children Rs. 50.

Kumar Ganganand Sinha : May I know, Sir, why are Indian students not admitted in this school ?

Mr. A. A. L. Parsons : It was not the purpose for which the school was originally started. I may add that proposals with regard to the future utilization of this school are, I believe, contained in the report of the Educational Officer on special duty in the Railway Board, which I have just received but have not yet had time to read.

Pandit Hirday Nath Kunzru : May I ask whether the Government would now call for a report in view of the large expenditure which is incurred from Government funds on this school ?

Mr. A. A. L. Parsons : I do not think it is necessary to call for a report from the school. We can wait till it is decided how the school should be utilised in future.

Pandit Hirday Nath Kunzru : Is the objection of the Government based on the fact that full information is given in the annual railway report ?

Mr. A. A. L. Parsons : There is, I think, no objection on that ground. The reason is that there is no particular ground why the Railway Board should ask for a specific report from this school.

Pandit Hirday Nath Kunzru : May I ask whether there is any proposal under consideration for opening this school to the sons of Indian employees who are willing to pay the necessary fees ?

Mr. A. A. L. Parsons : I have explained that certain proposals have been made, I understand, in the report of the Educational Officer who is on special duty under the Railway Board. I have only just received the report and have had no time to read it.

EDUCATION OF THE CHILDREN OF RAILWAY EMPLOYEES.

674. ***Pandit Hirday Nath Kunzru** : (*a*) When is the report of the officer appointed to inquire into the facilities for the education of children of railway employees expected ?

(*b*) Is it a fact that the authorities of the railway schools have been given no opportunity of expressing their views in regard to the future of those schools ?

(*c*) Are Government aware that there is an apprehension in the minds of the Indian staffs of these schools that their position may deteriorate considerably as a result of the enquiry referred to above and the procedure adopted by the investigating officer ?

Mr. A. A. L. Parsons : (*a*) The Railway Board have just received it.

(*b*) They have not so far been consulted.

(*c*) The Railway Board have no reason to believe that this is so.

Pandit Hirday Nath Kunzru : Will the Government before taking action on the report consult the teachers in Indian schools who will be affected by it ?

Mr. A. A. L. Parsons : Probably not, Sir ; but I really cannot say.

Pandit Hirday Nath Kunzru : Would the Honourable Member kindly repeat the answer that he has given just now ?

Mr. A. A. L Parsons : Probably not ; but I cannot say.

Pandit Hirday Nath Kunzru : May I ask whether there is any particular ground for not consulting them or for not giving an opportunity to them to make representations to Government ?

Mr. A. A. L. Parsons : It is not usual to consult, on a matter of policy, officers who on the whole are in a subordinate position.

Pandit Hirday Nath Kunzru : Is it not a fact that in other Departments of Government when any service is affected, that service is given an opportunity of making its point of view known ?

Mr. A. A. L. Parsons : I cannot speak for the Departments of Government except my own.

Pandit Hirday Nath Kunzru : Is that policy foreign to the Railway Department ?

†675*—678*.

ALLOWING OF DOOLIES ON THE VARIOUS PLATFORMS AT DELHI JUNCTION.

679. ***Mr. Ismail Khan** : Why are not ' Doolies ' allowed on the various platforms of Delhi Junction ? Are the Government aware that it is a source of great inconvenience to *purdahnashin* ladies ? Do the Government intend to remove this grievance ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the answer given in this Assembly on the 27th January 1927 to question No. 51, asked by Maulvi Muhammad Yakub on the same subject.

PROVISION OF A REFRESHMENT ROOM AT MEERUT CANTONMENT STATION.

680. ***Mr. Ismail Khan** : Why is there not a proper refreshment room at Meerut Cantonment station, although mail and express trains pass through it.

Mr. A. A. L. Parsons : The question of providing refreshment rooms is a matter for the Agent of the Railway to whom a copy of the Honourable Member's question and this reply is being sent.

PROVISION OF BENCHES MARKED FOR EUROPEANS ONLY IN MEERUT CANTONMENT STATION.

681. ***Mr. Ismail Khan** : (*a*) What is the reason for keeping benches marked " for Europeans only " in Meerut Cantonment station ?

(*b*) Do Government intend to remove such distinction ?

† Not put at the meeting, but the questions and answers to them will be found at pages 3734—36 of these proceedings.

Mr. A. A. L. Parsons : The matter is being brought to the attention of the Agent of the Railway with a view to the removal of any such discrimination, if it exists.

†682*—684*.

ADMISSION OF STUDENTS WHO HAVE PASSED THE HIGH SCHOOL EXAMINATION IN DELHI TO THE GOVERNMENT COLLEGE, AJMER.

685. ***Rai Sahib Harbilas Sarda** : (*a*) Are Government aware that the prospectus of the Delhi University states that the University will examine candidates from Ajmer-Merwara, Ambala and Rajputana for the Matriculation Examination, and that the students from Ajmer-Merwara acting on the provisions of the prospectus sat for and passed the Matriculation Examination of the Delhi University this year ?

(*b*) Are Government aware that Ajmer-Merwara and Rajputana are under the United Provinces Intermediate Education Board for the Intermediate Examination ?

(*c*) Are Government also aware that the United Provinces Intermediate Board have refused to allow these students to join the First Year College Class in the Government College, Ajmer, though the Board rules say (Chapter XIV—paragraph 4, Allahabad University Calendar) that students who have passed the Matriculation Examination of the Delhi University, may, after reading one year in a Delhi College, be admitted to the Second Year College Class in the Government College, Ajmer ?

(*d*) Are Government prepared to remove this disqualification and move the United Provinces, Intermediate Education Board to permit the Government College, Ajmer, to admit now into its First Year Class, students who have passed the Delhi Matriculation Examination and not compel them to read for one year in a Delhi College before they are admitted into the Second Year College Class of the Ajmer Government College ?

Mr. A. R. Dalal : (*a*) No. The Delhi University does not hold a Matriculation Examination. But students from the territories named by the Honourable Member who have attended no school whatsoever since 1st June in the year preceding the Examination may under certain conditions appear at the High School Examination conducted by the Board of Secondary Education, Delhi.

(*b*) Yes.

(*c*) The Principal of the Government College, Ajmer, has refused admission to students who have taken the High School Examination conducted by the Board of Secondary Education, Delhi, because the United Provinces Board of High School and Intermediate Examination has not recognised that examination.

(*d*) Government understand that the Board of Secondary Education, Delhi, are already in correspondence with the Board of the High School and Intermediate Education, United Provinces, on the subject.

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† Not put at the meeting, but the questions and answers to them will be found at page 3736 of these proceedings.

TEACHING OF HINDI AT THE ROYAL MILITARY COLLEGE, DEHRA DUN.

686. *Rai Sahib Harbilas Sarda : (a) Are Government aware that there are in the Dehra Dun, Prince of Wales' Military College about 30 Hindu students whose mother tongue is Hindi ?

(b) Are Government aware that while there are three teachers to teach Persian and Urdu, there is not a single teacher to teach Hindi to the students ?

(c) Is it a fact that there was some time ago on the staff of the College a qualified Hindi teacher, but that the post of that teacher has since been abolished ?

(d) Are Government aware that for want of Hindi teaching, the Hindu students of the College lose positions in the Sandhurst competitive as well as the diploma examination and that this has given rise to discontent ?

(e) Are Government prepared to remove this hardship, from which Hindu students suffer in the Dehra Dun Military College ?

Mr. G. M. Young : (a) There are 23 Hindus at the College. The mother tongue of 10 of them is Hindi.

(b) There are two regular teachers of Persian and Urdu, and one religious teacher (Maulvi) who can also teach Urdu. One of the religious teachers also teaches Hindi.

(c) One of the vernacular teachers originally appointed was qualified to teach Gurmukhi and Hindi. His successor is only qualified to teach Gurmukhi, and the teaching of Hindi has been assigned to one of the religious teachers.

(d) No, Sir. Government are informed that the arrangements for Hindi teaching are adequate. Hindi moreover is not one of the subjects in the Sandhurst Entrance Examination. There is therefore no question of cadets losing places for want of Hindi teaching in this examination.

(e) Government will consider whether any change is necessary in the interests of Hindi speaking students who take the diploma examination ; and I will inform the Honourable Member of the decision reached.

DISCONTENT AMONG THE RAILWAY STATION STAFF AT KHANDWA.

687. *Rai Sahib Harbilas Sarda : (a) Are Government aware that there is great discontent among the Khandwa railway station staff owing to assistant station masters and others having to do 12 hours continuous duty ?

(b) Will Government state the strength of the number taking staff at that station and if there has been any reduction in it since May last.?

(c) Will Government be pleased to state the number of porters employed at that junction station, who have to do the risky work of uncoupling vehicles in addition to all station work ? Are the Railway

Administration prepared to give them some relief by increasing their number ?

Mr. A. A. L. Parsons : Government have had no intimation of any discontent among the Khandwa Railway station staff, and are not aware of the numbers of staff maintained at individual stations ; but they have sent a copy of the Honourable Member's question to the Agent of the Great Indian Peninsula Railway, who will no doubt take any action that may be necessary.

LOCATION OF AN OFFICE OF CONTROLLER OF MILITARY ACCOUNTS AT SECUNDERABAD.

688. ***Mr. N. C. Kelkar** : Will Government state whether along with the move of the Poona District Headquarters to Secunderabad, it is contemplated to locate a Controller's Office there for the accounting and audit of military expenditure of that District ?

The Honourable Sir Basil Blackett : The answer is in the negative.

ABOLITION, AS SEPARATE UNITS, OF THE OFFICES OF THE DISTRICT CONTROLLERS OF MILITARY ACCOUNTS AT MHOW, PESHAWAR, BANGALORE AND CALCUTTA.

689. ***Mr. N. C. Kelkar** : Will Government state whether under the centralization scheme of Military Accounts Offices, it is proposed to abolish, as separate units, the offices of the District Controllers of Military Accounts at Mhow, Peshawar, Bangalore and Calcutta ? If so, when are the proposed changes likely to take place ?

The Honourable Sir Basil Blackett : The answer in the case of the first two places mentioned is in the affirmative, and in the case of the latter two places the answer, so far as can be foreseen at present, is in the negative. The dates of proposed changes in the case of Mhow and Peshawar have not yet been fixed, but it is possible that they will take place in the late autumn of this year, and in the spring of next year, respectively.

GRANT OF A HOUSE RENT ALLOWANCE TO THE CLERKS OF THE MILITARY ACCOUNTS DEPARTMENT IN POONA.

690. ***Mr. N. C. Kelkar** : Is it a fact that the Government of Bombay have from 1st March 1926 sanctioned a house rent allowance in Poona to their subordinates ? If so, do the Government of India intend to give the same allowance to their subordinates whose revision of salaries took place before 1st March 1926 ?

The Honourable Sir Basil Blackett : I assume that the Honourable Member refers in his question to the subordinate establishments of the Military Accounts Department. The Government of Bombay have, I

understand, sanctioned a house rent allowance for their permanent employees in Poona drawing pay up to Rs. 100 a month. The question of granting a similar concession to the clerks of the Military Accounts Department was considered by the Government of India and it was decided that there was no justification for granting the concession to them, as their rates of pay and allowances, conditions of service, etc., are not similar to those of the corresponding classes serving under the Local Government.

RETIREMENT AFTER 25 YEARS' SERVICE OF DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS, ACCOUNTANTS AND CLERKS.

691. ***Mr. N. C. Kelkar** : Will Government state the total number of Deputy Assistant Controllers of Military Accounts, accountants and clerks who took advantage of the concession of retiring voluntarily after completion of 25 years' service on or before 31st May 1927 ? Simultaneously with the grant of this concession, were any extensions granted to the time expired servants in that Department ? If so, in how many cases and why ?

The Honourable Sir Basil Blackett : 4 Deputy Assistant Controllers of Military Accounts, 23 accountants, and 17 clerks, took advantage of the concession mentioned. Extensions of service were granted in the case of 2 Deputy Assistant Controllers and 1 clerk, on the ground that it is in the interests of the State to retain those individuals.

WITHDRAWAL AND SUSPENSION OF INCREMENTS OF PAY OF CLERKS AND ACCOUNTANTS OF THE MILITARY ACCOUNTS DEPARTMENT.

692. ***Mr. N. C. Kelkar** : With reference to my unstarred question No. 137 of 1st March 1927, will Government please furnish now the information called for if it has since been obtained ?

GRANT OF PRIVILEGE LEAVE TO THE ESTABLISHMENT OF THE MILITARY ACCOUNTS DEPARTMENT.

693. ***Mr. N. C. Kelkar** : Will Government please furnish the information called for in my unstarred question No. 139 of 1st March 1927 ?

GRANT OF PRIVILEGE LEAVE TO THE ESTABLISHMENT OF THE MILITARY ACCOUNTS DEPARTMENT.

694 . ***Mr. N. C. Kelkar** : Will Government please furnish the information called for in my unstarred question No. 140 of 1st March 1927 ?

The Honourable Sir Basil Blackett : With your permission, I propose to answer questions Nos. 692—694 together.

The information was received and duly communicated to the Honourable Member. A copy of each of the letters with enclosures is laid on the table.

Copy of a letter No. 1271-E., dated the 15th March 1927, from the Financial Adviser, Military Finance, Delhi, to N. C. Kelkar, Esqr., M.L.A., 2, Ferozshah Road, New Delhi.

With reference to the *adinterim* reply given by the Honourable Sir Basil Blackett, on the 1st March 1927, to your unstarred question No. 137, regarding the withdrawal and suspension of increments of pay of clerks and accountants of the Military Accounts Department, I now enclose a statement containing the information asked for therein.

Statement containing the information asked for in Unstarred Question No. 137.

Name of office.	No. of cases in each Military Accounts office in which increments of pay already sanctioned and which the clerks and accountants were actually in receipt of were withdrawn or suspended between 1st January and 31st December 1926.	Number of cases in each Military Accounts Office in which increments due to Accountants and clerks were stopped or not granted during the year ending 31st December 1926.
Controller of Military Accounts—		
Peshawar District	4	7
Northern Command and Rawalpindi and Kohat Districts	4	3
Lahore District	*Nil.*	3
Waziristan District ..	4	5
Eastern Command and United Provinces District ..	7	6
Allahabad Brigade Area ..	*Nil.*	2
Presidency and Assam District	1	1
Burma District	4	2
Southern Command and Poona and Bombay Districts ...	9	4
Madras District	*Nil.*	*Nil.*
Central Provinces District ..	*Nil.*	4
Western Command and Baluchistan District	12	*Nil.*
Sind Rajputana District ..	*Nil.*	1
Field Controller of Military Accounts, Poona	*Nil.*	*Nil.*
Controller of Army Factory Accounts	*Nil.*	5
Controller of Royal Air Force Accounts	2	4
Controller of Marine Accounts	*Nil.*	1
Military Accountant General's Office	*Nil.*	*Nil.*
Total ..	47	48

Copy of a letter No. 1298-E., dated the 17th March 1927, from the Financial Adviser, Military Finance, Delhi, to N. C. Kelkar, Esq., M.L.A., 2, Ferozshah Road, New Delhi.

With reference to the *adinterim* reply given by the Honourable Sir Basil Blackett, on the 1st March 1927, to your unstarred questions Nos. 139 and 140, regarding the grant of privilege leave to the Military Accounts Department establishments, I am directed to state that, so far as question No. 139 is concerned, there were no cases of refusal of privilege leave on medical grounds by Controllers of Military Accounts. In a few cases, however, medical certificates granted by Registered Medical Practitioners, were required to be countersigned by staff or Civil Surgeons.

2. As regards question No. 140, I am to enclose herewith a statement furnishing the information asked for.

Statement furnishing the information asked for in Unstarred Question No. 140.

Name of Office.	Number of applications submitted by Deputy Assistant Controllers, Accountants and Clerks for the grant of privilege leave on private grounds during the calendar year 1926.	Number of cases in which leave referred to in column 2 was refused.	Number of applications for leave referred to in column 2 favourably considered.	Remarks.
1	2	3	4	5
Controllers of Military Accounts—				
Peshawar District	35	4	31	
Northern Command, and Rawalpindi and Kohat Districts ..	68	*Nil.*	68	
Lahore District	60	*Nil.*	60	
Waziristan District	71	6	65	
Eastern Command and United Provinces District	62	2	60	
Allahabad Brigade Area ..	17	*Nil.*	17	
Presidency and Assam District	21	*Nil.*	21	
Burma District	13	3	10	
Southern Command and Poona and Bombay Districts ..	74	1	73	
Madras District	51	*Nil.*	51	
Central Provinces District ..	32	3	29	
Western Command and Baluchistan District	52	11	41	
Sind Rajputana Districts ..	45	4	41	
Field Controller of Military Accounts, Poona	10	*Nil.*	10	
Controller of Army Factory Accounts	180	3	177	
Controller of Accounts, Royal Air Force	26	*Nil.*	26	
Controller of Marine Accounts ..	21	*Nil.*	21	
Military Accountant General's office.	42	*Nil.*	42	
Total ..	880	37	843	

CONSTRUCTION OF A RAILWAY FROM TALEGAON TO MUNCHER IN THE POONA DISTRICT.

695. *Mr. N. C. Kelkar : Will Government be pleased to state :

(*i*) whether the Railway Board has received any proposal from the Government of Bombay regarding the building of a railway line from Talegaon to Muncher in the Poona District ? If so, in what year ?

(*ii*) what action has the Railway Board taken on these proposals ?

(*iii*) if no action has been so far taken, when are final orders likely to be issued ?

Mr. A. A. L. Parsons : (*i*) Yes. In 1927-28.

(*ii*) A survey was made by the Great Indian Peninsula Railway Administration and they submitted a report which showed the line to be unremunerative. The Railway Board have asked the Railway Administration to re-examine the project and see whether a lighter and cheaper form of construction would not serve the purpose. The re-examination is now in progress.

(*iii*) Does not arise.

RECRUITMENT IN ENGLAND OF CHARGEMEN FOR STATE RAILWAYS.

696. *Mr. H. G. Cocke : Will Government be pleased to state :

(*a*) whether it is a fact that chargemen for State Railways have in the past been recruited in England and brought out to India on agreements for five years on an initial salary of Rs. 360 rising to Rs. 425 ;

(*b*) whether a chargeman so engaged is permitted to bring out his wife and children ;

(*c*) whether a passage out and home is allowed for the chargeman and his wife under the agreement ;

(*d*) whether, in the event of a subsequent agreement being entered into, no further passages are allowed, and, in fact, only one return passage for a chargeman and his wife is allowed during the whole period of service in India ;

(*e*) whether Government take any steps before engaging married chargemen to explain the cost of living in India for a married couple ;

(*f*) whether Government will consider the desirability of refusing to recruit married men in future for these posts ;

(*g*) whether any of the Lee Commission recommendations have been applied to chargemen, and, if not, whether any steps are being taken in this direction.

Mr. A. A. L. Parsons : (*a*) When qualified mechanics are not available in India they are recruited from England on a five years' agreement. On some railways they are called chargemen ; on others they have different designations. The rate of pay differs on different railways, but is Rs. 360 rising to Rs. 425 on the Great Indian Peninsula Railway.

(*b*) Yes, under Rule 3 of the Passage (Subordinate) Rules, 1925, published with the Finance Department Notification No. F.-57-C.S.R.|25, of the 30th December 1925.

(*c*) Yes.

(*d*) In addition to the passage out and home such employees are granted free passage to England and back to India, if granted leave on medical certificate. During the employee's service Government also pays half the cost of passages from and to India for the employee's family if they accompany him on leave, but not more than twice in all.

(*e*) The men are recruited by the High Commissioner, and I have no doubt that he is prepared to give them any information for which they may ask.

(*f*) I am doubtful if it is desirable, but the matter will be considered.

(*g*) The Lee Commission's recommendations have not been applied to chargemen. In the opinion of the Railway Board the passage concessions, if any, to be granted to railway subordinates should be settled in each individual case and entered in the terms of each individual contract.

Mr. H. G. Cocke : With reference to the Honourable Member's reply to (*e*) he stated that the High Commissioner is no doubt prepared to give any information for which the men may ask. But considering that these men are being brought out to India in cases where they are married on a pay upon which they cannot live, will the Honourable Member suggest to the High Commissioner that information be given even if it is not sought ?

Mr. A. A. L. Parsons : I am not prepared to ask the High Commissioner to put the position before these men exactly in the terms mentioned by my Honourable friend ; but I will write to the High Commissioner and ask him to see that before the men are recruited they are given information, whether they ask for it or not, as to conditions in the places in which they are likely to serve.

Pandit Hirday Nath Kunzru : Are Government considering the extension of the Lee concessions to the subordinate officers as a class on the Railways or to individual subordinate officers ?

Mr. A. A. L. Parsons : I must ask for notice. I am not sure that the question is one which should be put to my Department.

Pandit Hirday Nath Kunzru : The question arises out of the answer just given that the matter is to be considered in each individual case.

Mr. A. A. L. Parsons : That is the reason I ask for notice.

Pandit Hirday Nath Kunzru : Is it the policy of Government to extend these concessions to individual subordinate officers on the railways as they apply ?

Mr. A. A. L. Parsons : I must still ask for notice.

Lala Lajpat Rai : Is the Government contemplating to make provision so that there will be no need to import men from England and so that sufficiently qualified men may be forthcoming to fill these posts in India ?

Mr. A. A. L. Parsons : I am not quite sure that I have caught the full purport of my Honourable friend's question, but I can assure him that we only obtain these mechanics from England when qualified men are not available in India.

Lala Lajpat Rai : I want to know whether the Government is contemplating to make any provision for turning out such qualified men here so that there will be no necessity of importing them from England ?

Mr. A. A. L. Parsons : We should certainly like to do so, and I am not sure we have not already issued instructions with that object. Will the Honourable Member put down a question ?

Lala Lajpat Rai : I will.

Pandit Hirday Nath Kunzru : May I ask then on whose authority the Honourable Member made the statement just now that the extension of the Lee concessions to any individual case would depend on the consideration of that case ?

Mr. President : Order, order. The Honourable Member made the statement on behalf of Government.

Pandit Hirday Nath Kunzru : I am not sure whether the Honourable Member is himself sure of that.

Mr. President : Order, order.

DECLARATION OF CHITTAGONG AS A MAJOR PORT.

697. ***Mr. K. C. Neogy** : (*a*) Is it a fact that Government have decided to declare Chittagong a major port ?

(*b*) If so, when is the necessary statutory enactment likely to be undertaken ?

(*c*) Have Government settled, in consultation with the Local Government, the constitution of a Port Trust at Chittagong ?

The Honourable Sir George Rainy : (*a*) The Honourable Member's attention is invited to the reply given by me on the 22nd August to a similar question asked by Mr. Anwar-ul-Azim in this House.

(*b*) The necessary legislation to transfer the statutory authority vested in the Local Government by the Chittagong Port Act to the Governor General in Council will be undertaken as soon as the legislative programme of the Government of India permits It is not possible to give any definite date at present.

(*c*) There is already a Port Trust at Chittagong. The question of changing its constitution has not yet been discussed with the Local Government.

AMENDMENT OF THE POISONS ACT.

698. ***Mr. K. C. Neogy** : (*a*) Is it a fact that Act XII of 1919 (Poisons Act) is under revision ?

(*b*) If so, is it intended to bring the provisions of the said Act into line with the English law in any particular ?

(*c*) Is there any intention on the part of Government to undertake legislation on the lines of the Pharmacy Act, and the Food and Drugs Act of the United Kingdom ?

The Honourable Mr. J. Crerar : (*a*), (*b*) and (*c*). There is no proposal to revise the Poisons Act, but Local Governments have been asked whether they consider it necessary to undertake legislation for standardizing the preparation and sale of medicinal drugs. On receipt of their replies the matter will be considered.

GRANT OF A PASSPORT TO PROFESSOR KHANKHOJE TO RETURN TO INDIA.

699. ***Dr. B. S. Moonje** : (*a*) Have Government seen the article published in the *Bombay Chronicle*, Sunday the 26th June 1927, under the heading, " An eminent Indian Exile Prof. Khankhoje and his deportation " ?

(*b*) If so, will the Government be pleased to state if the Professor has ever applied for passports to come to India and, if so, why were the passports refused to him ?

(*c*) Will the Government be pleased to state the nature of the offence committed, if any, by the Professor which has weighed with the Government in refusing passports to him ?

(*d*) Do the Government still intend that passports should not be granted to Prof. Khankhoje ?

The Honourable Mr. J. Crerar : (*a*) No.

(*b*) He has not, so far as I am aware, applied for passport facilities to come to India, nor have such facilities been refused.

(*c*) and (*d*) therefore do not arise.

REPORT OF THE INDIAN AUXILIARY AND TERRITORIAL FORCES COMMITTEE.

700. ***Dr. B. S. Moonje** : (*a*) Is it a fact, as published in Indian Papers of 31st July 1927 by Reuter in its news service dated London 28th July 1927, that Earl Winterton has said in the House of Commons that the views of the Government on the findings of the Auxiliary and Territorial Forces Committee have been communicated to the Government of India and, if so, when were they communicated ?

(*b*) Will the Government be pleased to lay the report of the views on the table for the information of the Assembly ?

(*c*) Have the Government of India finished their examination of the findings of the Committee and dealt with the views of the Secretary of State thereon ?

(*d*) If so, what conclusions have they arrived at and if not, when is it likely that the Government will finish their examination ?

(*e*) Are Government aware of the discontent that is spreading over the dilatoriness of the Government in the matter ?

Mr. G. M. Young : (*a*) to (*e*). The Honourable Member is referred to the answer which I gave on the 29th August to Pandit Hirday Nath Kunzru's starred question No. 513.

GRANT OF A PENSION TO THE WIDOW OF BABU DINESH CHANDRA BANNERJEE.

701. ***Dr. B. S. Moonje** : (*a*) Has the attention of the Government been drawn to Resolutions Nos. 83 and 84 adopted by the 7th Session of the All-India Postal and R. M. S. Conference held at Nagpur in the month

of June last, as published in their magazine Vol. VI No. 3 called the All-India Postal and R. M. S. Union Madras Circle of June 1927 ?

(*b*) If so, do Government propose to take into sympathetic consideration the request made in Resolution No. 83 of providing an adequate pension to the widow of the late Babu Dinesh Chandra Bannerjee, sub-postmaster of Barguly for the maintenance of his helpless and destitute family ?

(*c*) Will the Government be pleased to state the circumstances under which the sub-postmaster died, particularly mentioning if it is a fact that the sub-postmaster applied several times for leave for taking treatment without success and eventually the leave was granted and the reliever came to assume charge he found the sub-postmaster dead at his post ?

(*d*) Concerning the Resolution No. 84, will the Government be pleased to state if the Government propose to grant the request made therein ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes

(*b*) and (*c*). The Honourable Member's attention is invited to the reply given on the 25th August to Mr. Abdul Latif Saheb Farookhi's question No. 452.

(*d*) The answer is in the negative.

Dr. B. S. Moonjee : Sir, I do not want to ask question No. 702.

†702.*

TRAINING OF INDIANS IN AVIATION.

703. ***Dr. B. S. Moonje** : (*a*) Now that the Director of Civil Aviation has been appointed, will Government be pleased to state if any scheme has been prepared for imparting education in the science and art of aviation to Indian boys, in India or abroad ?

(*b*) If so, will the Government be pleased to lay it on the table ?

(*c*) Will the Government be pleased to state if scholarships are to be established for teaching Indian students higher aviation abroad ?

The Honourable Sir Bhupendra Nath Mitra : (*a*), (*b*) and (*c*). As I have already indicated in reply to question No. 397, the Director of Civil Aviation has been engaged in the consideration of a number of questions in connection with the development of Civil Aviation in India, including that of the training of Indians for Civil Aviation. The question of the more advanced training of Indians in Aviation subjects out of India is also under consideration, but matters have not yet reached a stage at which a definite announcement can be made.

Diwan Chaman Lall : May I ask the Honourable Member how long the Director of Civil Aviation has been at his post ?

The Honourable Sir Bhupendra Nath Mitra : Five months, Sir.

Diwan Chaman Lall : May I ask what steps have so far been taken to train Indians for the purposes of civil aviation ?

The Honourable Sir Bhupendra Nath Mitra : No steps have been taken yet.

Diwan Chaman Lall : How long does the Honourable Member intend to take before such steps are definitely taken ?

† Not asked by the Honourable Member.

The Honourable Sir Bhupendra Nath Mitra : I cannot give any definite answer to my Honourable friend's question yet.

Diwan Chaman Lall : When may we expect a definite answer ?

The Honourable Sir Bhupendra Nath Mitra : As soon as some definite conclusion is arrived at in the matter.

Diwan Chaman Lall : Will the Honourable Member kindly indicate what sort of conclusions are being arrived at at the present moment ?

The Honourable Sir Bhupendra Nath Mitra : It is impossible for me to say. As I have said, certain investigations have been started,—the consideration of a number of questions has been started. The Honourable Member is a member of the Standing Finance Committee and he knows very well that no action will be possible which involves expenditure on a large scale before the scheme comes before the Standing Finance Committee.

Diwan Chaman Lall : May I ask what necessity there was to appoint the Director of Civil Aviation until the Government had completed their proposals ?

The Honourable Sir Bhupendra Nath Mitra : The Director of Civil Aviation was appointed to help the Government in working out their proposals.

Diwan Chaman Lall : Was it to secure a very *kushi* job for a gentleman.....

Mr. President : Order, order.

The Honourable Sir Bhupendra Nath Mitra : The answer to that is decidedly in the negative.

IMPROVEMENT OF THE POSTAL AND TELEGRAPHIC FACILITIES IN THE CHOTA NAGPUR DIVISION.

704. ***Mr. Ram Narayan Singh** : (*a*) Will the Government be pleased to state whether they are taking any practical and real steps to improve the postal and telegraphic facilities of the people of the Chota Nagpur Division and, if so, what ?

(*b*) Are the Government aware that it is not only the public but also the Governmental institutions in the said division that are badly in need of postal and telegraphic facilities ? If not, will Government make inquiries ?

(*c*) Are the Government aware that the District Board of Hazaribagh and also the police department thereof have been repeatedly applying to the local postal authorities there for opening post offices in certain places where there are already police stations and D. B. Hospitals ? Will the Government be pleased to state whether they are going to open this year post offices in those places, if so, how many and where ?

(*d*) What is the number of post and telegraphic offices in each of the five districts of the Chota Nagpur Division and how many such offices will be opened in each of them this year ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes. During the last financial year 6 new offices were opened in the Chota Nagpur Division and in the current year 8 new offices have already been opened so far.

(*b*) Government are fully alive to the necessity ; no committee of enquiry is therefore needed.

(*c*) No such application has been received by the Postmaster-General, Bihar and Orissa Circle.

(*d*)

Distri t.	Post offices.	Combined Postal and Telegraph offices.
Hazaribagh	35	14
Palamau	27	3
Ranchi	41	9
Singhbhum	41	12
Manbhum	48	25
Total ..	192	63

The number of new offices in addition to those mentioned in part (*a*) that will be opened this year cannot be stated. It depends on the number of proposals maturing after the collection of statistics, on the importance of the localities and other factors.

(1) PROPOSED RAILWAY COMMUNICATION BETWEEN HAZARIBAGH TOWN AND HAZARIBAGH ROAD RAILWAY STATION.

(2) CONSTRUCTION OF THE NEW RAILWAY LINE BETWEEN BARKAKHANA AND BARWADIH IN THE CENTRAL INDIA COALFIELDS.

705. ***Mr. Ram Narayan Singh** : (*a*) What is being done with regard to the proposed railway communication between Hazaribagh town and Hazaribagh Road railway station ? Is it also intended to extend it any further and if so, to what length and extent ?

(*b*) What is the progress made in the construction of the new railway line between Barkakhana and Barwadih in the Central India coalfields ? When is the completion expected ?

Mr. A. A. L. Parsons : (*a*) It is proposed to undertake the survey of this line in 1928-29. There is no proposal at present for an extension beyond Hazaribagh.

(*b*) Good progress has been made and it is hoped to open the line to traffic early in 1928.

VISIT TO INDIA OF SIR LAMING WORTHINGTON EVANS, SECRETARY OF STATE FOR WAR.

706. ***Maulvi Muhammad Shafee** : Will the Government be pleased to make a statement on the following point :—

(*a*) Is it a fact that Sir Laming Worthington Evans, His Majesty's Principal Secretary of State for War, is coming to visit India in the next cold weather ?

(*b*) Is the visit connected with the problem of the North-West Frontier and the defence of India ?

(*c*) What are the aspects of the problem that are going to be considered by him ?

(*d*) Is there any modification in the policy of the North-West Frontier and the defence of India contemplated by the Government ?

(*e*) If so, what is the modification in contemplation ?

(*f*) Will this House be in a position to know the result of his study and consideration of the problems ?

Mr. G. M. Young : (*a*) to (*f*). The tour of the Secretary of State for War in India will be a private one. There has been no official correspondence on the subject. Sir Laming Worthington Evans is coming to inform himself, at first hand and on the spot, about military conditions in India. The Government of India are unable to say to which aspects of the matter he will devote the most attention, or what the results of his visit will be.

Diwan Chaman Lall : May I ask whether the attention of the Honourable Member has been drawn to the controversies in the English Press regarding questions of Indian defence ?

Mr. G. M. Young : I have seen an article in the *Daily Telegraph* on the subject.

Diwan Chaman Lall : Has the Honourable Member any statement to make with regard to that controversy ?

Mr. G. M. Young : None whatever.

Diwan Chaman Lall : Is the visit of the War Minister due to that controversy ?

Mr. G. M. Young : I have already given the House all the information at my disposal in regard to the visit of the Secretary of State for War to India.

WITHHOLDING OF ORDERS FROM BRITISH FIRMS WHICH REFUSE ADMISSION TO INDIAN APPRENTICES IN SUCH FIRMS.

707. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that British firms with whom orders are usually placed by the High Commissioner for India in the matter of electrical engineering, ship-building, steel manufacturing, etc., refuse to have Indian apprentices in their firms on the plea that it is not customary for them to take " coloured apprentices " ?

(*b*) Do Government propose to ascertain from the High Commissioner for India, as to whether he has received reports from Indians, who have been refused admittance as apprentices in such firms ? And if so, will Government be pleased to lay on the table the names of such firms which refuse to take Indian apprentices ?

(*c*) Will Government kindly state what action has been taken, or is proposed to be taken against such firms ; and what objection they have in instructing the High Commissioner for India to withhold placing any sort of orders with those British firms, which refuse to admit Indians as apprentices ?

The Honourable Sir Bhupendra Nath Mitra : The High Commissioner for India has been addressed on the subject and on receipt of his reply further information will be supplied to the Honourable Member. In this connection, however, I invite his attention to paragraph 11 of the Government of India's letter to the High Commissioner No. S.-360, dated the 26th December, 1921, and paragraph 6 of the High Commissioner's letter No. 521-H. C., dated the 25th January 1922, copies of which were laid on the table of this House on the 18th March 1922, and which describe the policy followed in this matter.

REMOVAL OF THE OFFICE OF THE COMMISSIONER OF INCOME-TAX, BIHAR AND ORISSA, FROM RANCHI TO PATNA.

708. ***Mr. Gaya Prasad Singh :** (*a*) Why is the office of the Commissioner of Income-tax, Bihar and Orissa, located at Ranchi, and not at Patna, which is the capital of the Province, and centrally situated ; and are Government aware that this causes much inconvenience, expense, and delay to the assessees, who have to prefer appeals or reviews ?

(*b*) Are Government aware that the majority of cases which come up before the Commissioner of Income-tax, are from Bihar proper, and from places that are nearer to Patna than to Ranchi ? And are Government aware that the best legal help is available at Patna at minimum cost ?

(*c*) Will Government kindly state what objection there is to the removal of the office of the Commissioner of Income-tax from Ranchi to Patna ?

The Honourable Sir Basil Blackett : (*a*), (*b*) and (*c*). The Commissioner's headquarters were located at Ranchi because, if they had been located at Patna, it would have been necessary to build an office and a residence for the Commissioner. The Government see no reason why the present arrangement should cause any appreciable inconvenience to the public and are not aware that it does so. No representation on the subject was made to the Member of the Central Board of Revenue when he visited Patna recently. Persons who have presented review petitions to the Commissioner have as a matter of fact no legal right to be heard in person or by pleader. Appeals to the Commissioner can hardly be numerous. In any case the Commissioner would no doubt arrange to dispose of any matter at Patna should the person concerned ask him to do so.

His attention will be drawn to the desirability of meeting the convenience of assessees in this respect so far as possible.

QUESTIONNAIRE OF THE INTERNATIONAL LABOUR CONFERENCE RELATING TO MINIMUM WAGES, ETC.

709. ***Mr. V. V. Jogiah :** (*a*) It is a fact that the delegates on behalf of the Government of India at the last International Labour Conference of the League of Nations accepted the principles underlying the final questionnaire as drafted ? If so, have the Government of India taken steps to consult Provincial Governments and labour organisations and public opinion in general ?

(*b*) Is it a fact that the International Labour Conference recently held has passed conventions and recommendations regarding "Sickness Insurance", and if so, will the Government of India as a signatory to the League of Nations ratify the said conventions and recommendations ?

(*c*) Was the complaint made by the Workers' Delegate from India at the last International Labour Conference that even though the Government of India has repealed the law relating to penal sanctions for breach of contract of service, some Local Governments have still these Acts in force, and if so, do the Government of India intend to direct the Local Governments to repeal them ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) I presume that the Honourable Member is referring to the questionnaire relating to Minimum Wages. The representatives of the Government of India indicated that they were in favour of the questionnaire being sent out, but the Government of India did not accept any principles in this connection nor am I clear that any principles can be regarded as underlying a series of questions. The Government of India have only recently received the questionnaire and I am not yet able to say if it will be possible for them to consult Local Governments. There is no intention of consulting labour organisations or public opinion at this stage. The time allowed is extremely short and employers and labour organisations are separately represented at Geneva.

(*b*) Two Conventions and a Recommendation relating to Sickness Insurance were adopted. The Government of India have not yet had the opportunity of examining these and I am unable to say whether they will propose ratification of the Conventions or not Recommendations are not capable of ratification.

(*c*) The answer to the first part of the question is in the affirmative and to the second part in the negative. So far as the Government of India are aware, the only Acts of the type to which reference was made are the Madras Planters Act, the repeal of which is under consideration in the Madras Legislative Council, and the Coorg Labour Act which will automatically cease to be operative on the 1st April, 1931.

Safety of the Railway Bridge at Rajahmundry.

710 ***Mr. V. V. Jogiah** : Is the railway bridge at Rajahmundry on the river Godavari in a sound condition for trains to run thereon with safety ? Is there any portion of the same which is weak ? If so, what steps are being taken to repair the same ?

Mr. A. A. L. Parsons : The bridge is safe for the passage of trains at a restricted speed. The girders are below the standard of strength required for modern train loads at full speed, and will be strengthened in 1931-32.

Mr. N. C. Kelkar : I do not wish to put question No. 711 as the information was supplied on the first day of the Assembly in reply to a short notice question.

† 711.*

† Not asked by the Honourable Member.

ARTICLE IN THE MONTHLY JOURNAL *Labour* OF MAY 1927.

712. **Kumar Ganganand Sinha** : (*a*) Has the attention of the Government been drawn to the article under head ' Notes by Blue Bird ' published on pages 142-143 of the monthly journal *Labour* (of May, 1927) ?

(*b*) If so, will the Government be pleased to state whether or not the enquiry was originated on an anonymous letter ?

(*c*) If the answer to part (*b*) is in the affirmative, will the Government be pleased to state what are the special procedures prescribed for the disposal of anonymous or pseudonymous letters sent by the subordinates, in Bihar and Orissa Circle ?

(*d*) How many anonymous or pseudonymous letters have been dealt with in that manner during the last 5 years in the Bihar and Orissa Circle ?

(*e*) Is it a fact that proceedings against Mr. Harihar Prasad Shaw were started on the basis of anonymous letters by the then Superintendent of Posts and Telegraphs ? Was Mr. Harihar Prasad Shaw, before being suspended, allowed to explain his conduct as alleged in the anonymous letters and the Superintendent's reports based on those letters ? If the answer be in the negative, why ?

(*f*) Is it a fact that during the departmental inquiry Mr. S. A. Khan, Superintendent, who was cited as a defence witness, was refused the opportunity of giving evidence in due form ? If so, why ?

(*g*) Will the Government be pleased to lay on table letter No. P.J.-645 of the Postmaster General to Mr. Harihar Prasad Shaw issued on 26th June 1923 ?

The Honourable Sir Bhupendra Nath Mitra : I propose with your permission, Sir, to answer this and questions Nos. 715 to 721 together as they relate to the same case. The officer concerned has taken advantage of the appeal rules to submit recently an appeal to the Government of India about his case. The various allegations contained in the Honourable Member's questions will receive careful examination in connection with that appeal and I am unable therefore at present to give any reply to his questions.

CASE OF MAHENDRA SINGH, EXTRA-DEPARTMENTAL AGENT, CHAIRAIYA.

713. **Kumar Ganganand Sinha** : (*a*) Was not Mahendra Singh, Extra-Departmental Agent Chairaiya, once removed from the charge of the office for unsatisfactory conduct and work on the report of the Officiating Inspector, Shiva Kishore Narayan, 2nd clerk in the office of the Superintendent of Post Offices, Gandak Division ?

(*b*) Was he again re-appointed as Extra-Departmental Agent ?

(*c*) If so, (*i*) why (*ii*) by whom (*iii*) how many applicants were there for the post and (*iv*) was none else possessed of requisite qualification ?

Mr. H. A. Sams : (*a*) and (*b*). Yes.

(*c*) (*i*) Because the Extra-Departmental Agent appointed in his place was very much more unsatisfactory and neglected the work.

(*ii*) Officiating Superintendent, Mr. Sadat Ali Khan.

(*iii*) and (*iv*) One other, who was not selected.

TRANSFER OF SUKHARI RAM, MAIL PEON, BETTIAH.

714. **Kumar Ganganand Sinha** : (*a*) Is it not a fact that the appointments, leave and transfer of mail peons, boy messengers and other menials are regulated and controlled by the Inspectors, Head Postmasters and certain sub-postmasters of the selection grade appointment ?

(*b*) By whom was the transfer of Sukhari Ram, mail peon, Bettiah, controlled ?

Mr. H. A. Sams : (*a*) Yes.

(*b*) There is no mail peon named Sukhari Ram at Bettiah.

DISMISSAL OF MR. HARIHAR PRASAD SHAW, A POSTAL OFFICIAL.

†715. ***Kumar Ganganand Sinha** : (*a*) Will the Government be pleased to state whether the remarks in the character sheet of Harihar Prasad Shaw were in conformity with the Departmental Rule 160 as amended by the correction slip No. 192 of the Post Office Manual, Vol. II, and the orders of the Postmaster General in letter No. 49|P.P.-160, dated 1st March 1917, of the Postmaster General, Bihar and Orissa Circle ?

(*b*) If not, who is responsible for ignoring the Departmental Rules and the orders of the Postmaster General and what action, if any, has been taken for the infringement of rules ?

(*c*) Whether the remarks referred to were in existence in the official's character sheet on the 11th January 1923 on which date the Postmaster General's orders confirming Harihar Prasad Shaw in the combined cadre of the Superintendent's Head Clerk and Inspectors were issued ?

(*d*) If so, why were they ignored and by whom ?

(*e*) Were copies of the said character remarks or purport thereof communicated to Mr. Harihar Prasad Shaw from time to time to enable him to make his position clear at the time ?

(*f*) If not, who is responsible for not communicating the same and thus ignoring the standing Departmental Rules and orders of the Postmaster General, and what action, if any, has been taken for the infringement of the rules ?

DISMISSAL OF MR. HARIHAR PRASAD SHAW, A POSTAL OFFICIAL.

†716. ***Kumar Ganganand Sinha** : (*a*) Will the Government be pleased to state whether it was conclusively proved that a frame of a bicycle belonging to Government was misappropriated by Mr. Harihar Prasad Shaw ?

(*b*) If so, was the frame confiscated ?

(*c*) If it was not confiscated, was it due to the fact that the Postmaster General was in doubt about the matter ?

(*d*) If the answer to (*c*) is in the negative, will the Government be pleased to state why it was not confiscated ?

† For answer to this question, see answer to question No. 712.

DISMISSAL OF MR. HARIHAR PRASAD SHAW, A POSTAL OFFICIAL.

†717. **Kumar Ganganand Sinha** : (*a*) Is it a fact that Mr. Harihar Prasad Shaw entered the Postal Department on 10th September 1901 ?

(*b*) Is it a fact that only five months before dismissal, he was selected and nominated for a special grade appointment and confirmed in the combined cadre of Superintendent's Head Clerk and Inspector ? If so, what were the considerations that weighed with the authorities in granting him this promotion ? Were his good services in the past one of them ?

DISMISSAL OF MR. HARIHAR PRASAD SHAW, A POSTAL OFFICIAL.

†718. **Kumar Ganganand Sinha**: Was Mr. Harihar Prasad Shaw ever before the inquiry that culminated in his dismissal found inefficient or guilty of misconduct ?

DISMISSAL OF MR. HARIHAR PRASAD SHAW, A POSTAL OFFICIAL.

†719. **Kumar Ganganand Sinha** : (*a*) Is it a fact that most of the charges against Mr. Harihar Prasad Shaw in the departmental inquiry dealt with bribery and corruption alleged to have been committed on different occasions in connection with the transfer or posting of different subordinate employees ?

(*b*) Is it not a fact that a Head Clerk in the Superintendent's Office has no power whatsoever in the matter of transfer, etc. ?

(*c*) If so, was it found out what influence, if any, Mr. Harihar Prasad Shaw had on the Superintendent during whose tenure of office these acts are said to have been committed and how ?

(*d*) If the Head Clerk wielded any influence on the Superintendent, what action, if any, did the Department take for preventing its Superintendents from becoming tools in the hands of their subordinates ?

DISMISSAL OF MR. HARIHAR PRASAD SHAW, A POSTAL OFFICIAL.

†720. **Kumar Ganganand Sinha**: (*a*) Will the Government be pleased to state whether Mr. Harihar Prasad Shaw was dismissed on doubt or strong suspicion regarding his resorting to corrupt practices or were the charges against him found to be conclusively proved ?

(*b*) If the latter, why were not criminal proceedings instituted against him ?

(*c*) Were the persons who deposed against Mr. Harihar Prasad Shaw in the departmental inquiry on account of their status, length of service or other considerations deemed more trustworthy than Mr. Shaw by the authorities ? If so, will the Government be pleased to state on what account ?

(*d*) Will the Government be pleased to lay on table a copy of the findings of the departmental inquiry in Mr. Shaw's case ? If not, why ?

(*e*) Is it the practice in departmental inquiries to dismiss servants even on strong suspicions (*i.e.*, even when conclusive proof as defined in the Evidence Act is not available) ?

(*f*) To whom can the final appeal of subordinates against misuse of authority by the higher officials be made ?

† For answer to this question, see answer to question No. 712.

MEMORIAL OF MR. HARIHAR PRASAD SHAW, A POSTAL OFFICIAL, IN REGARD TO HIS DISMISSAL.

721. †**Kumar Ganganand Sinha** : Has the Member in charge of the Department or the Director General of Posts and Telegraphs received any memorial from Mr. Harihar Prasad Shaw in regard to his dismissal ? If so, will the Government be pleased to lay a copy of the same on the table ? What action, if any, has been taken on that memorial ? If no action has been taken, why ?

IMPROVEMENT OF THE PAY AND ALLOWANCES OF POSTMEN AND INFERIOR SERVANTS.

722. ***Kumar Ganganand Sinha** : Will the Government be pleased to state whether it has been found possible to improve the pay and allowances of postmen and inferior servants ? If so, to what extent ? If not, why ?

The Honourable Sir Bhupendra Nath Mitra : The rates of house rent allowance for postmen and inferior servants in post offices at certain places where these were already granted have been enhanced and house rent allowances sanctioned for the same classes of officials at other places where such allowances were found to be necessary with effect from the 1st October 1926. The scales of pay of these officials serving at a number of places were improved with effect from the 1st May 1927, and the cases of similar officials serving at other places are now under examination

MAXIMUM OF THE CLERICAL TIME-SCALE OF PAY OF POSTAL CLERKS.

723. ***Kumar Ganganand Sinha** : Are Government aware of the fact that under the existing system an employee rising from postman's rank cannot reach the maximum ? If so, how do the Government propose to remedy the defect ?

The **Honourable Sir Bhupendra Nath Mitra** : If by the term "maximum" the Honourable Member refers to the maximum of the clerical time-scale of pay, the position is not as stated by him and there is no defect to be remedied.

INTRODUCTION OF A NEW GRADE OF CLERKS IN THE POST OFFICES AND THE RAILWAY MAIL SERVICE.

724. ***Kumar Ganganand Sinha** : (*a*) Have Government finished consideration of the question of introducing a new grade of clerks for a certain class of work in the Post Offices and the Railway Mail Service ?

(*b*) If not, how long will it take to be finished ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) No.

(*b*) I am not in a position yet to state definitely how long it will take.

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† For answer to this question, see answer to question No. 712.

LEAVE RESERVE OF THE LOWER GRADE STAFF OF THE POSTAL DEPARTMENT.

725. *Kumar Ganganand Sinha : Is it a fact that the lower grade staff of the Postal Department practically do not get any leave on account of the paucity of reserve staff ? Do Government contemplate enlarging the reserve in order to enable them to get leave ? If so, how ?

The Honourable Sir Bhupendra Nath Mitra : It is not quite clear to what staff the Honourable Member refers. Lower grade staff consists of packers, mail peons, letter-box peons, etc., but no reserve for such staff is maintained. On the other hand, there is a reserve staff of postmen in the larger offices. In either case it is not a fact that the staff do not get any leave. It is not intended to enlarge the reserve at present. The Honourable Member's attention is invited to the reply given to Mr. Nirmal Chunder Chunder's starred question No. 771 on the 8th March, 1927.

PROMOTION OF POSTMEN TO THE CLERICAL GRADE.

726. *Kumar Ganganand Sinha : Is it a fact that even a postman who has done clerical work for more than a year in the sorting or delivery department has to pass an examination for promotion to the clerical grade ? If so, what is the reason for requiring an examination in such cases ?

The Honourable Sir Bhupendra Nath Mitra : Postmen do little or no clerical work in the sorting or delivery departments. A postman who has worked in these departments has to pass an examination for promotion to the clerical grade. The reason for requiring an examination in such cases is to prevent the admission into the clerical grade of men whose lack of education renders them subsequently unfit to perform the work of a clerk.

Kumar Ganganand Sinha : May I know, Sir, what is the nature of the departmental examination that is being held and the qualification which a man gets by passing that examination ?

The Honourable Sir Bhupendra Nath Mitra : I think there is a certain amount of confusion on the part of my Honourable friend in regard to this matter. The position has now been changed by the introduction of a new clerical grade on a lower scale of pay from 1st March. The clerical grade which the Honourable Member here refers to is the old clerical grade and the examination at which a postman has to sit before he is eligible for employment in that clerical grade is the same as that at which outsiders have also to appear.

PAY OF POSTAL EMPLOYEES.

727. *Kumar Ganganand Sinha : Are Government aware of the fact that in schemes for the revision of pay the senior men in the Postal service get a much smaller benefit than their juniors ? Do not the Government contemplate remedying the defect in future ? If the answer is in the negative, why ?

The Honourable Sir Basil Blackett :

Part I.—Yes.

Part II.—No.

Part III.—In the opinion of Government no remedy is required, for an officer who has a certain number of years to serve must obviously de-

rive a greater benefit from any scheme of improvement of pay than one of his seniors who has a smaller number of years to serve.

SECURITY BONDS OF POSTMEN.

728. ***Kumar Ganganand Sinha** : Is it a fact that a postman has to renew his security bond annually with a view to guarantee honest work on the part of the postman, when he is a new man ? If so, what is the policy underlying the taking of a guarantee ?

The Honourable Sir Bhupendra Nath Mitra : A postman has to renew his security bond annually, only if he furnishes security in the form of a fidelity bond from an Insurance or other Company, because in such cases the company undertakes the risk for a period of one year at a time.

The policy underlying the taking of guarantee is to safeguard the department against loss.

WATCH AND WARD DEPARTMENT ON COMPANY-MANAGED RAILWAYS.

729. ***Kumar Ganganand Sinha** : (*a*) Will the Government be pleased to state the names of the Company-managed Railways that have not organised a Watch and Ward Department ?

(*b*) How many superior officers are there in the Watch and Ward Department, under the Railway Board ? How many of them are Indians, Anglo-Indians and Europeans ?

(*c*) If there are no Indians, do the Government contemplate making a few appointments of suitable Indians ?

(*d*) If the answer to (*c*) is in the negative, will the Government be pleased to state how they would propose to Indianise 75 per cent. of the services as recommended by the Lee Commission ?

Mr. A. A. L Parsons : (*a*) All the Company-managed Railways have organised watch and ward establishments ; but on the Madras and Southern Mahratta, Burma, South Indian, Assam Bengal, Bengal and North Western and Rohilkund and Kumaon Railways, these establishments are under the Traffic Department and are not organised as a separate department.

(*b*) There are no superior officers in the Watch and Ward Departments of State-managed Railways directly under the Railway Board. On the State-managed Railways there are 7 superior officers—3 Superintendents and 4 Assistant Superintendents. Of these, 5 are Europeans and 2 Anglo-Indians.

(*c*) At present there are no vacancies. There is no reason at all why Indians should not be appointed when vacancies occur, but I should mention that the Department is almost invariably manned by police officers obtained on loan from Provincial Governments. It is, therefore, generally a matter of taking an officer whom a Provincial Government recommends and is prepared to spare.

(*d*) In view of the answer to (*c*), (*d*) does not arise.

APPOINTMENT OF INDIANS TO THE WATCH AND WARD DEPARTMENT OF STATE RAILWAYS.

730. ***Kumar Ganganand Sinha** : Is it a fact that most of the appointments to the superior posts in the Watch and Ward Department have been made after the Lee recommendations regarding 75 per cent. recruitment of Indians in railways have been adopted, and that not one Indian has been appointed ? If so, why ?

Mr. A. A. L. Parsons : Four officers have been appointed to superior posts in the Watch and Ward Department of State-managed Railways since the 1st April 1924, of whom 2 are statutory Indians and the remainder Europeans. All the 4 officers were obtained from Provincial Governments on their recommendation.

QUESTIONS NOT PUT AT THE MEETING, OWING TO THE ABSENCE OF THE QUESTIONS, WITH ANSWERS TO THE SAME.

PAY, PENSIONS AND PROMOTIONS OF THE MEMBERS OF THE INDIA UNATTACHED LIST.

662. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Are Government aware of the grievances of the members of the India Unattached List regarding the condition of their service, that is to say their pay, pension and promotion ?

(*b*) Is the subject under their consideration, and if so, will they please state how matters stand with regard to the matter (*vide* starred question No. 685 (*a*) and (*b*) asked in the meeting of the Assembly held on the 1st March 1927 and Government reply) ?

Mr. G. M. Young : (*a*) and (*b*). The Honourable Member is referred to the reply which I gave on the 14th March last to his starred question No. 918. The matter is still under the consideration of the Secretary of State.

BOOKING OF PICTURE FRAMES, MOTOR TYRES, ETC., AT PARCEL RATES ON STATE RAILWAYS.

666. ***Khan Bahadur Sarfaraz Hussain Khan** : With reference to Government reply to unstarred question No. 2 (*b*) in the Council of State on 8th February 1927, regarding booking of picture frames, motor tyres, etc., at parcel rates on State Railways, will Government be pleased to get the information and communicate it to the House ?

Mr. A. A. L. Parsons : The collection of the information from all Railways would involve more trouble than Government think worth while.

MEETINGS OF THE LEGISLATIVE ASSEMBLY AND COUNCIL OF STATE WITH THE NUMBER OF RESOLUTIONS AND BILLS PASSED DURING THE LAST THREE SESSIONS.

667. ***Khan Bahadur Sarfaraz Hussain Khan** : Will Government be pleased to state the number of meetings held, the number of Resolutions moved, and the number of Bills passed in the Legislative Assembly and Council of State, respectively during the last three Sessions ?

Mr. W. T. M. Wright : A statement showing the information asked for is laid on the table.

LEGISLATIVE ASSEMBLY.

	Autumn Session, 1925.	
Number of meetings	 18	
Number of Resolutions moved	 12	(7 official and 5 non-official)
Number of Bills passed	 22	
	Winter Session, 1926.	
Number of meetings	 39	
Number of Resolutions moved	 14	(8 non-official and 6 official)
Number of Bills passed	 27	
	Autumn Session, 1926.	
Number of meetings	 12	
Number of Resolutions moved	 5	(One official and 4 non-official)
Number of Bills passed	 13	

COUNCIL OF STATE.

	Autumn Session, 1925.	
Number of meetings	 16	
Number of Resolutions moved	 11	
Number of Bills passed	 21	
	Winter Session, 1926.	
Number of meetings	 23	
Number of Resolutions moved	 16	
Number of Bills passed	 28	
	Autumn Session, 1926.	
Number of meetings	 8	
Number of Resolutions moved	 4	
Number of Bills passed	 14	

CONTINUANCE OF THE PRESENT PRACTICE OF TAKING *Taboots* OVER THE SANGAM BRIDGE ON WELLESLEY ROAD, POONA.

668. ***Khan Bahadur Sarfaraz Hussain Khan** : With reference to Government reply to question No. 140 in the Council of State on the 7th March 1927, regarding continuance of the present practice of taking *taboots* over the Sangam Bridge on Wellesley Road, Poona, will Government please state if they have now received any reference from the Government of Bombay on the subject ? If not, will they please ascertain from the Government of Bombay as to their decision and communicate the result to the House ?

Mr. A. A. L. Parsons : Government have received no reference from the Government of Bombay, but they understand from the Agent, Great Indian Peninsula Railway, that that Government has the subject under consideration.

DATE OF EXPIRATION OF THE AGREEMENT WITH THE BURMA RAILWAYS.

669. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) When will the term of agreement of the Burma Railways expire ?

(*b*) Has the question of handing over of the Burma Railways to State management on the expiration of its term of agreement which was under

the consideration of Government, been considered (*vide* Government reply to unstarred question No. 201, on 21st March 1927) ?

(*c*) If so, will Government please communicate their decision to the House ?

Mr. A. A. L. Parsons : (*a*) The existing contract between the Secretary of State and the Burma Railways Company can be terminated by the Secretary of State on the 31st December, 1928, on twelve months prior notice.

(*b*) and (*c*). The question is still under consideration.

BENGAL DETENUS.

670. ***Khan Bahadur Sarfaraz Hussain Khan** : Will the Government be pleased to state the number, if any, of the Bengal detenus :

(*a*) who have been released on medical grounds ?

(*b*) who have been transferred from jail to village or home domicile, since the statement made by the Honourable the Home Member on the 21st March 1927?

The Honourable Mr. J. Crerar : (*a*) 1.

(*b*) 26.

PUBLICATION OF THE PROSPECTUS FOR THE TRAINING SHIP " DUFFERIN "

671. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will Government please state whether they have issued the prospectus for the training ship as indicated in their reply to starred question No. 1141 on 23rd March 1927 *re* training of cadets on the training ship " Dufferin " ?

(*b*) If not, by what time are they expected to issue the prospectus ?

The Honourable Sir George Rainy : A short notice containing particulars regarding the duration of the course, age, fees, etc. and calling for applications for admission to the training ship " Dufferin " has recently been published in the newspapers of India and Burma. A fuller notice giving detailed information, which is at present under the consideration of the governing body of the training ship, will issue shortly.

PROMOTION OF DEPUTY SUPERINTENDENTS OF POLICE.

675. ***Mr. Harchandrai Vishindas** : Will Government be pleased to state if it is a fact that Assistant Superintendents of Police of short service are given preference over Deputy Superintendents of Police of much longer service ? If so, why ?

The Honourable Mr. J. Crerar : I am not very sure what the Honourable Member has in mind. If, however, he is thinking of promotion to superior posts in the Indian Police Service, the answer is in the negative. The vacancies for which the two classes are eligible are distinct.

PROMOTION OF DEPUTY SUPERINTENDENTS OF POLICE.

676. ***Mr. Harchandrai Vishindas** : (*a*) Is it not a fact that the Royal Commission on Superior Services in India have at page 19, paragraph 37

recommended that 20 per cent. of the Deputy Superintendents of Police should be promoted to the cadre of Superintendents of Police ?

(*b*) Has that recommendation been given effect to or not ? If not, why not ?

The Honourable Mr. J. Crerar : (*a*) No. What the Lee Commission have recommended in paragraph 37, read with paragraph 38 of their Report, is that instead of 11 per cent. of superior posts in the Indian Police Service being reserved for members of the provincial service 20 per cent. should ultimately be so reserved.

(*b*) I would refer the Honourable Member to the reply given by my predecessor to Kumar Ganganand Sinha's question on the 1st February 1927.

CIVILIAN HOSPITAL WRITERS OF THE INDIAN HOSPITAL CORPS.

677. ***Mr. Harchandrai Vishindas** : Will Government be pleased to state :

(*a*) If it is a fact that permanent civilian hospital writers who are not enrolled are still employed in military hospitals in India and are counted amongst Havildars and Naiks of the clerical section of each company according as they belong to the upper or lower division ? If so, will promotions to the upper division only occur in the event of a vacancy in the company of the Indian Hospital Corps ? Is it not a fact that this will be in violation of the stipulation at the time of revision of their pay under the A. I. (I.) 603 of 1923 that one-third of them will be at all times in the upper division ?

(*b*) The total number of such clerks employed in India in both the upper and lower divisions and the reason for any deviation from the original rules on the subject ?

Mr. G. M. Young : (*a*) On the formation of the Indian Hospital Corps, permanent civilian hospital writers then employed were permitted to remain in the service, and were counted against the establishment of the Indian Hospital Corps in the manner stated by the Honourable Member. There are only 29 of these civilian writers left. They are promoted on a general cadre and not by vacancies in a company.

(*b*) Of the 29 clerks, 10 are in the upper division and 19 in the lower. Actually, therefore, one-third of them are in the upper division and there has been no deviation from the rules.

GRANT OF THE KARACHI LOCAL ALLOWANCE TO CIVILIAN CLERKS EMPLOYED IN VARIOUS MILITARY DEPARTMENTS IN KARACHI.

678. ***Mr. Harchandrai Vishindas** : (*a*) Is it a fact that Karachi local allowance is being paid to all permanent civilian clerks employed in all civil departments as well as to clerks employed in Military Accounts Department, stationed at Karachi, from 1st November 1925 but that no allowance is paid to civilian clerks employed in other Military Departments in Karachi ?

(*b*) Will the Government be pleased to state what is the position of civilian clerks employed in various Military Departments in Karachi in this respect since all these clerks are also paid at the universal rate of pay ?

is there any apparent reason why this allowance should not be paid to them from 1st November 1925 in the same way as it is paid to the clerks of the Military Accounts Department employed in Karachi ?

Mr. G. M. Young : (*a*) Certain clerks serving under Central Civil Departments at Karachi do, I believe, receive local allowances, but not all of them. Clerks in the Military Accounts Department do. Civilian clerks in the Military Department do not.

(*b*) The emoluments of civilian clerks in the Military Department at Karachi were fixed at rates which were considered adequate and I understand that there is no difficulty in obtaining suitable clerks at these rates. The pay and allowances of clerks in the Military Accounts Department have been fixed according to the needs of that Department. The special qualifications required make it impossible to depend upon local recruitment, with the result that clerks of the Military Accounts Department—unlike other civil departments—are liable for general service all over India or overseas, and more often than not are called upon to serve at long distances from their homes.

OPENING OF THE NEW STATION NEAR AJMER GATE, DELHI.

682. ***Khan Bahadur Sarfaraz Hussain Khan** : Will the Government be pleased to state if the new station near Ajmere Gate, Delhi, has been opened ? (*Vide* Government reply to unstarred question No. 173 on the 16th March 1927 in the Council of State.)

Mr. A. A. L. Parsons : Yes.

RESULT OF THE OFFICIAL TESTS IN THE MATTER OF THE BEAM WIRELESS STATION NEAR POONA.

683. ***Khan Bahadur Sarfaraz Hussain Khan** : Will the Government be pleased to state the result of official tests in the matter of the Beam Wireless Station near Poona that were to take place in May last ? [*Vide* Government reply to unstarred question No. 181 (*a*) in the Council of State on 21st March 1927.]

The Honourable Sir Bhupendra Nath Mitra : Owing to unforeseen delays the official tests were only completed last week. It is understood that the tests have been satisfactory.

PROVISION OF A TELEGRAPH CONNECTION TO THE POST OFFICE AT MANJHAUL.

684. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will the Government be pleased to state if they have considered the question of providing a telegraph connection to the Post Office at Manjhaul in the sub-division of Begusarai in the District of Monghyr (Bihar and Orissa) ?

(*b*) If so, will they please communicate their decision to the House ? [*Vide* Government reply to unstarred question No. 193 (*b*) in the Council of State on the 21st March 1927.]

Mr. H. A. Sams : (*a*) Yes.

(*b*) Steps have been taken by the Postmaster-General, Bihar and Orissa Circle, to provide a Telegraph connection to the Post Office at Manjhaul during the current official year.

Secretary of the Assembly : Sir, the following Message has been received from the Secretary of the Council of State : 12 NOON.

"I am directed to inform you that the Council of State have, at their meeting held on the 30th August, 1927, agreed without any amendments to the Bill further to amend the Presidency-towns Insolvency Act, 1909, and the Provincial Insolvency Act, 1920, for certain purposes, which was passed by the Legislative Assembly on the 28th March, 1927."

THE INDIAN LIGHTHOUSE BILL.

REPORT OF THE JOINT COMMITTEE LAID ON THE TABLE.

Secretary of the Assembly : Sir, I lay on the table the Report of the Joint Committee on the Bill to consolidate and amend the law relating to the provisions, maintenance and control of lighthouses by the Government in British India.

THE INDIAN TARIFF (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I present the Report of the Select Committee on the Bill further to amend the Indian Tariff Act, 1894.

THE INDIAN TARIFF (COTTON YARN AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I present the Report of the Select Committee on the Bill further to amend the Indian Tariff Act, 1894, in order to safeguard the manufacture of cotton yarn in British India.

THE BAMBOO PAPER INDUSTRY (PROTECTION) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I present the Report of the Select Committee on the Bill to amend the law relating to the fostering and development of the Bamboo Paper Industry in British India.

THE INDIAN SECURITIES (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Basil Blackett (Finance Member) : Sir I present the Report of the Select Committee on the Bill to amend the Indian Securities Act, 1920, for certain purposes.

THE GOLD STANDARD AND RESERVE BANK OF INDIA BILL—*contd.*

Mr. President : The House will now resume further discussion of the motion that the Report of the Joint Committee on the Bill to establish a gold standard currency for India and to constitute a Reserve Bank be taken into consideration.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, we are at the second stage of what is called the reform of the Indian currency system. In reality it is to my mind a forced adjustment of India's currency system, at least in one direction, to what the India Office and the Government of India have been after since 1919. That of course refers to what the Assembly considered and passed last March, and I am afraid, Sir, that regarding this second stage also, unless this measure is carried through this House with the general good will of all concerned—and when I say that I mean the principal popular parties in the House—this measure also will be a forced adjustment of the Indian currency system to what the Government of India require.

Before I proceed further, I, Sir, with your permission, would like to say a word about the very kind remarks that my ex-colleague Sir Alexander Murray made about me on the floor of the House yesterday. For fear that you, Sir, may remind me that, that is not the question before the House, I refrain from saying anything about Sir Alexander Murray's work on the Royal Commission. If I did not know the honesty of purpose and the sincerity and genuineness of Sir Alexander Murray, I would say that his remarks regarding me were almost flattering ; but I cannot help expressing my sincere gratitude to him for the very kind words in which he has referred to my little work on the Royal Commission. And this is specially necessary in view of the certificate which I earned in the other House from an Indian colleague of mine, who thought it his duty to say that I was the wrong man in the wrong place, when the Government of India nominated me to the Royal Commission. (*Several Honourable Members* : " Shame.") I, Sir, have not a word to say in defence. All that I say is that human as I am, I cannot but feel touched by the kind terms in which Sir Alexander Murray referred to me, bearing in mind that he and I differed very widely on some of the most vital issues on the Royal Commission and we fought it out without any fear of each other and without expecting favour from either side.

Sir Alexander Murray, Sir, referred to paragraph 62 of my minute of dissent. He said that I devoted only four paragraphs in that minute of dissent to the question of the Reserve Bank. Sir Alexander Murray will remember how anxious all my colleagues, including himself, were that I must not put on a longer tail to the report than the report itself. As it is, my minute of dissent went into 153 paragraphs, and my only excuse for referring to the Central Reserve Bank in a few paragraphs was that I did not then have as strong views about the Reserve Bank as I had about the question of the ratio. But since I signed my minute of dissent much water has flowed under the bridge. I have no hesitation in repeating what I said in my minute of dissent on the Royal Commission. I stand for every word of what I said in those four paragraphs in my minute of dissent, and I am prepared to justify it to-day. As I said in paragraph 61, the idea of a Reserve Bank of India is an ideal. I still think that India ought to aim at a Reserve Bank, a pure and unalloyed Reserve Bank in the strictest sense of the word ; a Reserve Bank which

will compare with the Reserve Bank of any other country. The only difference between me and the views held by my esteemed friend, Sir Alexander Murray, was, and I am sorry to say, still is, that while he wants a Reserve Bank of the most unalloyed and strict type at once and immediately, I want it to be attained by stages after taking cognisance of the various handicaps and drawbacks, and the various conditions, economic, political and general, of India as a whole. I therefore feel that there is nothing inconsistent between what I said in my minute of dissent and the position which I took up either in the Joint Committee or which I now take in this House. Sir Alexander Murray reminded me of a sentence in paragraph 62 of my minute of dissent. I there stated :

"It is imperative, that the Government of India should for years to come regard the rapid extension of banking facilities as an essential and urgent part of its financial policy."

If I mistake not, my colleague said yesterday that he agreed with me fully there. May I ask him, Sir, how he has ensured it in the Bill which he is out to support ? Does he not feel that, this most essential requirement of India is not at all provided for in the Bill ? As I will presently show, I am afraid that in starting the Reserve Bank indicated in the Bill at this stage you are really going to starve India of the much-needed extension of banking facilities—the one question about which every Commission from the Herschell Committee of 1893 downwards, barring, if I may say so with all deference the Royal Commission, on which we both sat, has laid so much emphasis.

I have, Sir, here a cutting from the *Bengalee* which contains a letter from Sir Daniel Hamilton who refers to me in his letter and asks whether, I would help to build up the condition of the Indian agriculturist, and to that end support the Reserve Bank. Sir Daniel Hamilton who, I am told, was a great man in his days when he was in India and took a very great interest in the welfare of the Indian agriculturist, Sir, refers to the rupees 600 crores of debt of the Indian agriculturist, he refers to the necessity for irrigation, both major irrigation and well irrigation, and winds up with this : " Will Sir Purshotamdas help to set the people free ? " I maintain, Sir, that the Reserve Bank Bill which is now before the House does not help the agriculturist in this direction at all, because I venture to ask, Sir, my esteemed friend on my left, whether the one bank which has provided banking institutions and facilities in the country all these years from 1805 up to the present day has not been the Imperial Bank ? And the Imperial Bank has been able to do this only because it had the free use of Government balances. You are now taking it away from the Imperial Bank. You are now giving it to the Reserve Bank. The one condition in Schedule II of the original Bill, namely, that if the Imperial Bank opened a new branch, it may have a certain amount of free balance for a few years, has been taken away by the Joint Committee. and I venture to ask Sir Alexander Murray, who. I know is a very prominent member of the directorate of the Imperial Bank, whether he thinks that the Imperial Bank will open even ten new branches after the passing of the Reserve Bank Bill within, say, the next five years. If the reply, Sir,—and I will supply the reply myself because I am sure my Honourable colleague cannot differ from me—if the reply is to be :—All in due course of time and by slow degrees—then I venture to ask, Sir, where are you going to provide for this great necessity for which the Herschell Committee.

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the Fowler Committee and the other Commissions in this century, all have made such substantial recommendations. I submit, Sir, that you are going to starve that great necessity and the only reason why I cannot identify myself very much with this idea of starting a new Reserve Bank *de novo* of the most unalloyed type, of the most strict type at once and now, is that I fear that in trying to show to the world that you are putting up institutions similar to what America and the most advanced countries have, you are really doing injustice to the masses and you are really causing a vacuum at the bottom, the effects of which will be perceived within the next 10 or 15 years.

My friend Sir Alexander Murray rather took Mr. Jamnadas Mehta mildly to task for having compared India to Ireland. Sir Alexander Murray said : " Oh, Ireland is such a small place and India is such a vast continent : why compare the two countries ? " May I ask my esteemed friend whether he would compare India to Siam ? I am sure he will say " No ". Siam is such a small place India is such a big continent. And I will then leave it, Sir, to him and the Honourable the Finance Member to decide whether on the question of the appreciation of India's currency the Finance Member was justified in saying that Siam was an instance which he could quote with any relevancy or justification. The fact, Sir, is that both the Government side and the other side quote instances when it suits them. But I have this much at least to say that, as far as India is concerned, there are many things which we would like to have from Ireland, but there are very few things which Ireland would aim at having from India at present.

Sir Alexander Murray, Sir, quoted Sir John Bell's minute, a minute on which I feel that I must congratulate the Honourable Sir John Bell. For, if anything, Sir John Bell has at least shown that he can put his views on paper candidly and without any fear of having a difference of opinion with that very important and powerful body, the Bengal Chamber of Commerce. But I am afraid, Sir Alexander Murray, quite without meaning it, did Sir John Bell a little injustice He only read a part, Sir, of his outspoken and useful minute. Sir Alexander Murray referred to the first paragraph of Sir John Bell's minute of dissent, which said that Sir John Bell was not convinced that the present is an appropriate time for starting a Bank on the lines in the Bill. But he gives three reasons for it and I think the first reason could be considered a very important one. I will read, Sir, that short paragraph :

" In the first place, the Government of India have just carried through an important change in the currency system of the country, of stabilising the rupee at 1*s.* 6*d.* sterling. I consider that for some time to come Government and no other authority should be responsible for maintaining the ratio which has been adopted."

Sir John Bell, I see, did not speak in favour of the 1*s.* 6*d.* ratio in the Council of State. I am not sure whether he voted for it or not. But the apprehension which he expressed in his minute of dissent regarding that ratio is an apprehension which has its own lesson and it should not be overlooked when the House is considering this Bill. Regarding, Sir, the question of the measure before the House, namely, starting a Reserve Bank, Sir John Bell says :

" In the majority report of the Currency Commission this method is not supported, (that is, converting the Imperial Bank into a Reserve Bank)—but the chapter in which

expression is given to the opinion of the Commission on the subject is, to my mind, one of the most unconvincing chapters of the Report."

I must anticipate the Finance Member who may ask me to point out again to the House that Sir John Bell definitely makes it clear in the minute of dissent that he speaks for himself and in his personal capacity, and that these views of his need not be mixed up as being the views of the Bengal Chamber of Commerce.

I am sure the House will agree that the Honourable Member, Sir Alexander Murray, made a very conciliatory and persuasive maiden speech yesterday. I have no doubt that speeches like this bring the differing sections of this House closer together and no abler or more capable person for that purpose could have been nominated by the Government to this House than Sir Alexander Murray. He, Sir, in conclusion showed his impatience for a Reserve Bank of some sort for India. The House, Sir, realises, everyone in the House, if I may venture to say so, Sir, realises that we ought to have a Reserve Bank, that we ought to have a Bank which is free from the control of Government and also from any influence of the Legislature, but the House wants to ensure that it should have, not, a Reserve Bank of some sort, but a Reserve Bank of the right sort. And what is that right sort, Sir ? The main attraction of this Reserve Bank, as far as this side of the House is concerned, is that it will take away the power of control of currency and dictation of it from Whitehall. I do not think any of my Honourable colleagues on my right will differ from me when I say that everyone of us supports this Bill because we feel that if it passes through the House with our consent and our good will, it will ensure to us freedom from the one thing which we have all along tried to escape—control from six thousand miles away. Sir, freedom from control from Whitehall is a very welcome thing. But then the question is, to whom is this body going to be responsible ? Is it going to be responsible only to itself ? The Finance Member says " No ". The Directors of this Bank will be responsible to their conscience, to use the Finance Member's own words. Will they be responsible to the shareholders ? Now, Sir, the responsibility of directorate of any company, at least in India, and I venture to say in any part of the world, is more or less of an eye-wash. What the House wishes to ensure is that there will be such arrangements about the directorate that in escaping from the India Office they do not place themselves in the hands of some set of persons completely irresponsible, completely ungettable at, resulting in a state of things worse than the Whitehall influence. What are these shareholders, Sir, and what will their stake in this Bank be ? A paltry 5 crores invested by them, and that too, Sir, not invested on fair and equitable terms, but invested, Sir, with a dividend ensured and secured to them cumulatively. I venture to draw the attention of the House to page 17, Appendix IV, to the Joint Committee's Report. That Appendix gives the result to the State of the Reserve Bank for the first six years. If Honourable Members will turn to that page, they will see that in the first year the loss to the State is to be Rs. 1 crore 76 lakhs, in the second year Rs. 27 lakhs and in the third, fourth, fifth and sixth years Rs. 8 lakhs each. Even taking these figures to be accurate and correct—and, I assume for the purpose of argument—that within the first six years the Indian taxpayer is to lose Rs. 2¼ crores—that is to be the loss to the Indian Budget ; and as against that, these happy shareholders will be getting a 6 per cent. dividend on their 5 crores from the very first day. 6 per cent. on 5 crores works out to Rs. 30 lakhs a

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year. Within six years the country will lose Rs. 2¼ crores, while these shareholders, who are supposed to have a stake in the institution, will get their one crore and 80 lakhs without the slightest doubt. Are these terms equitable ? Can it be called a Company in any sense of the word ? The only sense in which you can call this a Company is the sense in which the Indian Railways are Companies. Sir, to give an idea of what sort of a Company this Bank is likely to be, I have brought with me the Report of the Acworth Committee, and on page 99 of that Report is Appendix No. III giving a statement showing the amount paid to Railway Companies as guaranteed interest, the amount recovered from net receipts and the gain or loss to the State during the years 1858-59 to 1918-19. The amount paid as guaranteed interest during that period was £208 million. The amount recovered from net receipts was £158 million. The net loss to the State is £6,785,000. That, Sir, is the parallel, and all this to what purpose ? The only purpose is to satisfy the consciences of the Finance Member and of this Assembly that there is an independent electorate for the directorate. Sir, I am not at all surprised at the great earnestness and anxiety of Leaders in the House like Pandit Madan Mohan Malaviya and others that this measure shall not pass on any such consideration as this. Sir, the idea of a private capital Company for this purpose is an idea which has only to be mentioned in order to be rejected. (Hear, hear.) I will not use any stronger word—I am reminded of the word " monstrosity ", but I do not think it is necessary. But, Sir, that is not an idea which can be seriously followed up. I think we ought to benefit, this Legislature and India ought to benefit, by the experience of company management of Railways, a management of which we are now happily getting free year by year, and I do not think that we can possibly think of reconciling ourselves to the idea of asking a few people, or if you like five crores of shareholders if you have one rupee shares (what does this matter ?) to put in a paltry 5 crores when the State will put in all the currency resources and reserve at the command of the State, which, depleted as they have been by the policy adopted by the Government, are to-day £40 million in the Gold Standard Reserve, the silver in it Rs. 110 crores, and some Government of India paper. For the management of all this, Sir, you are sure to ask shareholders to put in 5 crores and tell them, " Elect 9 directors and carry on. We trust you." The idea, Sir, is an impossible one, if I may say so, and the sooner the Finance Member drops the idea, the sooner shall we go on to something which will bring us nearer to a solution of the question.

Before, Sir, I proceed any further, I wish to refer to what Mr. Jamnadas Mehta said yesterday about what he called " the conference " which His Excellency the Viceroy had a few days ago at Viceregal Lodge. Mr. Jamnadas Mehta had the frankness to admit that it was only by an accident that he did not himself go to that conference. I admire, Sir, Mr. Jamnadas Mehta for having mentioned that. However, he realizes, and I am sure he will not challenge me, both he and another esteemed friend of his had agreed to go to the conference.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : Agreed, and that too on conditions.

Sir Purshotamdas Thakurdas : On no conditions at all, Mr. Jamnadas, if I may say so.

Mr. Jamnadas M. Mehta : You know more than I know about myself.

Sir Purshotamdas Thakurdas : I only hope, Sir, that I may be allowed to refer to this and I do it in full cognizance of the facts which I have had from various quarters. As Mr. Jamnadas Mehta knows, I did go to that conference. I went to it because I felt that it was very good of His Excellency the Viceroy, who also is Governor General, to hear all parties on this important question and without in the slightest degree trying to influence or persuade anybody. I am sure that had Mr. Jamnadas Mehta been present at the Viceregal Lodge, he would have found that there were many points which were cleared up, and many differences brought prominently to light at that informal meeting. (Cheers.) Mr. Jamnadas Mehta thinks this a gross constitutional impropriety. I am very sorry, Sir, he used those words. Knowing, Sir, as this House does, His Excellency Lord Irwin, to hear that he could be guilty of anything which can be called " impropriety " is very sad. All that I would say is that whilst I fully recognize that the power which has the power of veto and the power which has the power of certification should be above any consultations, if that power, Sir, invites to an informal conference all the parties concerned that can hardly be called an impropriety. (Applause.) I therefore feel that I owe it to this House—it does not matter, His Excellency the Viceroy would have others abler than me to defend him if there is to be any defence—I owe it to this House to say that there was no persuasion and the only thing that we did, and I think was meant to be done at the informal meeting, was to clear up various views and find out how broad or how narrow were the differences. I have Mr. Jinnah's authority for saying that this informal meeting was not arranged on any inspiration from Viceregal Lodge but was suggested by non-official leaders. (Applause.)

Now, Sir, Sir Basil Blackett has frankly confessed to this House that he has genuine earnestness to have this Bill put on the Statute-book. He has frankly confessed that he looks upon it as one of the crowning stones to his career in India. He aims at the pure unalloyed Central Bank of the best type. I personally feel that if Sir Basil Blackett will reconcile his ideal of this Reserve Bank to the conditions prevalent in India—and there I mean conditions of every nature, economic, financial, political and others —if Sir Basil Blackett will reconcile himself and his ideal to this and will agree to mould this measure in a manner that will least disturb all these rudely, that will protect us against our various handicaps, drawbacks and, if I may say so, weaknesses, I, at any rate, can guarantee to him my support in carrying this measure. But the question is that Sir Basil Blackett aims at having an institution which will be understood by the rest of the world. What does it matter whether that is applauded by the rest of the world forthwith or not ? The question is whether the institution is suitable to India or not. Is the institution going to be an institution which is to be devised and carried on, in the interests of India, which is to serve the needs of India ? And if the rest of the world owing to their ignorance of the problem of India do not understand the *raison d' être* of the institution which is to serve Indian purposes and Indian needs, is Sir Basil Blackett going to sacrifice that part of our necessity to the attraction that the rest of the world will at least applaud his ideal ? We, at any rate, Sir, cannot be a party to what may be approved of in England, America, Germany, France or Russia. What we want is what will suit us, what we can approve of and what we can see clearly, will

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serve our best interests and the best of our needs. We have been told, Sir, that this measure will bring us financial Swaraj. There are few in this House who believe that we can have financial Swaraj before we have political Swaraj, because both finances and military power are most important to political supremacy. I, therefore, Sir, am not prepared to expect financial Swaraj in this measure ; but I take the Finance Member at his word and I am prepared to look at this measure with the utmost good will, and, as I said in my minute of dissent, I will give the best in me to mould it in the manner which I think will suit the country. And to that end, Sir, what is it that is now the difference between the Finance Member and Members on this side of the House ? All that we say is that there should be no private capital brought in in order to have, what I may call, a nominal electorate—I will not call it a sham electorate—nominal electorate, to see that we have independent directors ; we will not have private capital in this bank under any consideration. The next point is directors and an electorate or electorates which will ensure to us that the bank will be carried on from the point of view of serving India first and serving anybody else afterwards ; when I say serving India first, I mean, serving the needs of India, serving the requirements of India first and foremost and the requirements of anybody else, including, if I may say so, with all respect but with the fullest emphasis at my command, even the requirements of England, after India's best needs are served. (Applause.) Let the Finance Member put before us a scheme of directorate which will ensure us this and every Member on this side of the House will acclaim it and will support it. He says, Sir, that we should not have an electorate where, as he says, there may be political influence. Now, Sir, nobody, not even my esteemed friend Pandit Madan Mohan Malaviya, is anxious to have a political electorate if anybody in this House is frightened of it. Pandit Malaviya has explained at full length his reasons for insisting on the Legislature as electors. What is it that is urged from the other side ? " No, we will not have anything which will tend to political influence." May I, Sir, venture to submit this ? It is admitted that political influence is one which should be avoided in every country which has full democratic institutions. There the party in power has all the patronage at its command, and therefore anything which may leave open political influence means the influence of the party which has the patronage at its command. Sir, in this country if there is any person or institution which has that patronage, it certainly is not this side of the House. It is the Government that have the patronage, it is the Government that can exercise political influence. The only difference is that my friends on this side of the House will not call that " political ". Sir, the way in which I personally saw canvassing done by the Government in Delhi last March, bearing in mind that even Members of the Executive Council forgot their position and condescended to canvassing to a point not known before, shows that the influence that is to be guarded against is not the influence of this side of the House but the influence of that side of the House (pointing to the Treasury Benches), the influence of the executive side, not the influence on the non-official Benches. Sir, I submit to those who talk of political influence from those Benches that the boot is on the other leg.

Whilst I am on this question of directorate, I wish, Sir, to refer to the remarks made by my friend Mr. Vidya Sagar Pandya who represents the

banking interests of Madras. He asked why the Joint Committee did not recommend as directors bankers. There is a very good summary in a local paper, and I wish just to read one short paragraph from it which gives the reply to Mr. Vidya Sagar Pandya in very concise and, I think, convincing terms. It says :

"Joint stock banks not represented on the Reserve Bank Board would be naturally suspicious that the Reserve Bank in the matter of credit facilities would be likely to favour the banks whose representatives are on the Reserve Bank Board to the detriment of those not represented."

And Mr. Vidya Sagar Pandya will admit that you cannot put on the directorate directors of all the joint stock banks in India.

"The presence of representatives of joint stock banks would, moreover, be likely to impair that unfettered judgment by the Reserve Bank Board which it must necessarily exercise in its credit policy, if it is to fulfil its functions properly. The joint stock banker is directly involved in the credit situation which the Reserve Bank is there to control. He is an interested party and cannot therefore be regarded as an unbiassed counsellor.

The experience of South Africa is very instructive in this connection. It was thought when the Bank there was first started that joint stock banks should have representation on the Reserve Bank management, but hardly two years had elapsed before it became evident that for the reasons stated above their presence on the Board was inadvisable and an amending Act was therefore passed excluding them from the Bank Board."

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : What about England and America ?

Sir Purshotamdas Thakurdas : I have heard reference being made to the Bank of England on the floor of this House. Pandit Vidya Sagar Pandya, who is a great student of financial literature, should only bear this in mind that the Bank of England is an institution of its own kind in the world. It was founded 200 years ago by private enterprise and to-day that institution is looked upon, although it is owned by the proprietors of 200 years back, as a national institution. It is convention that has made the Bank of England what it is and not legislation or any rules or regulations. It will be a long day before we can aspire to anything like the Bank of England as our Reserve Bank. It is certainly a good ideal to aim at, but if Mr. Vidya Sagar Pandya thinks that what is good enough for the Bank of England can even be feasible in India, all I can say is that he must read over again the history of the Bank of England.

Sir, the Finance Member said that he is quite prepared that the directorate of the Bank should be predominantly Indian. Whilst he has said that, I notice that there is no amendment on the paper from him to that effect. I do not know what he said when my Honourable friend Mr. Shanmukham Chetty was speaking—I could not hear him very clearly at this end of the Hall—but I believe Mr. Chetty referred to the same thing. While the Finance Member says that he is agreeable—I have taken down his actual words—that the Board should be predominantly Indian, may I ask him why he has left over to provide for that in his amendment ? How does he provide for a predominantly Indian Board ? Perhaps this part of the House wants that it should be so by election and not by nomination. But there is no difference of opinion between him and us on the main ground. He also said that he is in accord with the Assembly that the Board should be Indian in character and outlook. But why does not the Finance Member provide for it in his amendment ? Let

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him bring up the necessary amendment. In the amendments that he has so far put forward—and I see he has put forward a very large number of them—there is no provision for any of these. Therefore, I wish to ask whether these are mere hopes which he has expressed or whether he will put these very good and high sentiments of his into actual practice by putting before us relevant amendments.

Now, Sir, I wish to point out that in trying to institute a Reserve Bank for India by this Statute, it may well be said that we are building the structure of the Indian finance and currency policy from the top instead of from the bottom. How many indigenous banks are there to-day in India that you really want a Reserve Bank on the top of them all ? The House may have heard the figures last time when there was a discussion in Delhi that in America they thought of having a Federal Reserve Bank only on the top of 36,000 banking branches all over the country. In Canada there are 4,000 of these and, at any rate, last year when we were on the Royal Commission we were told that Canada was still considering the idea of having a Reserve Bank. In India, Sir, the Schedule to the Bill will show that there are in all barely 60 banks which have a capital of 3 lakhs and over. Of these 60, there are a number which are known to Government and to some of us as being in a moribund condition and almost awaiting liquidation. If you deduct these and also deduct the powerful British or foreign banks, how many banks are there left ? Hardly a dozen, Sir, with a capital of something like Rs. 25 lakhs and over. And, Sir, for the sake of these few banks you want a Reserve Bank, a Reserve Bank which will compel these banks to put in 7½ per cent. of their current account deposit with the Reserve Bank without interest, and 3 per cent. of their period deposits without interest. The opinions that have been circulated to the Members of this House contain the opinions of at least four or five leading indigenous banks who point out that if these provisions of 7½ per cent. and 3 per cent. compulsory deposits are approved of by the Assembly, the only result which could follow would be that the indigenous banks will either have to lend at dearer rates than they do at present or they will have to close down. To-day these banks are just able to carry on ; anyway, they are not multiplying very fast when there is no compulsory deposit out of their current accounts or period deposits. You now propose to handicap these indigenous banks by compelling them to deposit 7½ per cent. of every hundred rupees with the Reserve Bank. Sir, this may be an ideal which may be achieved after 10, 15 or 20 years, but to-day I am sure it will work as a millstone round the necks of the indigenous banks of which we have very few indeed. My point, therefore, is that you are really building the Reserve Bank from the top. Whilst I know that many things have been done in India from the top, coming down, instead of going up from the bottom in the natural process of things, in financial and monetary matters this procedure is most dangerous and I submit that it involves such risks that it is only right for a person like myself who sees the risk that he should at least sound a note of warning to this House.

Sir, the Honourable the Finance Member said that this measure will revolutionise the Indian currency system. I have no doubt that, if this measure is carried through by stages with the greatest caution and with an eye only to the requirements of India and not to the approval

of countries outside India, at least for the first few years, such a measure will bring us a good deal of relief and will in course of time revolutionise the Indian currency system. But at the moment we happen to be under a revolution—I can say without fear of any contradiction that the economic fabric, though it may not be aggressively perceived, is certainly upset. I wish to put before the House the conditions that have been developed since the first of these measures revolutionising the Indian currency system was passed last March. What has happened, Sir, since the 1st April 1927 ? All the gold reserves that were left in the currency reserve of India have gone. Since the 1st April 1926, 29½ millions pounds of our gold reserve have disappeared. There were about 5 to 6 millions left on 1st April 1927 and that has gone. Silver belonging to India is melting away slowly but surely. I wish to ask the Honourable the Finance Member whether it is his intention to sell only the English bar silver which is with the Government of India or to sell all bar silver, whether English or country bar silver, because I know that he definitely gave us an undertaking in the Joint Committee....

Mr. Jamnadas M. Mehta : Hear, hear.

Sir Purshotamdas Thakurdas : I am afraid I cannot confirm what my Honourable friend Mr. Mehta said. I hope the Honourable Sir Basil Blackett will confirm what I say. I was saying, Sir, that the Honourable Sir Basil Blackett definitely gave an undertaking in the Joint Committee that he will not sell the rupee coin. I make that assertion, Sir, and if the Honourable the Finance Member wants to contradict it, let him do so here and now.

The Honourable Sir Basil Blackett (Finance Member) : I am afraid I must contradict it at once.

Mr. Jamnadas M. Mehta : Hear, hear.

Sir Purshotamdas Thakurdas : Then, I venture to say that there was the grossest misunderstanding in the Joint Committee. The Honourable the Finance Member definitely and unequivocally, Sir, gave an undertaking....

Mr. President : Order, order. The Honourable Member is not entitled to refer to any undertaking given by the Government except in so far as such undertaking is embodied in the Report of the Joint Committee.

Sir Purshotamdas Thakurdas : It is referred to in the Report of the Joint Committee. With due deference to you, Sir, I submit that the policy of selling silver is a subject which is very pertinent to the motion now before the House.

Mr. President : The Chair does not suggest that this is not a matter pertinent to the discussion before the House. What the Chair suggests is that if the undertaking is not embodied in the Report of the Joint Committee, the Honourable Member is not entitled to refer to it.

Mr. Jamnadas M. Mehta : Hear, hear.

Sir Purshotamdas Thakurdas : I will put it in another way. I wish to ask the Honourable the Finance Member to state in his reply to this discussion whether it is the intention of the Government of India to melt India's rupees in the currency reserve and sell them in the Indian market or not. I wish to say only this, that we can quite understand the Government of India selling the surplus English bar silver there. One

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can understand it. But here I must not be misinterpreted or misunderstood as approving that. I would not even think of the Government of India selling the locally made bar silver. But when the Honourable the Finance Member says that there was no talk in the Joint Committee of his not selling rupees by melting them, all that I can say is that some of us at any rate must have been entirely dreaming there. (Laughter.) Sir, your silver is slowly melting. The loan of the Government of India, a thing on which the Honourable the Finance Member was, year after year, congratulated as being successively successful, has this year been a failure. He has had to resort to borrowing in London. He has already borrowed to the extent of £5 millions. He has had to resort to short period borrowing in India. He has already borrowed four crores of rupees by selling Treasury Bills here. (*An Honourable Member* : "The ratio.") The ratio also is a question under this Bill. Now, I wish to ask whether all this is in the best interest of India and of the masses of India ? I wish to ask whether all these can be said to be what the Assembly was prepared to reconcile itself to. Whilst on this topic, I will not quote any paper from Bombay because that has a certain prejudice on the minds of Honourable Members on the other side. I am now quoting from a Calcutta paper, a paper by which the Honourable the Finance Member at times swears here. What does that paper say ? It says :

"Apparently the Mussolinis of finance, entrenched behind their official wall, can ignore these, but not so the banks and merchants who have to pay their way".

The paper says this in referring to the recent attack in the Press on the Exchange Bank for their alleged demand to force the Government of India to buy sterling at a rate less than 1*s.* 5$\frac{1}{32}$*d.* net. This is from the *Englishman,* dated 29th July 1927. This Mussolini, Sir, that is the Honourable the Finance Member, entrenched behind his official walls—if the Honourable the Finance Member feels proud at this comparison I wish him joy of it—can ignore this, but not so the banks and merchants. India shudders at the result of the policy followed by the Honourable Member. He would not listen to the warnings given to him. He deliberately misunderstood us. He misconstrued us. He got the Assembly to approve of an avoidable disturbance to India's financial equilibrium. But this is not all. Here is an extract from a paper in which my friend Mr. Moore has a hand. The *Statesman* of the 25th August 1927 refers to how the second lot of two crores of Treasury Bills had to be sold at a higher rate than the first one, that is by about six annas. The paper goes on to say :

"Inter-bank call money is still quoted at the same rate."

That is the same rate as when the previous Treasury Bills were put up.

"The higher rate, which the Government have had to pay for this week's Treasury Bills, is to be rather accounted for by apprehensions of prospective stringency".

Last year, the Finance Member congratulated himself that owing to his policy money was not in demand at all in India in August. Within 12 months, by his policy which was conceived in the best interests of India, he has changed the whole thing to such an extent that not only are private banks fair borrowers, but the Government of India happen to be the best borrowers to-day with their short period borrowings, six-month Treasury Bills. The paper also indicates that in order to relieve the stringency in the money market in India during the next busy season, the Honourable

the Finance Member may have to borrow in London and issue currency against those sterling borrowings in India. This is indicated in this cutting. I wish to ask the Honourable the Finance Member if the Government of India are thinking of any such device for relieving the financial stringency brought about by the policy which the Honourable the Finance Member himself strongly recommended this Assembly to pass last March.

In conclusion, I have only to refer to a very pertinent article in the *Statist* of 6th August 1927, page 217. With your permission, Sir, I wish to read a paragraph from this article which I think is quite useful at this juncture when this Bill is being considered. The article says :

"The age of secret diplomacy may have passed away in the sphere of international politics, but it would seem to live on in that of international finance, if we are to judge from the extreme reticence of the authorities attending the recent Bankers' conference at New York. There seems no reason why discussions of this sort should be surrounded by an air of mystery. It is not suggested that the public should always be kept fully informed as to the progress of delicate negotiations relating to high finance. The disadvantages of such a course are obvious. The authorities and experts concerned would have to consider not only what was best for the digestion of the financial world, but also what was more pleasing to an undiscriminating popular palate. At the same time, complete secrecy on the part of the international central bankers would appear to be unjustified. The problems under discussion at New York, for instance, touch profoundly the interests of production, trade, and social life the world over. It is difficult to see how the bankers could have injured themselves by greater frankness, taking the public partly into their confidence. They might indeed derive help in the conduct of their very responsible and delicate tasks from a statement as to the general course of the discussions setting forth any decisions reached in matters of principle."

1 P.M. Then, Sir, the article goes on and says :

"The position of London itself is a particularly difficult one. Though sterling is at a high record in the gold Exchange as a whole yet London has little prospect of receiving gold. Those centres where our currency is at a premium are not free gold markets ; they take all the gold they can get, but give out none when the Exchanges move against them, whereas London is liable to lose gold to any country whose currency happens to be at a premium.

This position constitutes one of the major problems of the past-war gold standard. Its only immediate solution is the difficult and delicate one of persuading the lesser gold standard countries to renounce definitely all attempts to accumulate gold reserves of their own and to be content with the more humble, but less expensive and equally secure, system of the gold Exchange standard. The situation could be greatly relieved, too, by the establishment of more or less free gold markets in Paris and Madrid. France holds the largest gold reserve in Europe, and Spain the third largest, but their huge stocks of the metal are at present effectively outside the world's monetary system."

To this, Sir, I wish to add only one sentence from a letter again by Sir Daniel Hamilton to the Editor of the *Statesman*. It appeared in the *Statesman* of 4th January last. Sir Daniel Hamilton says :

"Is it not humiliating that the great Bank of England should have to go down on its knees to the Federal Bank of America when it runs short of gold while India's agricultural industry only waits to be organised to provide India's Reserve Bank with all the gold the Empire needs ?"

Now, Sir, this statement of fact from a paper of the standing of the *Statist* and this appeal from a person of the standing of Sir Daniel Hamilton have very great significance. If England needs gold in order to preserve her position in the world, and if the Government of India will, instead of beating about the bush, only take this country and this Assembly into their confidence, I have not the least doubt that India approached in this straight direct manner will agree to stand by England

[Sir Purshotamdas Thakurdas.]

even at this juncture. In my minute of dissent, under the head of "The importance of the free inflow of Gold" I said—and I wish to repeat those few sentences here :

"It has however been claimed that for the speedy reconstruction of the currency systems of other important countries disturbed by the War the greatest possible economy should be exercised in drawing on the world's stock of gold. The co-operation of these other countries in this connection, either with each other, or with India, is, however, neither assured, nor within sight, so far as I am aware ; each is pursuing its individualistic national policy. If at any stage an international agreement should be framed for the economical distribution of the world's gold supplies, I am confident that India would be prepared to exercise self-denial in her gold requirements in proportion to that of other countries whose currency reserves were parallel to her own. But it is of paramount importance that any regulation of the inflow of gold should never be attempted by executive action, or by the currency authority. The main principles of the gold standard should be embodied in statutes, and varied, if necessary, only by amendment to such statutes,, *i.e.*, with the fullest publicity and the concurrence of the Legislature."

Sir, a financially and economically strong India would be as much of an asset to England as India was as far as physical power is concerned during the last War. I appeal, Sir, to the Government of India and also to the British Cabinet not to disturb deliberately the normality of India's financial and economic conditions. If my appeal be not heeded, I have not the slightest doubt that England will live to regret the day when the normality of India's financial and economic conditions, poor as she is, were so deliberately disturbed. I wish therefore to appeal for frankness and mutual trust. Take this country and the Assembly into your confidence. Do nothing with the nominal assent of this Assembly by a snatch vote either here or there. If England has only the statesmanship and the imagination to realise that, constituted as this Assembly is, she could still appeal to this Assembly under the circumstances which have been described in the quotation from the *Statist*, I, Sir, at any rate feel that this Assembly will rise to the occasion if properly approached. Any short cuts, any other methods, must, I am afraid, engender distrust and want of mutual confidence, and that would be most suicidal in any measure regarding finance and currency. With this appeal, I support the motion.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, I do not propose to take up the time of the House by indulging in metaphorical descriptions, often very mixed, of the Reserve Bank Bill as it started, as it developed and as it may develop hereafter. I am neither a banker nor have a banking clientele ; nor am I a currency expert. But I am a student of public finance and public affairs and from the point of view of such a student I desire to state why I came to the conclusion that in all the circumstances we are in, the institution of a national Central Reserve Bank is a measure of distinct benefit to the country. As I conceive it, a Central Bank subserves three distinct public purposes. They therefore involve the discharge of public functions, and, as I shall presently show, they can only be discharged by a public authority—not controlled by the Government on the one hand and certainly responsible to the public on the other. It cannot be carried out by any private agency, however eminent, and as the question of a shareholders' bank has been discussed threadbare, I do not want again to say how a shareholders' bank is wholly unsuitable for this purpose.

Sir, in the first place a Central Reserve Bank is what is known as a Bank of Issue. It seeks to control and to regulate the issue of paper currency in this country and, so far as we are concerned, in this unfortunate country a Central Bank will have the duty of maintaining the stability of the token currency in this country, namely, the rupee, the note printed on silver. These two duties, as we all know, have been till now discharged by the Government. That they have been discharged with disastrous consequences to India's economic interests in the past has been admitted on all hands ; and I therefore think on that simple ground it is necessary that this duty should be taken away from the hands of the Government which is acting under the leading strings of the India Office and the London money market all along and that it should be entrusted to the hands of an authority in India responsible to and representative of public opinion. That, I think, Sir, is the first important ground upon which we as laymen think that a Central Bank in India ought to be established to take charge of the issue and the regulation of currency notes and to maintain the stability of the rupee. My Honourable friend Sir Purshotamdas Thakurdas was pleading eloquently for some more light, some more publicity, in regard to the transactions by which the Government have been manipulating the currency since the day in March last when this House, in spite of the unanimous protest of public opinion, fixed the ratio at 1*s.* 6*d.* If these disastrous consequences have fallen from the fact that the Government has been in charge of these operations, I submit that that furnishes the one solid reason why this thing should be taken out of the hands of Government and lodged in the hands of a body who will be responsible to the public. And that is the reason, Sir, why I again say that we should support this Bank. We feel, Sir, that in the next place this Central Bank, in regard to its second function—a function which has been till now entrusted to the Imperial Bank of India—will act as the Government's bankers. The attempt to make the Imperial Bank act as the Government's bankers has been made for ten years now. But the fact remains that the Imperial bank has no control over the currency and could only control the expansion of credit in an extremely limited way by having what Sir Purshotamdas Thakurdas rightly condemned as a kind of secret alliance with the Government of India and Whitehall. This difficulty, it seems to me, furnishes the second reason why an independent banking corporation should be established to act as the Government's bankers. Sir, so far as this country is concerned, the Government's bankers ought to be put in a perfectly independent position. I certainly object to a private shareholders' bank like the Imperial Bank, however eminently it may be officered at the present time, taking charge of the duty of acting as the Government's bankers. The system which prevailed in this country prior to the time when the functions of the Imperial Bank were expanded to enable it to act as the Government's bankers, is one which may be compared to what is called in the United States of America as the independent treasury system. And even to-day, except for the few branches which the Imperial Bank of India has established in many parts of the country, so far as the manipulation and movement of Government's resources are concerned, the treasury system continues to be the main channel by which the Government moves its finances. That I say, Sir, is in the first place economically not beneficial to the country, and in the second place it is also injurious to the financial interests of the country.

[Mr. A. Rangaswami Iyengar.]

At a season when it is most important for the agriculturists of this country to have fluid currency in large quantities, the Government rigorously collect their taxes from the tax-payers of this country. When the agriculturist wants to move his crop, the Government collects taxes in cash and puts it into their treasury vaults. By doing that they are withdrawing a huge quantity of currency from circulation at the very time when the agriculturist badly wants that currency in circulation. That is an evil for which we ought to find a remedy. The best way would be, I think, for all the Government's money to be deposited with a Central Bank of acknowledged eminence, which would put this money again into circulation in the course of its operations with its creditors, other banks and producers. Therefore, Sir, I consider that from the point of view of the peculiar conditions of this country, namely, the fact that the agriculturists have got to pay their taxes in the busy season, that currency ought not to be tied up but an agency should exist which can use and expand the currency during the busy season. And that agency should not be merely a Government agency. Government, we know, has been managing this thing not in the interest of the agriculturists who want this currency, but in the interests of British financiers, of the India Office and others. Therefore we say that this duty of regulating the currency to the requirements of trade at the time when trade requires it, should be entrusted to an independent central authority. We know, Sir, that so far as the Government is concerned, they have often merely abstracted all this money and put it into their vaults. The next thing that happens is that huge quantities of this money find their way by transfer to the Secretary of State's treasury in London. If this money were at least to remain in this country we know that some people here would get the benefit of it. But these large quantities which are sent to the Secretary of State's treasury are ultimately lent out to the London money market on very easy terms. That is the system which now exists, and the establishment of a Central Bank will get rid of that system. So in the point of view that a Central Bank established in this country and acting as the Government's banker would use the monies which Government gets into its hands for the purpose of benefiting Indian trade only and not European trade and London financiers, lies the second reason which has influenced me in agreeing to the establishment of a Central Bank. The third reason is that this Central Bank is expected to discharge the duties of a banker's bank. The Imperial Bank at the present time accommodates bankers from time to time ; but it is solely at its sweet will and pleasure, and my friend Mr. Vidya Sagar Pandya has exposed the manner in which the Imperial Bank has been discharging the duties to the public whose monies it has in such profusion locked up in its various operations. Sir, we think that so far as any bank can function as a bankers' bank, it ought not to be a shareholders' bank. It ought to be a bank which is subject to the legislative control of this Assembly. It should be a bank wholly Indian, acting wholly in the interests of India, and it should be able to help bankers in the difficult times ahead of us. My friend, Sir Purshotamdas, very properly said that in this country banking is in its infancy and he expressed the fear that the establishment of a Central Bank with the Imperial Bank may have the effect of crippling the activities of these banks. But, Sir, between the alternative of having the

Government's monies abstracted to London, between the alternative of having those monies put into the hands of a private corporation like the Imperial Bank of India and the alternative of having it put into the hands of a Central Bank whose Directors will consist of a majority of Indian elected representatives, I consider the House can have no difficulty whatever in coming to a proper conclusion. Sir, so far as the Central Bank is concerned the necessity for having directors outside of the run of commercial corporations, whether they are Chambers of Commerce or Federations of Chambers of Commerce or the Imperial Bank and others, seems to me to be self-evident. Because even in London, the Bank of England has long since ceased to be a kind of private corporation. The Governors and Directors there do not deem themselves to be persons who are there to earn dividends. They deem themselves to be public servants owing a duty to the public as trustees. It was not so in earlier times. Walter Bagehot long ago said that the duty of a Central Bank like the Bank of England should be to conserve the resources which come into their hands for the banking and commercial operations of the country and that the Directors are trustees for the public, to keep a banking reserve on their behalf. In so far as a Central Bank has to perform those public functions, such a Bank cannot be a mere shareholders' bank, but a group of persons acting as trustees for the public. That is why we in this country say that such a bank ought not to be put into the hands of a group of financiers and shareholders who may elect the directors. We look upon the Directors of the Central Bank as trustees and custodians of Government monies who have a public duty to perform in the use of that money. For this reason, I feel it my duty to support the principle of a Central Bank. As for the question of the Directorate, I am not at all enamoured of indulging in figurative descriptions. I do hope, Sir, that as practical business men here, we shall be able to find a solution for this, so that this Bank shall have at its head a group of Directors who will represent the Indian public, who will be predominantly Indian, who will be elected by Indian constituencies and who will mould this Bank to be an instrument for the economic uplift of this country.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. N. C. Kelkar (Bombay Central Division : Non-Muhammadan Rural) : Sir, so this is the Reserve Bank after all. It is the *enfant terrible* that made so much noise throughout the Indian world. A child naturally cries immediately it is born. But its cries are drowned in this case by a chorus of congratulations from far and near. Conceived by the Finance Member, it was licked into shape by the Royal Commission on Currency. It has the features of cross-bred parentage. Its lineaments are partly American and partly African. It has Indian blood in its veins. But it shows the sparkle of Indo-British interest in its eyes. It gives evident signs of precociousness. So a playmate and a companion has been provided for it in the Imperial Bank, and among its playthings will be Currency, note issue and financial credit. Its swaddling-clothes will be of gold. The indispensable Indian ayah will be provided among its caretakers in the form of some Indian Directors. But while its nominal guardianship will be entrusted to the Governor

[Mr. N. C. Kelkar.]

General in Council, its apron strings will be in the hands of the Indian Finance Member, to be pulled through a complicated mechanism, whose working will be mysteriously concealed. The Indian Legislature is now called upon to witness its baptism, and to give it a charter along with other blessings.

I shall not, however, pursue the simile any further and come to close quarters with the merits of the Bank. The first claim on its behalf is that it is a measure of liberalism in Indian finance. I must frankly admit that there is some truth in that claim ; for the immediate apparent effect of the Reserve Bank will be to liberate India from the tight control of the State Secretary upon Indian finances—a control which that authority never exercised with uniform wisdom and very often exercised in the interest of the London financiers and London money market in general. It was not only a suspicion but a mere hard fact. As between the State Secretary and the Indian Finance Member, however, there is a definite choice, and I prefer the Indian Finance Member, notwithstanding the fact that his training, his connections and his outlook are deeply coloured with a British bias. I prefer the Indian Finance Member to the State Secretary, because the former after all has his actual work and his official responsibilities cut out in direct Indian affairs, and he must be in the nature of things more amenable to Indian public opinion as expressed through the legislature or outside. Every Finance Member has a certain sense of Indian responsibility, and the past record shows that many a Finance Member has struggled and fought with the State Secretary in the Indian interests, though the domestic quarrel had to be carefully concealed behind the *purdah* of official discipline. I say, therefore, with conviction and deliberate purpose, that the Reserve Bank is in theory at least a measure of financial liberalism to this extent, that much of the real control of finance, currency and credit will be transferred from the State Secretary to the Government of India. This is a part of our large scheme of Indianization in a broad sense, though there may be years before an Indian is actually appointed to the office of the Finance Member. But now the Secretary of State being eliminated from the scheme, the Government of India should be prepared to share that transferred control on the Reserve Bank with us, the Legislature. Then again, the Reserve Bank is certainly a progressive step in the direction of the financial organization of this country. For, though every Indian problem has a special lining of circumstances to it, India cannot keep itself completely detached from the developments of financial theory and practice that is going on in the entire civilized world.

But having said this much for the idea of the Reserve Bank, I must also point out that the Reserve Bank, such as is envisaged in the present Bill, is not going either to give us all the benefits that accrue from such an institution in the advanced countries, or free us entirely from some of the evils which are inherent in the currency system and financial organization in India. There is nothing in the Reserve Bank which will temper, much less eliminate, the defects of a system of managed currency and credit. There is an attempt in the scheme of the Reserve Bank to bring us in line with the up-to-date theory and practice accepted by these advanced countries. But count is not being taken of the fact that in none of those countries, there is such a system of debased silver currency as has been obtaining in India. And secondly,

that the Indian public has not had the benefit of the training, through which those countries passed, in making their way up to an ideal scheme of currency in which metallic currency is eliminated. It is amusing enough to see that whereas in political matters, India is not regarded as fit to touch even the fringe of the system of self-government, owing to her social and educational backwardness, she is regarded in this banking sphere alone to be ready to adopt a financial regimen, whose merits are still contested in the advanced countries themselves. The return to the Gold Standard in England was itself contested, though I know it has ultimately been adopted. But there is still uncertainty as to whether the countries will or will not return to the system which prevailed before the War, and resort to the use of gold coin, and the free convertibility of currency.

As regards the ban put upon the circulation of gold coin by the Parliament Act of 1925, there are people who hold that this bar is not a wise one, and cannot be maintained for ever. On the other hand, Prof. Flux of America thinks that "the time will come soon again when perfect convertibility will be established and specie payments will again be resumed in some European countries ; and that many of the European countries will rather choose, instead of facing a further considerable change in domestic price levels, to re-establish gold convertibility at some new parity. In America, some kind of bank notes even to-day do bear on their face a promise to pay in gold coin, and the promise is also redeemed". My point is that opinion about the present system of gold standard and the elimination of convertibility is not unanimous. But unfortunately that system is being foisted upon India through the present Act and the Reserve Bank. The root evil of the system of a debased currency in India is not eradicated, and we shall be left at the mercy of the financiers who try to maintain prices and credit by endless manipulation. The silver rupee in India is admittedly a note on silver, and it cannot be converted into gold, though its relation to gold is theoretically fixed by Statute. But as Mr. Benjamin Anderson of America says :

"Irredeemable paper money is diseased money. It is cured only by gold redemption accompanied by balanced budgets and sound public finance."

He says further :

"You cannot stabilize irredeemable paper money by money market policy. Gold payments alone will stabilize paper money."

The proposed Reserve Bank is intended not to cure the unsound currency system in India, but somehow to bring it in a line, for other purposes, with foreign nations, who propose simply to manipulate the quantity of money and the bank credit, by various devices, namely, variations in the discount rates, open market operations on the part of Central Banks and the co-ordinated policy on the part of public treasury—in borrowing and repaying. Some simple-minded people seemed to think that in itself, the Reserve Bank is an *Avatar* of salvation for India. But they will soon be disillusioned when the Bank will begin to operate. No doubt, a high authority has said that in a well-governed community, all political power should be wielded by bankers. But this situation will be arrived at only when civilization reaches the apex of its achievement. The banking system of England was for a century an object of legitimate pride for that nation. But it was discovered in the time of the war that the banks succumbed to the wills and the pressure of the British Cabinet. If that can happen to English banks with their tradition of strength and independence, one can easily imagine what can happen to the Reserve Bank,

[Mr. N. C. Kelkar.]

at the hands of the Government, though the Finance Member over and over again assures us that his object in treating a Reserve Bank is to create an institution which will be free from Government control. If the English money market could be made by Government an instrument of war, the Indian money market can conceivably be made by the Government of India an instrument of controlling currency, credit and prices to the disadvantage of the Indian people, and in the interests of foreign nations and foreign money markets. From this point of view, we cannot but closely scrutinize the provisions in this Bill on the subject of the gold reserves of the Bank and its uses. But though, apparently, there is an attempt to free the Reserve Bank from the Government control, it can easily be seen that that control actually comes in in a number of ways. The pretence is really funny that while the least touch of the Legislature with the proposed Bank spoils it by political influence and pressure, the combined nominees of the Government and the British commercial community in India will save the Bank from that influence and pressure. The Bank is a hybrid both in respect of its constitution and the agency of its control. And I have no hesitation in endorsing the suspicion which some people have expressed, that the Reserve Bank is a device to transfer the financial power from England to India, simply for the purpose of saving the State Secretary from odium and screening the operations of selfish British interests. Then, again, it is not clearly seen why the co-existence of two banks like the Reserve Bank and the Imperial Bank is necessary in India, when the Imperial Bank is not being invested with powers of note-issue, and the Reserve Bank is being allowed to do commercial operations. Even for the purpose of a central financial and banking authority, the two might have been amalgamated into one, and the existing machinery of the Imperial Bank might have been adapted to the needs of the case. There is nothing in the scheme of the Reserve Bank to guarantee the hope that adequate banking facilities will be created in this great country where they do not already exist, or that banking habits will be taught to the people whose financial interests are going to be controlled, in the light of the latest theory and practice of the money market. There is no guarantee that gold would be sedulously conserved in India and not frittered away abroad. There is no guarantee that the gold reserve will be used only in improving the internal material condition of the people of this country. There is no guarantee that the gold standard will be brought home to the people by the introduction of gold coinage and the establishment of convertibility. There is no guarantee that the gold resources of India will not be wasted for the maintenance of exchange ratios in the interests of Government. More convincing proof will, therefore, be required before the Indian people can be persuaded to welcome the Reserve Bank as a saviour, and I for one shall not regard it as a calamity if it happens for any reason that Government withdraw the Bill or the Bank does not come into existence till the present agreement with the Imperial Bank terminates, so that we may get more time to consider the position with a larger experience.

I would conclude by just referring to one quotation from an expert, because that will show that these suspicions are not entertained merely by laymen like myself, but they have been held by people who know more of these things. He puts the questions and answers thus :

"Why does England want India to establish such a Bank ? The answer is :— To get hold of India's Gold Reserves to manipulate them as it thought best. The

lay reader will say this is mere prejudice on my part, but fortunately for us Sir Earnest Harvey let the cat out of the bag in Australia. When he failed to get them to agree to the kind of Bank that he wanted, he advised the private Banks to hand over their Gold to the Commonwealth Bank (to be sent by it to London to be invested) or to themselves to send it to London, and we learn from Sir Hilton Young's paper of 28th May 1927, that the suggestion was not viewed with favour by the Australian Banks. His recommendation to Australia may be summed up—Establish a Central Bank. If you don't like to do so, don't; but give us your Gold in any case."

One is naturally afraid that that may happen in the case of India also.

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division : Muhammadan Rural) : Sir, so much has been said against Bombay since the ratio question came into being that it was refreshing to hear from the lips of Sir Alexander Murray the praise of a Bombay man. That a Bombay man should have been the outstanding feature and the outstanding member in the Royal Commission is a great satisfaction to those who represent the Presidency here, and let us hope that by having a Bombay man in the Executive Council in the Honourable Mr. Crerar that Bombay will receive the attention which is due to it. (Applause.) Sir, when the ratio question came up for discussion I criticised the Honourable the Finance Member for bringing forward a policy which suited England; but on this occasion, Sir, I must admit that the Honourable the Finance Member is very sincere in giving the best in the Reserve Bank for the benefit of this country. I may quote the speech of the Honourable the Finance Member which he delivered before the Delhi University on 23rd November, 1926, in which he says :

"At one stroke control of Indian currency and finance will be transferred from a centre situated at some point between Whitehall and Delhi into the sole control of India."

I may be permitted to mention here, Sir, that the Honourable the Finance Member's experience in the question of ratio must have been very bitter in order to arrive at the conclusion that the whole policy of credit and finance must be governed in India. But, Sir, while giving him this praise, I must sound a note of warning. He must be aware that he is anxious to give what is best for India. But in his anxiety to do the best, he must not be in a hurry or show impatience. I may, Sir, quote the instance of the Governor of Bombay. We had in Sir George Lloyd one of the cleverest Governors of Bombay and in his anxiety to do the best for Bombay, to relieve the congestion, he introduced the Development Department. He did not take heed of the representatives of the people that he should go slow, that he should see for himself whether the Development Department would be a success and should be undertaken by Government ; and in his hurry, Sir, as soon as he left the shores of India....

Mr. President : Order, order. These remarks are not at all relevant to the question before the House.

Mr. Fazal Ibrahim Rahimtulla : With due respect to you, Sir, I am only comparing with the position of the Development.....

Mr. President : Order order.

Mr. Fazal Ibrahim Rahimtulla : I am only showing the parallel in order to avoid its repetition.

Mr. President : The Honourable Member is not in order in referring to this matter.

Mr. Fazal Ibrahim Rahimtulla : I was only going to compare the position with the Development Department and sound a note of warning Sir, I would tell the Honourable the Finance Member that if he feels that what this side of the House is prepared to accept is not what is best for India, then the better course for him would be to withdraw the Bill rather than to have a compromise of a character which would make his name not spoken of in a manner which it deserves not only in this House but throughout the country regarding the Reserve Bank.

I wish to take one exception, Sir, to the remark of my friend Mr. Jamnadas Mehta. Sir Purshotamdas Thakurdas has already dealt with it, and I think it was very unwise of him to have mentioned the informal discussion.

Mr. President : Order, order. The Honourable Member need not take the trouble to defend His Excellency the Viceroy. The Treasury Benches are there to undertake that task.

Mr. Fazal Ibrahim Rahimtulla : Sir, I was not going to defend His Excellency but I was pointing it out to Mr. Jamnadas Mehta that the argument advanced by him was out of order and unjustifiable ; that if the Bill was to be carried through, and if the Bill was not suited to the popular view of the House, then he would ask the Viceroy not to give his consent. If that is so, is it not the duty of the Governor General to be acquainted with all the views before he comes to a conclusion on a momentous Bill of this character ? I would advise my friend Mr. Vidya Sagar Pandya not to press his amendment for eliciting further opinion on the Bill as amended by the Joint Select Committee. I would tell him that as the banking people all over the country are put to very great inconvenience due to uncertainty, he will realise that it is not in the interests of India to prolong this discussion. We should either accept it as amended by the Joint Committee or reject it. The only question on which the existence of the Reserve Bank depends is the question of the constitution. The Joint Committee has mentioned the question of the Legislature having the right to elect three Directors. I for my part do not think that it should be supported if we can devise a convenient scheme by which, as the Honourable the Finance Member pointed out, a predominantly Indian Directorate could be secured. But by securing this as a compromise, we must see that it is a compromise which would stand pre-eminently supported by the unanimity of this House. We should not carry the passage of the Bill clause by clause in a heated mood as we did in the case of the Ratio Bill in Delhi.

In conclusion, I would like to remind the Honourable the Finance Member of his speech which he delivered before the Delhi University in which he said that he was anxious to give his best for India, and I hope he will carry out his resolution irrespective of any other considerations :

"Its merits, will, I know, be recognised ever more and more as knowledge and understanding of it increase. Do not be content merely to listen to or repeat what I or others say about it. Read it and read it again, so that when finally the recommendations it contains are incorporated into legislative form and presented to the Legislature, the discussion may proceed in the light of intelligent appreciation, free from hearsay criticism or biased controversy, and India may drain from it every drop of virtue in it, and thereby be enabled to rebuild her currency system and practice on sound and durable foundations."

Mr. H. G. Cocke (Bombay : European) : Sir, this discussion has now gone on for a considerable time. We have listened to some very long and very interesting speeches, and I presume we are going to take this Bill into consideration and that the motion will be accepted. But, Sir, that in itself will not help us very much unless we can get over some difficulties we are up against. I believe it is generally appreciated that the Reserve Bank will be a good thing for India. As Sir Alexander Murray told us yesterday, the idea has been put off in the past and it appears to me that if we do not get it through on this occasion, it may be very many years before India has the opportunity of having another Bill by which a Reserve Bank can be established. Therefore, I suggest to this House that it should consider very seriously the particular points of difference before it runs the risk of losing this Bill. The Honourable the Finance Member has given to this subject his considerable knowledge and we have had the benefit of his advice throughout. Although the Government is unable to accept the Bill as it has emerged from the Joint Committee, I trust that with the help of the Finance Member and the scholarship and learning of this House, it may be possible to get the Bill into some shape which will be acceptable to the House. But, Sir, that is admittedly very difficult. Many Members have spoken in favour of the non-shareholders' bank as compared to the shareholders' bank. While many of the arguments which have been adduced are very pertinent, it is well to remind the House that all big corporations, banking, insurance or otherwise, are run by Boards of Directors in which it may be said the shareholders have very little voice. In my opinion, in the case of the Reserve Bank, there would not be the same aloofness of the Board from the shareholders because, I take it, there will be no objection to including a provision in this Bill by which the amount of shares which any member can hold is limited, provided the limit is reasonable. Suppose, for instance, a limit of Rs. 15,000 or Rs. 20,000 were accepted by this House as the limit of an individual shareholding, the capital of the Bank would be very widely spread. And in the event of your Board, which is originally nominated, not being satisfactory to the majority of the members, it would not be a very difficult thing to get a number of shareholders together with a considerable amount of capital and agitate for a different Board. I merely point that out to the many Members who have inferred that, once you get your Board in the first instance as nominated for the shareholders' bank, you have got to put up with it for ever, and the shareholders are not in a position to alter it. I do not think that would necessarily be the case in practice. If you take a mill with Managing Agents, it is very likely that the Directors and the Managing agents together may hold something like 70 or 80 per cent. of the shares. In that case admittedly the shareholders are in a very difficult position if they want to upset the policy of the Board. But this does not necessarily follow in this case. I suggest to the Members of this House, in view of the deadlock which is being reached in connection with the formation of the Board for a so-called State Bank, that they might take seriously into consideration again the question of the shareholders' bank. It is perfectly true that Mr. Jamnadas Mehta's tailor or somebody else's chauffeur might hold shares. But in practice there is bound to be a very large number of influential business men and financiers who will hold shares up to the maximum limit of Rs. 10,000 or Rs. 20,000, whatever it may be. In practice, surely it will be possible to get a Board which is practically entirely Indian because admittedly of this 5 crores a very

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large amount must be subscribed by Indians. I submit that it will be possible to get a Board which, however difficult it may seem in theory, will, in practice, be possible for India to accept as an Indian Board. Mr. Shanmukham Chetty yesterday made remarks which were taken exception to on these Benches, and he explained in defence that he merely wished that there should be Indian control. He did not object to European assistance on the Board or in the direction of the Bank. With that explanation, the matter dropped. There can be no doubt that in a bank of this sort a certain amount of European support and assistance is required and expected, but no one suggests for a moment that there is going to be anything but Indian control. I suggest that the best way to get Indian control effectively is to revert to the shareholders' bank.

3 P.M.

If we are not going to have a shareholders' bank, if that is quite impossible, the question then arises, how you are going to get a Board which will meet the case of the so-called State Bank? In all the speeches that have been made, I do not think I have heard one constructive proposition. My Honourable friend Sir Purshotamdas Thakurdas this morning found fault with the Honourable the Finance Member because he did not put constructive amendments down on the paper. Well, everybody knows that a considerable body of Members of this House have been for the last few days racking their brains to find a suitable alternative. As far as I can ascertain, up to this moment, no very acceptable alternative has been found (*An Honourable Member* "Question?") Well, if one can be found or if one has been found, let us have it out. No one has produced anything which is really acceptable. The amendment I see on the paper for electoral colleges is one which, in the opinion of many Honourable Members of this House, will be extremely difficult to work. If the proposers of this amendment will in due course satisfy the House that it will be possible to work it out in a satisfactory way, then so far as these Benches are concerned, I do not expect that they would stand in their way. But we must be satisfied, and naturally everybody must be satisfied, that their suggestion of adopting these electoral colleges would produce the best results and would be workable in a satisfactory way.

There are various other provisions in the Bill which we shall be discussing in due course. They have been touched upon to-day. But I want to confine myself to the big issue, or rather I should say, the big issues which are also difficult issues. The more important questions in the Report will come up for discussion and in my opinion one appendix is a very important one. I hope everybody has read the appendix to the Report which deals with questions of gold coinage and currency. Here, I should like to read to the House, if I may, a short extract from a financial paper called *The Investors' Chronicle*, dated the 2nd July, 1927, which deals with the world gold situation. It says :

"Professor Gustav Cassel, in the quarterly report of the '*Skandinaviska Kreditaktiebolaget*', seeks an answer to the question 'Are we faced with the continuous fall of prices?' His views deserve careful consideration, as he can claim for them partial confirmation in the actual price history of the last two years. His main point is that the world's production of gold is too scanty to cover normal requirements and that unless large economies are effected in the use of gold, a further and perhaps a continuous fall in commodity prices must occur. He claims to have information which places it beyond doubt that in fifteen years the South African gold mines will be so

far exhausted as to cease to be the world's principal source of gold supplies. He estimates that the annual requirements of new gold about 1940 will be close on £150 millions and that in all probability it will not be possible to supply half that amount. He therefore emphasises the need for the systematic limitation of the monetary demand for gold. He notes the apparent tendency in the United States is to recede from the position of willingness to part with her superfluous gold, and rather to accumulate more gold, and that there is a tendency in other countries to endeavour to secure gold in the belief that this is necessary to enable them to secure a more solid basis for their monetary system. Professor Cassel fears that if matters develop upon these lines a general scramble for gold may result, and consequently a continuous fall in gold commodity prices. He urges, therefore, that all central banks should manage with a lower percentage of gold covering than has hitherto been usual, and that they should adopt the practice of holding reserves in London and New York, instead of accumulating gold stocks of their own ".

There is a very natural sentimental desire on the part of Members of this House and in the country for a gold coin. I trust that so far as this Assembly is concerned it will not cherish that wish, for it is bound to be disappointed. I realise, as I think most people do, that the time is not ripe for that to be practical politics.

I should just like to say one word on the question of the Imperial Bank and the indigenous bank. My Honourable friend Sir Alexander Murray referred yesterday to the question of the Imperial Bank, if it ceased to do commercial business, being in the skies and the exchange and the indigenous banks right below with nothing in between. Well, I do feel in connection with this Bill that we have got to consider the question of indigenous and exchange banks very carefully, particularly when we come to the clause dealing with deposits, because the effect in years to come will be that the Imperial Bank, which is being benefited by holding the Government cash balances, would be more or less in competition with the indigenous and the exchange banks. I do not think we have more than one or two bankers in this House. I think they would be prepared—I think bankers generally would be prepared—to agree with Sir Alexander Murray's remarks to the extent that they wish the Imperial Bank *would* go up the sky so that they would have the whole earth to themselves. (Laughter.) Personally, I am rather inclined to agree with them and disagree with my Honourable friend Sir Alexander Murray that the country would accustom itself to the indigenous banks and the exchange banks without the help of the Imperial Bank. That, however, I realise is not practical politics for the moment. We have got this Bill before us and we have got to do our best, and I do appeal to the Honourable Members of this House that if this difficulty about fixing a suitable directorate for the State Bank is not possible of solution—I have very great doubt about it myself—they should again go over to the question of a shareholders' bank and consider the few remarks I have made on that subject. I do not believe that all the objections which have been raised to the shareholders' bank in theory would actually weigh in practice. I believe you will have the best brains in this country amongst the shareholders of that bank. You will have your capital very widely spread and there will be no difficulty whatever in getting your Board. I do not think that once you have a proper Board constituted, there will be great difficulty in removing a Director and getting another in his place. (Cheers.)

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : I want to make a few observations on the principal contents of this measure. The points that interest me very much at this stage are two, the nature of this bank and the character of the directorate that is going to manage

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the affairs of the bank. I understood till now (before Mr. Cocke's speech) that non-official opinion, both European and Indian, was inclined to agree that this bank should be a State Bank and not a shareholders' bank. I know that Sir Alexander Murray and Sir Victor Sassoon both said that they were originally inclined in favour of the idea of a shareholders' bank, but in deference to the opinion of this side of the House they were prepared to accept a State Bank in place of a shareholders' bank. To-day again, the plea has been raised by Mr. Cocke that they are in favour of a shareholders' bank. Sir, I may take the opportunity of stating on behalf of this side of the House that under no circumstances are we prepared to accept a shareholders' bank. (Hear, hear.) This Bill might be passed over our heads. The scheme might be put into operation against our will, but under no circumstances shall we agree to a shareholders' bank. The arguments against the shareholders' bank have been advanced pretty fully by Honourable gentlemen who have discussed the matter yesterday and to-day. But I will just refer to one or two more points. It is claimed on behalf of the shareholders' bank that a shareholders' bank will completely divest the Secretary of State and the Government of India at least of a great measure of the control of this Bank. I, Sir, do not accept that point of view. This Bank is not an ordinary corporation or company. The facts that in future it is going to control and manage the currency of the country, and that on many occasions it requires the sanction of Government and has to submit to Government control, show conclusively that to compare it with an ordinary corporation or company, whether it be a railway company or any other company, is entirely absurd. On every page of this Bill, Government control and Government sanction is practically written. This Bank when established is going to control the currency policy of the Government of India which will affect practically the interests of every inhabitant of India, whether he is represented on this Bank or not. Therefore, I submit, Sir, that to compare this Bank with such ordinary corporations or companies that are exclusively owned by shareholders and managed by directorates elected by the shareholders without any interference from or reference to the Government does not hold good at all. Then, Sir, it has also been pointed out by several speakers that the shareholders' control over this Bank, as we know from past experience of banks and corporations of this kind, will be practically imaginary, that it will not be real. Mr. Vidya Sagar Pandya yesterday showed to you from figures gathered from the proceedings of the general meetings of the Imperial Bank what interest the shareholders of the Imperial Bank have been taking in the affairs of the Imperial Bank for the last 5 years. This morning I received a letter from an Indian shareholder of the Imperial Bank at Calcutta, showing that at the last general meeting of the shareholders of the Bank only 3 per cent. out of the total voting strength of the Bank took part in the proceedings, in spite of the extensive canvassing that was done by the directors and officials of the Bank, and that the point of view of the Indian section was entirely neglected. This fact, although the majority of the shares are held by Indians shows the dangers of a shareholders' bank. That conclusively establishes that under no circumstances can we accept the plea that a shareholders' bank will give a real representation to the shareholders. I may say at once

that there is no desire on the part of the House to exclude the European mercantile community, who have mercantile, commercial or other interests in this country, from the management of this Bank ; but one point is absolutely clear and I want to make it more clear, if possible—that we shall not be a party to any measure for the establishment of a Reserve Bank which does not secure to the Indian population a majority of the elected representatives on the directorate of the Bank. If that is assured to us by any scheme whatsoever we shall agree to it ; otherwise we shall not agree to it whatever the Government might pass over our heads. That is the test by which we are going to look at this measure. I share in full, Sir, the apprehensions that have been expressed so eloquently by my friend Pandit Malaviya and by Sir Purshotamdas Thakurdas about this Bank and the Imperial Bank practically starving and strangling the indigenous banks of this country. I have been connected with indigenous banking in this country for the last 30 years of my life and I know what they have suffered at the hands of the Imperial Bank with all the credit balances it gets from Government. Therefore, with two such Banks running in competition with indigenous banks, really the desire of the Government to develop indigenous banks and to provide more banking facilities for the country people becomes almost nominal, a farce. The Imperial Bank will still be financed with Government balances. I do not agree with Sir Purshotamdas Thakurdas that the Imperial Bank is no longer going to have any help from the Indian Treasury. The Bill as passed by the Joint Committee still provides for large sums of money being given to the Imperial Bank for the next 20 years to come, free of all interest. Well, that gives them a substantial advantage over the indigenous banks. That advantage when coupled with the provision that all indigenous banks shall have to place a certain amount of their deposits in this Reserve Bank, will show how completely the indigenous banks will be hard hit in competition with these two Banks. The Imperial Bank is still going to be the favourite child of the Government for 20 years to come in the matter of having a large amount of Government money at its disposal without any interest and also large amounts on very very small interest. I therefore share the apprehensions of my Honourable friends Pandit Malaviya and Sir Purshotamdas Thakurdas that indigenous banks will suffer a great deal in competition with these two Banks. I also share with them the view that perhaps it would have been better if, to start with, the new Central Bank had not been proposed. I share to a certain extent the view of Sir Purshotamdas Thakurdas and Sir John Bell that perhaps it might have been a better scheme if the Reserve Bank had come in the course of natural evolution. This opinion was also expressed by such an expert journal as the *Statist* of England quoted by Sir Purshotamdas Thakurdas and also in another article which appeared in one of the November issues of the *Statist*. But, Sir, perhaps we have passed beyond that stage. The Government is committed and we do not want to stand in the way of Government establishing this Bank as a Reserve Bank. We will take all these risks which have been pointed out but only subject to one condition, that the management of this Bank is going to be in the hands of a Directorate upon which there is not only a majority of Indians but a majority of elected Indians and a substantial one too, so that the Directorate may represent the people of this country in a real sense. This Bank is going

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to deal with Government balances. This Bank is going to deal with the currency policy of Government. This Bank is going practically to affect everyone in this country. I want to ask, Sir, if the management and control of this Bank is going to be put in the hands of the capitalists only, either Indian or foreign ? I think, Sir, it would be entirely wrong to do so. The general tax-payer, the general people of the country, must get some real representation on this Bank and a substantial representation in order to make this Bank acceptable to the people of this country.

Sir, I do not see any reason why the proposal of the Joint Committee should not be acceptable to the Government or to the other side. Some facts were stated by Pandit Malaviya relating to the banks of other countries in Europe, and the reply given by my Honourable friend Sir Alexander Murray was that there was no comparison between these countries and this country. I admit that, but the fact that those countries have responsible self-government and this country has not, makes it all the more incumbent that the popular representatives of the people in the Legislatures of this country ought to have a voice in making the Directorate of this Bank. It makes it still more necessary in the case of a perfectly irresponsible Government, and, considering that that Government at least in our judgment does not always represent the best interests of the country though they may think they do perfectly honestly, I submit that the wish on this side of the House to have a voice in the management of this Bank is perfectly reasonable and legitimate ; I think the best way of satisfying the aspirations of the people in this respect is that provided by the Joint Committee. At the same time, I may at once say that if the only alternative is either to have that scheme or the Bank at all, and if the Honourable the Finance Member is going to carry out his threat that if that " monstrosity " (in inverted commas) is perpetrated he would rather withdraw the Bill, we do not want to go to that extreme. We shall be prepared to accept any scheme which will give a substantial voice to a decent number of the people of this country who are interested in commerce or otherwise in the affairs of this Bank in selecting representatives for the Directorate of this Bank. We shall be perfectly willing to agree to any such scheme. My Honourable friend Mr. Cocke said that no constructive scheme had been proposed. A constructive scheme has been put on the amendment paper but it may not be acceptable to him. I may tell him that if he or anybody else proposes any scheme which satisfies the fundamental principle I have laid down, namely, that it should give substantial representation to the people of this country, it will be acceptable to us as a compromise. We still think that the scheme adumbrated by the Joint Committee is the best. We stick to it for the present. But if any alternative scheme is suggested and agreed to we are prepared to accept it. I can say on behalf of the Members on this side that we are not going to wreck this Bill simply because the Government are not prepared to accept the scheme agreed to by the Joint Committee. I may say one thing quite boldly. If our views are going to be set aside and our point of view is not going to be considered in regard to the Directorate of this Bank, no one on this side will be a party to the passing of the Bill. You can pass it over our heads but we shall not agree to it and we shall

make a point of carrying on this agitation as long as our views are not accepted. Therefore it is best to accept the scheme which has already been accepted by the Joint Committee. It does not make any national or racial distinctions which are not acceptable to everybody. It places all on an equal footing by providing a general electorate on general principles. There seems therefore to be absolutely no reason why that scheme should not be acceptable. If on the other hand it is insisted that the places of these people who were to be elected by the Legislatures according to the Joint Committee's Report are going to be filled up by nomination or by some other device which is not acceptable to this part of the House, then I assert that this will not be acceptable to us. This is the fundamental principle to which we on this side of the House adhere. The rest is not so important. You can change it as you wish by agreement with us ; but on this point we shall not accept any compromise short of what I have stated. That is what I wanted to make quite clear.

I just want to add one thing more. I understood from Sir Alexander Murray's speech yesterday that in Australia there was no Government Bank. I do not know whether that was a slip in his argument. I have before me a complete statement of the history of the Commonwealth Bank of Australia given in the *Statist* of November. This history shows that from its very inception it has been a Government Bank.

The Honourable Sir Basil Blackett : As Sir Alexander Murray is not present may I interrupt on his behalf and say that he did not say that it was not a Government Bank ; he said that the Commonwealth Bank has not been a Central Bank.

Lala Lajpat Rai : Well, Sir, I may say that the crucial test for a comparison of these Banks with that in the measure before us is their power of issuing bank notes and the conduct of Government business. Both those tests are complied with in the case of the Commonwealth Bank of Australia, which has been in existence for a number of years. All its profits go to the Government. There are no shareholders and in fact it is stated that it was the first Government Bank to be established in the British Empire. So, as against the arguments based on the Bank of England, we have here a bank in existence in an important part of the British Empire conducted by Government with Government money the profits of which go entirely to the national exchequer. So it is not correct to say that it is not a Government Bank. Under these circumstances I hope the Honourable the Finance Member will not force us to the extremity of voting against him. We are perfectly willing to meet him as much as we can, and I appeal to him not to raise on a measure like this the great deal of excitement and discontent that was created by the heated controversy over the ratio. In regard to this measure we must come to some agreement by which these points of difference may be satisfactorily settled, so that the most important and fundamental points may be carried out by mutual agreement. Otherwise, Sir, he is perfectly at liberty with his majority to carry any measure he likes ; but if it is not acceptable to us it shall be our bounden duty to carry on an agitation against the measure as long as our requirements in that direction are not satisfied. This is not a small measure. It has been said by several Members that it is a very important measure affecting the economic prosperity of this country very materially. We have so far

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had no share in the development of the economic and fiscal policy of the Government of India. From time to time the Government of India itself has been fighting with the Secretary of State, and, as Mr. Kelkar has said, we welcome this measure simply because we think that after the Secretary of State is divested of some of his power the centre of gravity will shift to the Government of India. But we do not even want to have the Government of India fully independent of the popular control in the economic and currency policy of the country. On other points I do not want to take up the time of the House because when they come to be discussed there will be plenty of people capable of dealing with them. But on these two points I want to make it absolutely clear that we shall not under any circumstances accept the shareholders' bank, and under no circumstances can we agree to any scheme which does not give a majority of elected Indian Members on the Directorate of the Bank.

Mr. M. S. Sesha Ayyangar (Madura and Ramnad *cum* Tinnevelly : Non-Muhammadan Rural) : It is rather difficult to speak on this motion under the circumstances in which the motion has been discussed in this House. I am extremely sorry that there is practically no unanimity whatever in regard to any express provision of the Bill, except it be that there is practical unanimity on this side of the House in regard to the Bank to be inaugurated, being a State Bank. But, as an honest student of economics and finances, taking a detached view of the provisions of the Bill, I am forced to submit that there is very little of the State in the alleged State Bank adumbrated in the Bill. So much so that it gave a handle to the Honourable the Finance Member to remark the other day that there is very little difference between a shareholders' bank that he was contending for and the State Bank provided for in the Bill, and that the difference was really unreal I would submit to him in all seriousness that if really the difference between a shareholders' bank and a State Bank as he finds it in the Bill is unreal, then I would implore and request him in the interests of the country to drop his amendments and not to press them, with due deference to the almost unanimous wishes of this section of the House.

Sir, I support the Joint Committee's Bill so far as it goes ; but I am not unconscious of the fact that it is capable of being improved in very many essentials. I shall with your leave submit to the House only three essential points in regard to which the Joint Committee's Bill must be improved upon in the best interests of the country. Now, the Honourable the Finance Member put it in the forefront of his opening speech that an honest, pure and simple gold standard backed by a gold currency was a far-off dream, that he would not be a party to that and that he would see that no gold coin is minted in India for a long time to come. He was enabled to make these observations because, with due deference to the members of the Joint Committee, very halting proposals have been made in the Joint Committee's Report in respect of this matter. In paragraph 4 of the Joint Committee's Report they said :—

> "We prefer the phrase " A Gold Standard " to the phrase " A Gold Standard Currency " as the Bill does not in fact purport to set up a gold currency, and a phrase which included that word might be liable to misconstruction."

I may assure the Honourable the Finance Member, who unfortunately is not in his place just now, that nothing short of a pure, honest gold

standard with a real gold currency will satisfy the Indian public. That has been our theme all through. That is the only thing upon which we have been concentrating our attention all these 34 years, since 1893 ; and the Government have been holding out hopes in that direction. But unfortunately, all that is to be shattered because of the Report of the Currency Commission ; because, in paragraph 54 of the Currency Commission's Report, they reach the conclusion that gold must not be allowed to circulate in the beginning and it need not circulate for ever. That is the central idea, Sir, which goaded the Currency Commissioners to come to the conclusion that India ought not to have gold currency. Unfortunately, the Honourable the Finance Member, who himself submitted a scheme for gold currency, had to abandon it in favour of the present position of his. I do not know if he was forced to assume that attitude because of the dictates of Whitehall. But whatever that might be, he stated also that clause 18 of the Joint Committee Bill, which makes currency notes expressible in mohurs, and clause 48 of the Bill which says that the Governor General in Council might, at his option, order the minting of a few coins, were incompatible with the gold bullion standard which is provided for in the Bill. I submit, Sir, that is a half-way house. Why should we have a gold bullion standard ? I am afraid the mistake I may be pardoned for the language if at all that underlay the Joint Committee's Report was this. They thought that this provision, halting as I submit it is, in clause 48 that a gold mohur may be coined in such quantity as the Governor General in Council might feel inclined to direct, was a great advance which they had made in the Report. But I am afraid there is no half-way house in these matters at all. It is this half-way house provided for the Bill that has given the handle to the Honourable the Finance Member to say openly the day before yesterday that this is incompatible with the gold bullion standard. We never wanted a gold bullion standard. It satisfies neither principles nor expediency. All that India has been wanting is a gold standard backed by gold currency. I submit that that is the thing on which we must concentrate our attention, and, come what may, we must put up a strong and strenous fight to reach that goal. I think that the Bill in this particular must be improved upon.

The next point I wish to submit is this. The Honourable Mr. Jamnadas Mehta alluded yesterday to the fact that he was not in favour of what is called the proportional reserve issue system but was in favour of the fixed fiduciary system. The proportional reserve system that is given in the Bill has the demerit that it will enable the authorities that be to inflate and deflate as they please them and thus indulge in currency manipulation. We have suffered under this manipulation at the hands of Whitehall for the past 34 years. All our currency ills are due to the persistent manipulation of our currency from Whitehall. If this is going to be perpetrated in this Bill also, there is no hope for India. Therefore, it was that my friend Mr. Jamnadas Mehta insisted upon the fixed fiduciary system which obtains in England, being adopted in this Bill also. He also stated that the Cunliffe Committee's Report was entirely in favour of that principle being adopted. I may add that a later Committee which sat in 1925 also endorsed and confirmed the opinion of the Cunliffe Committee. Therefore, while the one system has the demerit of giving power to the powers that be to manipulate currency, the other has at least the

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merit of being fool proof, so to say. Therefore, I submit that the fixed fiduciary system must find favour in this House. When the amendment respecting this is taken into consideration I shall have more to say upon it.

The third point in which this Bill is capable of improvement is this. It will be in the recollection of this House that when I moved clause 5 in the Currency Act, IV of 1927, the Honourable the Finance Member conceded my position and stated that any mention of gold exchange and gold standard countries need not find a place in the Bill. He conceded that position to me and wanted me to withdraw my amendment, promising that he would do it himself, which he eventually did. I do not know what has enabled the Honourable the Finance Member and the members of the Joint Committee to revert to the old position again and make provision in a few clauses in the present Bill about the gold exchange and gold standard countries, and about having our reserves kept in gold standard countries. I submit this is a pernicious doctrine to be adopted, which would enable a portion of our reserves to be kept in foreign countries. It does not help at all. I would submit for the consideration of the House that in no foreign country, excepting Britain with which we have to deal—and even there I would limit the reserve that must be kept there to the extent of the Home charges of the Secretary of State which he is bound to maintain—excepting that, I submit that in no other foreign country, not even in America, should any portion of our reserve be kept. I submit for the consideration of the House that the clauses relating to this also will have to be deleted. These are the three essential points on which the Bill must be improved upon in the best interests of the country.

One word more. If eventually, as the Honourable Member threatens to do, for any reason he is inclined to drop this Bill, I for one would not be sorry for it, because by dropping the Bill, we would be saved from this costly superfluity, and we would be saved from a standing menace to our indigenous banks, because that is what the Reserve Bank Bill, with its auxilliary the Imperial Bank, proposes to do under the present conditions.

Mr. Dhirendra Kanta Lahiri Chaudhury (Bengal : Landholders) : Sir, I rise to support the Bill as amended by the Joint Committee. In the beginning I wish to state what is the aim of the Central Bank. The aim of the Central Bank is stability in finance, by absorbing shocks to the various economic structures in the country, and that the Bank should be the spring from which water of life wells up. The commercial banks are the pipes and channels by which it is conducted to a thirsty economic system. Sir, this has also been adopted by the Hilton Young Commission, and we must not forget this main principle in discussing the matter which lies before us to-day. The first thing that strikes me to support the Honourable the Finance Member is how the Honourable the Leader of the House is going to solve the question of profit in a shareholders' bank. Sir, it has been generally agreed that stability in currency and credit is and end in itself, and that the Central Bank should not be charged with making profits. Sir, the Honourable the Finance Member might know that Governor Strong of the Federal Reserve Bank of America recently

observed in a Congressional Committee that the federal reserve system is not run to-day with a view to earning money. That notion has entirely disappeared. If, as I hope, these are the circumstances which have necessitated the creation of such an institution as the proposed Reserve Bank, then those only will prevent the Honourable the Finance Member from devising a shareholders' bank. The abstract theory that is embodied in Governor Strong's utterances cannot be carried out *in toto* in practice. The shareholders must expect a certain return on their investments, however small it might be. Some are of opinion that State ownership will bring political issues into an organisation which should be entirely free to carry out its important functions of control of currency and credit policies solely on lines of prudent finance. Sir, I do admit there are certain difficulties in supporting a State Bank. But, Sir, is it the fault of the people of a subject nation to demand the financial help of the State when they find themselves helpless before private concerns ? Is it not common knowledge that the Imperial Bank has not been for the furtherance of any Indian enterprise ? All that it has done is to stand sponsor to foreign commercial ventures in India. Sir, if I am to believe what a journalist says then I cannot in any way support the shareholders' bank. That journalist says :

"It is well known in Madras that the Imperial Bank has given to two European firms over drafts for more than a crore of rupees and the Imperial Bank has been and will be a veritable Upas tree under whose shadow no Indian commercial enterprise will rear up into prosperity."

Sir, if our commercial enterprise be so low under a shareholders' bank with partial Government support, then I cannot in any way support the Honourable the Finance Member in a shareholders' bank.

Now, Sir, I do not want to prolong the discussion any further as I do not wish to waste the time of the House. I must look to the constitution of the proposed bank as it has been amended by the Joint Committee. Sir, it said that there are to be 6 members elected from the Provincial and Central Legislatures, and of the 3 members who are to be elected from the Central Legislature one shall represent the interests of commerce and industry and from the Provincial Legislature 2 shall represent agriculture and one commerce and industry. Now, Sir, the first thing is that when they select these men they are to possess the following qualifications :

"Finally, we have added a clause (*d*) on the lines of clauses contained in certain other enactments establishing Central Banks, providing that no person shall be eligible either for nomination or election to the Board, unless he is or has at some time been actively engaged in agriculture, commerce, finance or industry. We are of opinion that a clause of this kind, though possibly somewhat vague, is essential and we have endeavoured by an *Explanation* to make it clear that a person who is or has been a director of any company or corporation shall be deemed eligible under the clause."

Sir, under this clause I can say that there is no fear of political interference in this matter. Those Members who will be elected from those Legislatures will be experts in commerce and industry and of course in agriculture. I do not understand what they mean when they say that by electing Members from these Legislatures political influence will intervene. So this is my point and I shall support the amendment of the Joint Committee.

Mr. Arthur Moore (Bengal : European) : Sir, we seem to have arrived at a complete deadlock. As far as I understand it, every side in the House is willing to agree to something which the others will not accept.

[Mr. Arthur Moore.]

The Opposition insist on a State Bank and I think we may now take it that that is the one point that definitely can be got through. We are all agreed upon a State Bank I will not say that it is the solution that we should prefer, but we all recognise that the House wants it, and that it will be extremely difficult to get through any other form of bank with that proper measure of support that a national institution of this kind should have at the moment when it is passed. Now, Sir, the whole question boils down to this one point of an electorate. What we have really got to do in order to save the Bill is to find something which will in practice give us a majority of Indian directors, with at the same time proper representation of European mercantile interests. I think my friend Lala Lajpat Rai put the situation extremely clearly. One solution has been put forward from the opposite bench, this solution of electoral colleges. I regret to say that that is a solution which I think we in the centre of the House are not prepared to accept. Everybody arrives at a point where they are prepared to see the whole Bill go rather than accept a certain compromise, and I think that the majority who sit in the centre feel in that way about this particular proposal for electoral colleges. We regard it as totally unworkable and impracticable, and unlikely to produce satisfactory results of any kind. Well, Sir, I put down on the order paper to-day an amendment. With your permission I should like to refer to it at this stage, after the speech of my friend Lala Lajpat Rai. It suffers from this handicap, that I believe I know in advance that the Government will not accept it. But I wish to submit it to the attention of the House, and I think that if the House as a whole could arrive at some agreement in regard to it we should be in a strong position to ask the Finance Member, who has I think throughout the discussions on this Bill shown a disposition to strain every point to secure an agreement—we should be in a strong position to ask him once again to reconsider the whole matter. Sir, my proposal is this—that instead of those directors being nominated by this scheme of electoral colleges, a plan which we regard as unworkable, they should be nominated respectively by the Governors of 6 provinces on the advice of their Ministers, responsible to their Legislative Councils, the provinces to be selected in rotation. Now, I know exactly the argument that is going to be brought up by my Honourable friends opposite. They are going to say that this is nomination over again. Sir, I submit that it is not. I submit that this is more truly entitled to be called election than the scheme of electoral colleges. To begin with, I do not myself believe that, once this Bill is through in any form, you are going to get the slightest interest on the part of the general electorate in the Bill. I believe that the elections will fall into the hands of a few people who will manipulate them entirely for their own purposes quite forgetful of the national interests, simply because it is a natural tendency of the public to be very apathetic in matters of high finance and things which they do not understand. Now, you get your supposed electorate of 10 or 20 thousand people sending in postcards—I understand it is to be a postal election—and nominating a further body which will then nominate directors. Sir, what real democracy, what real electoral control is there in that? The franchise, I understand, is to be an income-tax franchise, and one idea is that it should be the Council of State franchise. Compare that, Sir, with

this other scheme. To begin with, the Government of India which is the controlling body that we are referring to throughout in these discussions does not come into it at all. We are dealing with Provincial Governments—a very different matter—and it is extremely likely that in the future of India it will become a still more different matter. Now, Sir, you have 6 out of 9 provinces at a time nominating. One province can nominate only one director. But that director is to be found by responsible Ministers who have themselves been elected on a democratic franchise and who are directly responsible to a Legislative Council elected on that franchise. I submit, Sir, that as far as democracy goes, as far as electoral control goes, it is far superior to this absurd and highly complicated scheme of creating an entirely brand new constituency of electoral colleges. And I do think that it is very important for us to consider the future. Gentlemen opposite are not always friendly to Ministers. It is their desire to get dyarchy removed. That is entirely a comprehensible aim. I have always thought that the best way to get rid of dyarchy was to get rid of the irremovable members and not of the removable Ministers. Surely, Sir, it is the duty of responsible Members opposite to think of the future, to think of the day when you may have provincial autonomy, to think of the day when you will not have the other half. Is it not our duty to see whether we can give the power to a responsible Government ? I shall be told, from this side, perhaps that if we adopt this scheme we are bringing in politics again, we are bringing in Legislative Councils. Sir, I do not think that that is so. I think it is perfectly easy to arrange the matter so that the responsibility of the provincial Legislative Councils will be entirely and solely concerned with the personnel of the director chosen, that is to say, they shall not be entitled to interfere with the internal affairs of the bank, but they shall be entitled to call the Provincial Government of the day to account for the appointment which it makes. I wish, Sir, to submit this alternative proposition to my friend Lala Lajpat Rai.

Rai Bahadur S. N. Singh (Bihar and Orissa : Nominated Official) : I move that the question be now put.

Munshi Iswar Saran (Lucknow Division : Non-Muhammadan Rural) : Sir, I am very glad that the last speaker has put the issue very clearly before us. It is to be admitted that there is a great deal to be said in favour of a State Bank as well as in favour of a shareholders' bank. It is no good pretending that the advantages are all one way and one can summarily dismiss the view opposite to one's own. But the last speaker has said, and I hope correctly—it may be that he is in the know—that the idea of a State Bank is acceptable to Government. If that be so, one need not spend any time or energy over the discussion of the question of a State Bank *versus* a shareholders' bank.

Sir, some friends have grown poetical over this financial measure It has been called a child of Sir Basil Blackett which was born very ugly and deformed, but which the nurses or the step-mothers have so beautified that it has caught their fancy and has come to possess considerable fascination for them. I wish to speak in a purely prosaic manner. If this measure is carried in an atmosphere of good will and sympathy by the whole House, Sir Basil Blackett will be perfectly entitled to claim it as one of his triumphs, and I do not suppose there is one single Member present in this House who will grudge him the distinction that will most

[Munshi Iswar Saran.]

certainly attach to him. Sir, the only serious point of controversy, as I understand it, is, will this Assembly and the Council of State have the right of sending three directors to the Reserve Bank ? It appears that we, the Members of this Central Legislature, have been born with a double dose of original sin, and Sir Basil Blackett will have nothing to do with us. He says " Oh, you are so hopeless that I would much rather drop this Bill than let you send up three directors to the Reserve Bank. " It is supposed that we shall carry political opinions and bias into the affairs of the Bank. Sir, I have been thinking, I assure you, for the last three days what political influence really means. I submit, you cannot get rid of politics in modern times. Politics enter into every department of our life, even in religion. Government will send up their nominees. Are Government—I put it straight—are Government a non-political body ? Well, I do not care whether it is a bureaucratic Government to-day or whether it is a Swarajist Government to-morrow, Government is and will be a political body ; Government will be influenced by political considerations and will be swayed by political motives. What is the good of saying " If you send your men, your men will be swayed by politics ". What about Government ? They will be as much swayed by politics as the non-official Members of the Indian Legislature. Sir, if you read the original draft of the Bill, you will find that, according to it, not only should we not have the right of sending directors to the Reserve Bank, but that we should not be entitled to be elected. Take Sir Purshotamdas Thakurdas for instance, because he has the misfortune of being a Member of this Legislature ; he would be ineligible for election as a director of the Reserve Bank. Let us hope, may I hope, that Sir Basil Blackett after retirement will settle down in this country and also, let us hope, that we elect him to this House ; we shall not then be able to send him as a director of the Reserve Bank because he has committed the sin of having allowed himself to be elected a Member of this House. I remember, Sir, having read somewhere that our ways in India are mysterious. I can honestly assure you that I am unable to comprehend the reluctance of the Finance Member or the Government of India, or some other power behind the Finance Member, to agree to our electing three directors of the Reserve Bank. Sir, I do feel, and I do agree with the last speaker, that there is much difficulty about alternative proposals. Speaking for myself—I have not got the authority, I wish I had, of speaking for anybody else ; being a backbencher I can speak only for myself, subject of course, to the control of the Party to which I belong—I can say that I shall be prepared to accept a scheme which is better than the scheme that has been put forward by the Joint Committee. Look at the scheme which has been suggested by the last speaker. What he said was that the Governor of a Province on the advice of the Ministers will nominate a director of the Reserve Bank. Now, here are these serious difficulties to face. If the advice is offered and if the advice is not accepted, what happens then ? Again, are you quite sure that the Governor in making the nomination will go through the process of most distinctly and clearly separating his personality from all politics and that he will only select a man who is purely a business man, who has no politics, and who has had nothing to do with politics ?

Mr. Arthur Moore : The Ministers make the selection.

Munshi Iswar Saran : The Ministers may. It comes to this that, instead of our selecting here, you let one man whom we have elected to make the selection. I ask in all fairness where is the difference between these two positions ? Instead of having an electoral college now consisting of about 100 or 150 men you are constituting an electoral college consisting of one man or two or three men. Now, I put it to the House, which is better ? Is the judgment of 150 politicians better than the judgment of one politician ? You will have to admit that the Minister of a province is a politician. He is elected on account of his politics and not on account of any religious merit that he might possess ; and in rare cases he is a pure financer. You strive as much as you will, but you cannot get away from the fact that politics does enter into the consideration and settlement of all these questions. I wish to assure the House in all sincerity that I am not speaking on this question from any party point of view. I really beg the House to consider it from a detached point of view. There is no doubt that this House will be as much influenced by politics as any other constituency that you may create. Now, take an example. Suppose you put forward the name of Sir Purshotamdas Thakurdas. I am not going to forget his politics. But if you put forward in opposition to him a man who is purely a financier but who has not given proof of his honesty, of his courage, of his sincerity and of his patriotism, then every time I shall give my vote to Sir Purshotamdas Thakurdas in preference to the other man, and so will many people. It is politics ; you cannot get away from it.

4 P.M.

Sir, there are only one or two submissions more which I wish to make. I may tell the Honourable Sir Basil Blackett, and I hope he will not mind my saying to his face, that it was an admirable speech that he delivered, but at the end of it he reminded us of the highway robber we used to read of in novels, who would go with a loaded pistol to an unhappy man and say : " Your purse or your life." At the end of his speech Sir Basil Blackett said : " Either this provision goes or the Bill goes ", and I got frightened. I must frankly confess I got frightened. I said : Let this provision drop but let us save the Bill. I do feel—I must confess, and I do not mind confessing it quite publicly—that I am not an expert in financial matters, but I do honestly feel that if this measure is adopted, it will prove beneficial to the best interests of India if it is worked in the proper and the right spirit. Therefore, my submission is that it ought to be the endeavour of everyone of us to save the Bill if we possibly can.

But let me say clearly that as far as I am concerned this suggestion of Mr. Moore will not be acceptable, and it is much better that we should be very frank about it. Nomination in such cases and circumstances stinks. Perhaps we are misguided, perhaps we are mistaken, perhaps these gentlemen who suggest it have got a better idea of nomination, but we fight shy of it. If you ask me, I would much rather go through the throes of an election than get myself nominated by Government. So far as this suggestion is concerned, I may tell my friend in anticipation that it has very little chance of being accepted, perhaps on account of our prejudice. We know how nominations are made.

There is only one other point which I should like to touch. My friend Sir Alexander Murray took to task Mr. Shanmukham Chetty and Mr. Jamnadas Mehta. His speech was so admirable in tone and so excellent in spirit that I think I should explain the position which these two friends

[Munshi Iswar Saran.]

took up yesterday. He said, why do you bring in racial consideration, and he said it feelingly. I shall say a word on this question as I share their views in regard to it. Let me be perfectly plain. I am one of those who do honestly believe that it is in the interests of India as well as of England that they should be together. If I did not hold this view, I should not hesitate for a moment to declare my views from the house tops. But, Sir, let me say this : As long as the world will be under the sway of nationalism, as it is to-day, every country will be perfectly justified in saying that its own nationals will have preference over foreigners. That is the real principle underlying all our demands. The Englishman will be perfectly justified in saying to us in England : " Yes, you are our fellow-subjects, true enough ; but in England Englishmen will have preference over you." Sir Alexander Murray put that question very feelingly and perfectly sincerely. I regret he is not here, otherwise I would have asked him to look at those Benches there and to tell us if the occupants of those Benches look like the members of the Government of India or like the members of some Government in which India plays a very subordinate and insignificant part. I do feel that if you brought a man who did not know Indian conditions, say, by an aeroplane, and put him in this Assembly and told him " Here is the Government of the country ", he would not be able to say whether it was the Government of England or the Government of India I would ask Sir Alexander Murray in all sincerity : Is there not a real conflict of interests in certain matters between Englishmen and Indians in India ? Is there not a competition going on between the two ? Let us not shut our eyes to the truth. Let me declare my own faith and my own principle. I am prepared to accord a welcome to an Englishman as an equal, as a co-worker, as a friend and as a brother, but I am not prepared—and I hope no self-respecting Indian is prepared—to accept an Englishman as a master, and as one to whom we should always look up to in reverence and with submission. If Sir Alexander Murray would have only listened to the speeches that were made on the day that the Indian Sandhurst Committee Resolution was before the House, he would have felt the justification of the position taken up by these two gentlemen, namely, Mr. Shanmukham Chetty and Mr. Jamnadas Mehta.

One or two more remarks, Sir, and I shall sit down. I am glad that Sir Purshotamdas Thakurdas spoke out his mind in regard to the conference held at the Viceregal Lodge and I shall also do the same, because I feel rather strongly about it. Mr. Jamnadas Mehta criticised this conference. I call his criticism " political fire-works ".

Here, was this gentleman who was himself invited and who would have gone ; but as for certain reasons he could not go, the very next day he turned round and said that there was a constitutional impropriety in convening this conference.

Mr. President : Will the Honourable Member leave His Excellency the Viceroy to take care of himself. Perhaps the Leader of the House will explain the constitutional position.

Munshi Iswar Saran : I am obliged for your suggestion, Sir. I was only going to say that our criticisms either of Government or of any measure should be fair, should be just and should be impartial. I do hope, Sir, as you have been pleased to suggest, the Members of Government will give a fitting reply.

I wish only to make one further observation before I sit down. I hope that the Honourable the Finance Member will discuss the matter with the leaders of various parties and come to an understanding, and if he feels that the suggestions put forward by the Joint Select Committee are not so bad as at one time they appeared to him to be, he will accept them. If he does not agree to them, I hope he will himself devise some plan which will be acceptable to this side of the House. I am sure it will be to the credit of the Honourable Sir Basil Blackett if this measure will be passed in an atmosphere of good will, harmony and sympathy.

The Honourable Sir Basil Blackett : Sir, I am sure the whole House will join with me in congratulating the last speaker who has just made, I think, his maiden speech in this Assembly, but not the first speech that I have had the pleasure of hearing in this building. To see him get up and with his usual facility of language address this House reminded me forcibly of those years, now getting very far away, when I first arrived in India as a Member of the first Assembly. The last speaker referred to what has been said in regard to His Excellency the Viceroy's happy initiative in this matter. I should like, Sir, with your permission just to say one word about this. One Honourable Member—I am glad to say one Member only—made an attack upon the action of His Excellency the Viceroy on the ground that it was entirely unconstitutional, and that it was a partisan act that he should call a conference of that sort. The speaker added that it was only by a happy accident that he was not there. I am content to leave it at that. But, I must say a word in regard to the constitutional position. The constitutional position of His Excellency the Governor General in the constitution of India is not the same as the position of His Majesty the King in the constitution of Great Britain, or of the Governor General in the constitution of Ireland or Canada, and so on. Even, in their cases, it is not unknown that when party feeling is running high, or when danger seems to attach to differences of opinion that arise, special action is often taken on their initiative and an attempt is made under their *aegis* to come to an agreement on a question that seems to divide the nation unduly. But the position in India is not the same. His Excellency the Governor General, besides being an essential part of the Indian Legislature, is the administrative head of every department of the Central Government ; and as such he has the indubitable right, if he thinks fit, to take part personally in any administrative problem or any problem affecting the administration that may arise. I am glad to remember that the speaker who raised this objection recognised that it was in no partisan spirit, but with a view to trying to hear both sides and to secure, if he could, a solution, that His Excellency the Viceroy intervened. He tried to secure a solution because no doubt he felt that although there seemed to be very acute differences of opinion on matters of detail there was fundamental agreement as regards principles, I am sure that I shall have the sense of the whole House with me when I say that, should, in the future, an analogous occasion suggest the desirability of the analogous action, the success—as I hope it will have proved to have been—of the action taken in this case will be a precedent that would be very useful to follow. (Applause.)

Perhaps my first task should be to deal with the amendment moved by Mr. Vidya Sagar Pandya in favour of a recirculation of this measure.

[Sir Basil Blackett.]

As has already been well said by one speaker, the objections to recirculation are very grave from the point of view of business. Now, it is nearly two years, I think perhaps quite two years, since the announcement was first made of the appointment of a Royal Commission on Indian Currency, and the continuance of uncertainty affecting business over the next busy season owing to the fact that this Bill is not either finally on the Statute-book or finally settled is a contingency which I should not like to have to face. It is most undesirable from the point of view of business that disturbance owing to the legislative discussion of this measure should be continued any longer. It is therefore, I think, quite obviously time that we should come to a conclusion. Moreover, I do not think the sense of the House is with Mr. Vidya Sagar Pandya in his desire for recirculation. Most of the arguments that were used by Mr. Vidya Sagar Pandya were not in favour of recirculation, but in favour of rejection and as the House obviously desires, if we can accommodate our views on certain essential points, that this Bill should reach the Statute-book almost unanimously, I think I may take it that the motion for consideration will probably be passed. If that is the case, most of the subjects which have been dealt with in the speeches to which I have listened for the last three days will come up again for discussion on the clauses and I do not want to duplicate debate by going deeply into many of them.

There are, however, one or two points which I should like to deal with.

First of all, I have a complaint to make. My architectural metaphor in my speech on the introduction of this measure has been very much mishandled. No one, I think, recognised that it was architectural. They found it easier to deal with it as if I had used a parental metaphor. I deliberately avoided the parental metaphor for two reasons. First of all I was aware of the fact that it was a metaphor to which effective retorts could be made, and that is why I avoided it. The course of the debate shows that I was justified in avoiding it. My second reason was that I am too modest to claim that I am the " sole and onlie begetter " of this measure. It has a considerable number of authors (laughter) not one. I can imagine a body of architects working together to produce a single model. It is inappropriate and almost indecent to use a parental metaphor in that connection. However, during the last few days, I have been somewhat consoled for this abuse of my metaphor, for I think that we have really made progress in the course of this discussion. It is quite clear that all of us are anxious, if we possibly can do so, to translate the model into a completed edifice and we all want it to be as beautiful an edifice as possible. There is little difference of opinion among the architects, as far as I can see, with regard to the internal structure of the building. We have some differences as to the extent to which the dome should be gilded and possibly also some differences as to the exact measures to be taken to prevent loose tiles from falling from the golden ceiling (laughter) ; but as regards the external structure there are more differences. At first we seemed to differ altogether as to what the elevation plans should be and we even differed as regards engineering questions such as the nature of the buttresses ; but as time has gone on I think we have discovered that we

have really reduced our differences not to a question of what the nature of the buttresses should be, whether they should be of the Classical shareholders' style or of the Romantic State style, but we really differed solely as regards the nature of the ornaments—I will not say the gargoyles—which are to surmount the buttresses,—are they to represent shareholders or legislators ? I think that we have very nearly come to an agreement that if we follow the electoral design we shall meet all our difficulties.

It is time, however, to leave metaphor. The Government, in spite of all that has been said, are strongly of opinion that the shareholder plan is the one which is most suited to the solution of our difficulties and best calculated to serve India's interests in this matter. In spite of the fact that, like my Honourable friend Mr. Kikabhai Premchand, I have a mind that is open to educative influence and can learn from wise teachers, I still remain convinced that the shareholder plan is the best ; but it is quite evident that there are strong feelings on the other side and the question remains : Can we arrive at a solution if the Government of India on their part are willing to give up the shareholder plan ? In doing so, remember, they are giving up something which they honestly regard as being the best thing in this matter. And it is not only the Government that are giving up this view but probably a majority, or at any rate very nearly a majority, but certainly not a large majority of the House, who are in favour of the whole of the shareholders' scheme. If, therefore, in these circumstances the Government give up the shareholders' scheme, it must be quite clearly in circumstances in which there is every hope that by a concession on this point alone they will secure that the Bill will finally reach the Statute-book in a shape acceptable to them. The concession that is asked is a big one and it ought to be met in a corresponding manner. Our difficulty all through has been not that it has not been known that the Government were willing in the last instance to scrap the shareholders' plan, but our difficulty has been to find a satisfactory method of forming a directorate without shareholders. I do not want to spend time to-day in singing the praises of shareholders because we are about, I hope, to pass beyond that phase of the discussion, and I think it is quite unnecessary that I should deal at any length with the Government's objections, on the other hand, to election by Members of the Legislature. However, I should like to say one thing. It is not any suspicion of the Legislatures or any disbelief in their value. It is that the Government feel that in the first place it is not the proper constitutional path for Legislatures to take part in making appointments to special posts ; they are thereby definitely overstepping the functions of the legislative and usurping those of the executive ; but also that Members of this Assembly and of the other Legislatures are elected by their electorates for definite political purposes and to serve definite political ends. If they were elected by the same electorates for the special purpose of electing the Directors of this Bank, I have no doubt that they would prove an admirable electorate ; but as they are not, it is mixing up business and politics at the risk of both suffering. It is not desirable to use the elected Legislatures simply and just by chance for something for which they were not intended, namely, the election of the Directorate of the Reserve Bank. Now the Government, as I have said, are willing, in spite of their strong feelings in the matter, to make a concession in the matter of shareholders if we can

[Sir Basil Blackett.]

and another solution. There is an amendment on the paper for electoral colleges which was put down after it had been discussed with me and which, I must confess, appeals very strongly to me personally. It seems to me to be a better solution than any that has hitherto been put forward, and the Government are willing to accept that solution in principle. They do not desire at this stage to tie themselves down to particular details because they are very anxious that the solution that is found should be one which is acceptable very nearly unanimously to every quarter of this House. I have a good deal of sympathy with what was said by Mr. Cocke when he expressed the fear that these electoral colleges might prove unwieldy and unworkable. I do not however believe that is necessarily the case, and I believe it ought to be in the power of the Government to make them workable. As regards the exact numbers I think that I should like to keep an open mind and in particular I think that before the amendment went down I expressed the view that the Government would desire more than the two nominated posts that were left to them. That is not because the Government want to nominate persons to look after their interests but because it is the Government's duty to see that this Board is, as far as possible, representative of India and that it is well balanced, and that capable people who are fit for the work and who are likely to do the work in an expert way will be on the Board. I desire at this point to refer to one thing which was said by Lala Lajpat Rai. The Government have no objection—in fact, they are in favour of the principle which he suggested that a majority of the members of the Board should be Indian elected members. That being so, I do not think that we ought to have any difficulty in coming to a final conclusion on this matter. I do not want to commit the Government at this point to the exact details of the amendment that is down, though, as I say, it is one that appeals to the Government and that they themselves would be prepared to accept. But we desire that it should be accepted with the approval of as large a majority of the House as possible, and therefore I think it is wise to keep open the details in order to make workable a scheme which at any rate is on the face of it attractive to a large body of this House. I do not know whether I should be regarded as doing an injury to my Honourable friend the Leader of the Congress Party if I were to thank him on behalf of the Government for the assistance he has given to us. (Laughter.) One of his followers gave me the advice that discretion is the better part of valour. I thought at once of another adage ; but I was unwilling to apply it as it was not quite appropriate. It was, "Needs must when the devil drives". Perhaps it would be safer to take refuge in scripture and say, "Agree with thine adversary quickly while thou art in the way with him". At any rate I am sure it is a good augury for this Reserve Bank that it should start its career in this Session of the Assembly in a spirit of co-operation such as has appeared in this case. I do quite sincerely on behalf of the Government desire to thank those who have laboured to try and find a solution for this difficult problem. I myself am still not quite convinced that a really workable solution is possible without shareholders. But I have accepted in faith because I think even faith may be better than shareholdings in some circumstances.

There are just one or two other points which have arisen in the course of the debate to which I should like to refer. The question of what took place in the Joint Committee is not open to discussion here, but I do feel that I owe it to myself to repudiate as best I can the charge that I have committed some breach of faith, or that I intentionally misled the members of the Committee or the public in regard to the question of the sale of silver. It will be within the recollection of a considerable number of members of this House when I say that before agreeing to anything whatsoever appearing in the report on the subject I made it clear that if I agreed to such words as were put in, namely, that sales should be resorted to only with extreme caution, I desired to clear myself in advance of any charge of bad faith if at any time sales took place. I carefully guarded myself with those words against this charge, and I am very sorry it should have been made by Mr. Jamnadas Mehta. As regards the misunderstanding on the question of the extent to which the Government intend to deal with sales of silver, undoubtedly I did at one time explain that our silver was divided into three categories, silver rupees, rupees melted down into rupee silver, and fine silver ; and I did say that.....

Mr. President : The Honourable Member is referring to the conversations that took place in the Joint Committee. I have allowed him to go far enough and he should not go any further.

The Honourable Sir Basil Blackett : I recognize, Sir, that you have been very generous to me and that I have possibly been straying a little too far. I only want to add that beyond explaining the three different categories. I made and can make no kind of announcement either now or, so far as I can see at any time, in regard to the Government's policy in the matter of the sale of silver. That policy is, and must be, to sell a certain amount, provided it is clearly surplus, cautiously. They have up to date sold only what has been announced in the papers. Whether any more sales will take place is a matter on which I cannot prophesy and I cannot be expected to make any statement. I should like to say one or two words more about Sir Purshotamdas Thakurdas's speech. I hope he will forgive me for saying that ever since the Report of the Currency Commission came out I have found it difficult to discover whether or not he was in favour of a Reserve Bank. He seemed to me to be, if I may use the phrase, without offence, sitting on the fence, and I think he is still sitting on the fence. At any rate that was the impression that his speech left with me. He expressed himself very strongly to-day on the subject of shareholders. He said that the idea was an impossible one and had only to be mentioned to be rejected. I could not help reflecting that it was mentioned in the report of which he was a signatory more than a year ago, and it is only recently that it has been rejected by him with contumely. Sir Purshotamdas devoted a considerable part of his speech to an attack on the actions of Government since the passage of the Ratio Bill. If Members will cast their minds back to the prophecies of dire disasters that were going to happen immediately as the result of the passage of that Bill in March, I think they will recognize that the charges in regard to what has happened in the 5 months since are rather small beer. But as Sir Purshotamdas quoted at considerable length from newspapers in regard to it, I should like to read to the House one short passage also from one of the papers

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he mentioned, the *Statesman*. This is what is said in the paper of August 26th, Exchange and Money Market column

"It may on the whole be said that a great deal of useful spade-work has been done during the last three months of intensified strain and stress, intensified because of the extraordinary abnormality of commerce and trade in 1926-27. There were complicated problems arising from the final statutory enthronement of eighteen pence in a year of lean favourable balance of trade. The complications had their repercussions in the exchange and money markets and the Government's remittance and loan programmes. These problems have now been solved ; what seemed a hopeless tangle has been more or less set right and the future career of the rupee-rate should be comparatively simple.

What time the Finance Member was busy devising and applying remedies, he was assailed by impatient criticism from certain quarters. Was it cancellation of *ad hoc* securities ? It mattered little if even Indian economists consider 'createds' as pariah securities ; but that Sir Basil cancelled them was sufficient reason for condemning the operation. Was it sale of sterling securities ? It was conveniently forgotten that sterling and rupee securities are, in essence, shift-weights in the balance of exchange; and protests were raised against the alleged frittering of India's gold resources. Was it sale of marketable securities ? Sir Basil was roundly taxed for wrecking India's credit, though curiously enough he never got any credit for enhancing it beyond the wildest dreams. Was it sale of silver ? The bogey of untold losses to the dumb millions was trotted forth ; and even the ludicrous inconsistency in the demand for gold currency with the demand for maintaining the present level of silver prices caused no abatement in the fury of the tirade. Was it sterling loan ? Pontific advice was tendered against long term external borrowing. Was it short term sterling Bills ? It was immediately put down as the final and conclusive evidence of the failure of the rupee Loan. Was it rupee Bills ? Evidence Number Two of failure. Was it deflation ? Crime of crimes ! No words were adequate to express its heinousness. And imagination ran riot in the facile pastime of conjuring dark pictures of monetary stringency, strangling of industries and trade panic. Faced with tremendous odds and exposed to unending cavil, the Finance Member's course has been, in Kipling's words 'to keep on keeping on'. And the reward for patience and faith cannot now be postponed for long."

I would not have ventured to express such a panegyric on my actions as I have found readymade for me in a newspaper. But I do not at all desire to stand in a white sheet in regard to anything that has happened, I am really rather proud of the great success with which the Finance Department have dealt with a difficult period. (Applause.)

Sir Purshotamdas Thakurdas : Must India suffer more before the Finance Member will see that we are passing through an unnecessary crisis which could have been avoided ?

The Honourable Sir Basil Blackett : I have no doubt India will suffer many more darts of the sort mentioned here, but that India herself will greatly benefit by the fixation of the rupee..... (*An Honourable Member* "By articles in the *Statesman*.") I was only quoting, Sir, from a paper on which Sir Purshotamdas had pinned his faith.

Sir Purshotamdas Thakurdas : I have no objection, Sir, to the Finance Member quoting all that suits him, and I wish that all of it may come out true. At present.....

The Honourable Sir Basil Blackett : I would draw his attention to the fact that I have been dealing with things which have occurred in the last few months. However, we are, I am glad to say, out of the atmosphere of last March on the Ratio Bill, and we are dealing now with a Bill on which I think there is every prospect of a real adjustment of views all round amongst most of the Members of this House. I cannot hope to meet the views of those who like my friend Sir John Bell are afraid of the effect on particular interests or particular banks of the passing of this Bill. I believe him to be completely wrong. I believe this Bill to be one of enormous promise for the existing indigenous banks and for their extension. It will, by concentrating the reserves, to which they themselves will quite naturally and rightly contribute a part, in the hands of the Reserve Bank enable them to be relent to them and to others in order to facilitate credit, to prevent undue stringency, and in general to make fruitful much of the capital which is now to be found in India, and though in certain directions particular institutions, the exchange banks or the indigenous banks, may find their profits on individual transactions slightly reduced, they will, I am sure, get back ten fold that amount in the extra business they will be able to do. Small profit and larger turnover will, I am sure, be of more value to them. Sir, I have nothing more to say at this stage except to hope that the Bill will be unanimously taken into consideration now.

Mr. President : Does the Mover of the amendment wish to withdraw his amendment ?

Mr. Vidya Sagar Pandya : I do not wish to press it.

Mr. President : Does he ask for leave to withdraw his amendment ?

Mr. Vidya Sagar Pandya : I ask for leave to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President : The question is :

" That the Bill to establish a gold standard currency for British India and constitute a Reserve Bank of India, as reported by the Joint Committee, be taken into consideration."

The motion was adopted.

Mr. President : We will begin with clause 3.

The question is :

" That clause 3 do stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Mr. President : The question is :

" That clause 4 do stand part of the Bill."

The Honourable Sir Basil Blackett : Sir, this is the clause on which the question of share capital comes up. As I have said, the Government of India are willing, as a contribution to the spirit of harmony, not to

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press their amendments with regard to share capital provided that they make their position clearly understood. They do not resile from their position that a shareholders' capital is the method most suited for solving the difficulties which have to be faced in the creation of a Reserve Bank, but if they do not press at this stage for the introduction of a share capital, it must be on the understanding that the Bill will clearly have to live or die according to our success in coming to a conclusion on clause 8 in finding a satisfactory directorate. The concession is one which Government make with a view to secure that the Bill might pass amid what my friend Munshi Iswar Saran spoke of as universal good will and that the Bank might come into being in that spirit. It must clearly be understood that in yielding on this point on which they have very strong opinions, the Government are doing so in the hope, not yet absolutely in sight, that a satisfactory solution will be found on clauses 7 and 8 and the other points still in question.

Mr. Vidya Sagar Pandya : Sir, I have given notice of another amendment even on clause 3.

Mr. President : Clause 3 is passed. The Honourable Member must know how to protect his own interests. Clause 3 is passed and no amendment can now be moved to that clause. We are now discussing clause 4. If the Honourable Member wishes to move any amendment on clause 4, he is entitled to do so.

Mr. Vidya Sagar Pandya : Sir, I beg to move my amendment :

"That clause 4 be omitted."

My object is that there is no necessity of a share capital of the small amount of 5 crores.

Mr. Jamnadas M. Mehta : There is no share capital.

Mr. Vidya Sagar Pandya : I mean subscribed by the State. There is no necessity for the State to subscribe any capital because all the resources of the State are always at the disposal of the Bank. I do not see any necessity for having any share capital subscribed to the Bank.

Mr. Jamnadas M. Mehta : I have an amendment to clause 4. If you are not adjourning, I should like to.....

Mr. President : There is no question of adjourning. We are considering the amendment of Mr. Vidya Sagar Pandya. That amendment must be disposed of before we get on to another amendment.

***Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I cordially congratulate the Finance Member on the decision he has arrived at to accept the proposal of a State Bank and to give up this idea of a share capital bank. I congratulate him, Sir, because this is a matter of such supreme importance to the country that I think it is a matter of congratulation that he should have done so at this stage. With regard to the proposal of Mr. Vidya Sagar Pandya, I wish to say this much only, that many of us in the Select Committee and even outside still think that no capital need be provided for this Bank, and that like the Commonwealth of Australia Bank, this

*Speech not corrected by the Honourable Member.

Bank might start without any capital. Towards this end Mr. Madon had suggested the omission of the whole of the present clause 4 and the substitution of the following clause therefor :

"The Bank shall have no share capital but shall have power to issue with the previous sanction of the Governor General in Council debentures to the extent of Rupees Ten Crores "

and more if necessary.

I venture to think, Sir, that this provision would have been quite sufficient for the purposes of the Bank, and if the House agrees to adopt Mr. Vidya Sagar Pandya's amendment, I certainly think that there will be no harm done to the interests of the country, but, if, on the other hand, the desire is to leave the provision as it stands, I do not feel any difficulty in supporting that proposal either.

Mr. V. K. Aravamudha Ayangar (Finance Department : Nominated Official) : Sir, there has been a good deal of misapprehension in regard to the Commonwealth Bank of Australia. The Commonwealth Bank of Australia ten years ago, whose working has been quoted as a model, had an understanding with Government that Government should not reduce its funds with the Bank below a certain amount. That, Sir, supplied the working capital of the Bank and there is no point in the Honourable Members of the House saying that the Commonwealth Bank has no capital. Ten years elapsed and then an attempt was made to make the Commonwealth Bank of Australia into a Central Bank of issue. At the time that this change was made it had a capital of £4 millions (the result of capitalising the accumulated reserves) in addition to over one million of Reserve Fund. Therefore, these five millions were quite sufficient for the working of the Commonwealth Bank as the Central Bank of issue. Secondly, Sir, if the Honourable the Finance Member has agreed to drop the provision regarding private share capital, he made it clear that it was under the pressure of certain very special circumstances, but he thought that a capital was necessary. The capital of a bank fulfils two purposes. The first is to allow the bank to carry on its ordinary banking operations, to purchase its furniture, its house properties, and then what is more important, during the period when it has not built up any reserve fund to shoulder any losses that may happen during the initial period. Secondly, Sir, though it is not perhaps pertinent on this occasion to press that point, the shareholders' capital provides an initial fund of private money which gives a guarantee of good Government and good management of the bank. Every rupee of the private shareholders' capital has to be lost before one pie of the public money can be lost. I therefore think, Sir, that there is no point in objecting to the capital of the Bank which Government has now agreed to subscribe. I therefore oppose the amendment.

Mr. President : The question is :

" That clause 4 be omitted"

The motion was negatived.

Mr. Jamnadas M. Mehta : Sir, I move the amendment which stands in my name :

"That to sub-clause (1) of clause 4 the following words be added at the end, namely:

' and shall be called up from time to time as may be thought necessary or advisable by the Board of Directors of the Bank '."

[Mr. Jamnadas M. Mehta.]

Sir, now that the sword of Damocles of the shareholders' bank has been removed from over our heads, we can breathe freely and consider each clause on its merits. We had agreed in the Joint Committee to have a capital of 5 crores to be subscribed by Government. That amount might remain but it is quite clear that from the very begining, this Bank will not need many crores of capital for its operation. From the day on which this Bank will come into existence it will have crores of rupees of deposits from Government and therefore it is not necessary that it should have the whole of the 5 crores immediately paid up. The only object for which capital may be needed in the beginning would be to build a house for the Bank for furniture and installations, without which it would be impossible to start work, such initial expenditure is necessary even if it is going to be a State Bank and it would not be quite congruous to have all this expenditure incurred from the deposits to start with. Therefore we agreed that there may be some capital. But I do not see why the whole of the 5 crores, the whole of which may not be needed. If it is needed, by all means let the Board call it up. I am not preventing the Board of Directors from calling up the whole capital if they think it necessary, but at the initial stage I do not see why they should have the whole amount paid up on the opening day of the Bank and therefore I think the Finance Member should have no objection to accepting this amendment which does not run counter to any object he has in view. And if at all the time comes—which I hope it will never—when, as Mr. Ayangar says, the Bank will make a loss—I am very sorry that it should ever start with such an unhappy augury—but if it ever comes this Board is empowered to call the whole amount up. But why impose an unnecessary burden on the tax-payer to start with, when you may not need the money ? You will have to seek investments for the many crores of deposits in the Imperial Bank, and before these are used why should we go on paying interest on the huge capital. For these reasons I hope this House will agree that, although the capital may be 5 crores, it need not be called up all at once.

The Honourable Sir Basil Blackett : I hope, Sir, Mr. Jamnadas Mehta will not press this amendment. I do not think that it is necessary. There is nothing in the Bill which requires the Government to subscribe the whole capital at once. That is left open and it is perfectly possible for the Government and the Bank to come to an agreement as to the time and amount at which the payment should be made. It is, however, I think desirable that the Government should fairly early in the proceedings get clear of any obligations on the Bank by paying over the whole amount and making a clear cut between the Government balance and the Bank's capital. It will be perfectly competent for the Government and the Bank between them to come to an arrangement as to the time and methods of payment over, and I think it is better that it should be open to arrangement between the two rather than that it should be at the sole option of the Board of Directors. There will be no fear of loss to the tax-payer because, if you come to consider it, it will be perfectly simple for the Bank to relend more than it wants at the

moment to the Government and it will be merely a bookkeeping transaction and as the whole of the profits are going to the Government, it makes no particular difference if the Government is paying 4½ per cent. and getting 4½ per cent.

Mr. Jamnadas M. Mehta : It might not get it. I will not withdraw.

Mr. President : The question is :

"That to sub-clause (*1*) of clause 4 the following words be added at the end, namely :—

'and shall be called up from time to time as may be thought necessary or advisable by the Board of Directors of the Bank '."

The motion was negatived.

Mr. Vidya Sagar Pandya : Sir, I beg to move my amendment which runs as follows :

"For sub-clause (*2*) of clause 4 of the Bill the following be substituted :—

'(*2*) The capital of the Bank may, with the previous sanction of the Indian Legislature, be increased or decreased in such manner and to such extent as may be necessary from time to time; and any such increase of capital shall be subscribed by the Governor General in Council '."

The object of my amendment is, as the Legislature have sanctioned the original capital, they must have the right to decide whether a further capital is required or whether it is to be decreased. If the Board makes a very good case for the increase or decrease of the capital, it will be certainly considered by this House and it is not necessary that the whole thing should be left to a body of Directors but it should be left to the Legislature to decide in the matter. I do not want to inflict any more speeches on the House, and I would request the House to adopt my amendment.

The motion was negatived.

Mr. President : The question is :

"That clause 4 do stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Mr. President : The question is :

That clause 5 do stand part of the Bill."

Mr. Vidya Sagar Pandya : I have an amendment, Sir.

The Honourable Sir Basil Blackett : Sir, I have an amendment on this clause, amendment No. 13 :

"That in clause 5 for the word 'branches' in both places where it occurs, the words 'branch offices' be substituted."

This is purely a drafting amendment and does not need any long explanation. I move the amendment.

The motion was adopted.

Mr. Vidya Sagar Pandya : Sir, I beg to move :

"That in clause 5 of the Bill after the word 'Rangoon' insert the words 'Lahore, Cawnpore and Karachi '."

[Mr. Vidya Sagar Pandya.]

The object of my amendment is that we have already got centres for currency issue at all these places and the public should not be inconvenienced by the removal of those currency offices from those centres. We know how the Imperial Bank gives facilities for conversion of currency notes. It may be said that the Imperial Bank, being the agents of the Reserve Bank, will give facilities, but in actual practice we find a lot of difficulty in the matter. It is with this object that the public may not be put to inconvenience that I propose that in all the centres from which currency notes are now issued the Reserve Bank should have branches.

The Honourable Sir Basil Blackett : Sir, I desire to oppose this amendment. It is most undesirable that we should saddle the Reserve Bank in the initial stages with the expense of opening and keeping open a large number of branches unnecessarily. It is proposed that outside the three Presidency towns and Rangoon the Bank should use as its agents in the first instance the Imperial Bank which will give all the facilities that could be given by the Reserve Bank if it had its own branches and will give them at very much less cost to the Reserve Bank than would be involved if the Reserve Bank were to open its own branches in those places. There is no question of additional convenience to the public such as is suggested by Mr. Vidya Sagar Pandya.

While I am on this point, I may point out that there is an amendment to omit Rangoon. May I with your permission move that amendment ?

Mr. President : The Honourable Member is entitled to move it.

The Honourable Sir Basil Blackett : May I move it ?

Mr. President : The Honourable Member may move it.

The question is :

"That in clause 5 of the Bill after the word 'Rangoon' insert the words 'Lahore, Cawnpore and Karachi'."

The motion was negatived.

The Honourable Sir Basil Blackett : May I move the amendment that stands in the name of Mr. W. S. Lamb ?

Mr. President : Is the Honourable Member not here ?

The Honourable Sir Basil Blackett : He does not seem to be here.

Mr. M. S. Sesha Ayyangar : There is an amendment standing in my name under clause 5.

The Honourable Sir Basil Blackett : I should like with your permission, Sir, to move the following amendment :

"That in clause 5 of the Bill the word 'Rangoon' be omitted."

I gather that the inclusion of Rangoon is not desired by the Burma commercial community. It was put in with my agreement in the Joint Committee on the ground that the Burma commercial community desired it. It was thought desirable that we should show the unity of India and Burma by having a branch at Rangoon at an early date. But if it is not desired by the commercial community it is an expense with which it is not necessary to saddle the Reserve Bank.

Mr. R. K. Shanmukham Chetty : (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : May I ask on what authority the Finance Member says that the commercial community of Burma does not want a branch to be established at Rangoon ?

The Honourable Sir Basil Blackett : On the authority of Mr. Lamb, who unfortunately is not here now.

U. Tok Kyi (Burma : Non-European) : As far as I know from the printed opinions, the Burma Chamber of Commerce has said nothing about this matter ; and I personally, as a representative of Burma, should like to have a branch office in Burma. (Applause).

The Honourable Sir Basil Blackett : In the absence of the prime mover, I do not wish to press it.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President : Does any Honourable Member wish to move any other amendment to clause 5 ?

Haji Abdoola Haroon (Sind : Muhammadan Rural) : Sir, I beg to move :

" That in clause 5 after the word ' Rangoon ' the word ' Karachi ' be inserted."

Karachi is a rising port and I hope the Government Benches will not oppose my amendment. I trust that this advantage will be given to Karachi.

The Honourable Sir Basil Blackett : Sir, what I said before applies in this case. It is undesirable to saddle the Reserve Bank in the initial stages with any further expense than is necessary. It will be an additional expense which in the present condition will fall directly on the tax-payer if a branch is opened at Karachi at once. I have not the least doubt that in the fairly early stages of its existence the Reserve Bank will open branches at Karachi and at several other places, but I submit it is undesirable to lay an obligation upon it to start it right away and incur an expense that will be unnecessary and may strain its resources in the matter of personnel at the first start off.

The motion was negatived.

Mr. M. S. Sesha Ayyangar : Sir, I beg to move :

" That in clause 5, the words ' or with the previous sanction of the Governor General in Council, elsewhere ' be omitted."

My only point is that agencies outside India, except London, are quite unnecessary and may even prove dangerous, for that would involve a storage of reserves in those countries. Even England and Germany are not keen about that. I do not know why India should assume a different attitude. With these words, I move my amendment.

Mr. V. K. Aravamudha Ayangar : Sir, if the Reserve Bank has to discharge its functions and take its proper place among the Central Banks of the world, it has to open branches outside India, of course with the approval of the Governor General in Council. I can quote a number of instances of statutes of Central Banks where such provision is made. The Chilean Bank may establish agencies and correspondents abroad. The Czecho-Slovakian Bank may maintain offices at any place where the interests of the State demand. The South African Bank may, with the

[Mr. V. K. Aravamudha Ayangar.]

consent of the Treasury, establish branches outside the Union. The Austrian Bank may establish branches subject to the approval of the Minister of Finance. This provision appears in every Bank statue and I would therefore oppose the amendment.

The motion was negatived.

Mr. President : The question is :

" That clause 5 do stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Mr. President : The question is :

" That clause 6 do stand part of the Bill."

Mr. Vidya Sagar Pandya : My clause runs like this :

" The management of the business and the control of the Bank....

Mr. President : The Honourable Member must read his amendment.

Mr. Vidya Sagar Pandya :

" shall be vested in the Board who may exercise all such powers....

Mr. President : What is the Honourable Member's amendment ? Will he read the amendment ? He is reading something which is not the amendment. Will he say : " That for clause 6 of the Bill the following be substituted ? "

Mr. Vidya Sagar Pandya : Sir, I beg to move :

" That for clause 6 of the Bill the following be substituted :

' 6. The management of the business and the control of the Bank shall be vested in the Board who may exercise all such powers and do all such acts and things as may be exercised or done by the Bank under the Act or any Regulations made thereunder '."

If you will turn, Sir, to the articles of the Banks on whose model our articles are drawn up, you will find, that every where the management and the control of the Bank is vested in the Board and not merely a general superintendence. It would be very harmful to leave the whole thing entirely to the Governor or the Deputy Governor. It is the Board of Directors who should be held responsible for all their actions. I will read to the House section 11 of the Act for the Commonwealth Bank of Australia. It runs as follows :

" The Bank shall be managed by a Board of Directors composed of the Governor and seven other Directors."

Further up it is said that the Governor shall be the executive officer of the Bank and the Deputy Governor shall perform the duties as directed by the Board. It is with a view to see that the management of the Bank be conducted properly and that the Board of Directors do feel their responsibility in the matter that I have brought forward this amendment for the consideration of the House.

The Honourable Sir Basil Blackett : Sir, Mr. Vidya Sagar Pandya seems to prefer himself as draftsman as against the Government draftsman. I have every confidence in the Government draftsman and therefore I suggest that his amendment be not passed. I cannot see that there is any point of substance in the redraft.

Mr. President : The question is :

"That for clause 6 of the Bill substitute the following :

'6. The management of the business and the control of the Bank shall be vested in the Board who may exercise all such powers and do all such acts and things as may be exercised or done by the Bank under the Act or any Regulations made thereunder '."

The motion was negatived.

Mr. President : The question is :

"That clause 6 do stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Mr. President : The question is :

"That clause 7 do stand part of the Bill."

Mr. N. M. Joshi (Nominated : Labour Interests) : Sir, in view of the fact that we have sat long, may I request you to please adjourn the House ?

Mr. President : Is it for the Honourable Member's convenience or does the House want it ?

(Several Honourable Members also requested Mr. President to adjourn the House.)

Mr. President : Then the House stands adjourned till Eleven of the Clock on Thursday, the 1st September.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 1st September, 1927.

LEGISLATIVE ASSEMBLY.

Thursday, 1st September, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

APPOINTMENT OF OFFICERS OF THE WATCH AND WARD DEPARTMENT OF RAILWAYS ACQUAINTED WITH THE VERNACULARS.

731. ***Kumar Ganganand Sinha** : Have Government considered the desirability or otherwise of appointing such suitable officers in the Watch and Ward Department of the railway system situated in a province as are acquainted with the vernaculars of the province ? If so, with what results ? If not, why ?

Mr. A. A. L. Parsons : Of the officers available those are selected who are considered most suitable on all grounds including linguistic attainments, though this is not one of the most important qualifications ; I must also point out to the Honourable Member that the two railways—the East Indian and Great Indian Peninsula Railways on which most of these offices serve run through several provinces with different vernaculars.

NAMES OF OFFICERS APPOINTED IN THE WATCH AND WARD DEPARTMENT OF RAILWAYS.

732. ***Kumar Ganganand Sinha** : Will the Government be pleased to state the names of the various officers in the Watch and Ward Department in the superior posts and the provinces from which they have been deputed and the railways on which they serve at present ?

Mr. A. A. L. Parsons : I am sending the Honourable Member a statement giving the information required.

INSTITUTION OF A WATCH AND WARD DEPARTMENT ON THE MADRAS AND SOUTHERN MAHRATTA AND SOUTH INDIAN RAILWAYS, THE BENGAL AND NORTH WESTERN RAILWAY AND THE ASSAM BENGAL RAILWAY.

733. ***Kumar Ganganand Sinha** : Do Government propose recommending the organisation of a Watch and Ward Department on the Madras and Southern Mahratta and the South Indian Railways, the Bengal and North Western Railway and the Assam Bengal Railway and any other railway that has not got it yet ?

Mr. A. A. L. Parsons : All the four Railways mentioned have a Watch and Ward organisation under the Traffic Department. Compensation claims on these Railways are comparatively small and it is not necessary to organise the Watch and Ward Department as a separate unit.

DISTRICT MEDICAL OFFICERS ON THE DIFFERENT RAILWAYS.

734. *Kumar Ganganand Sinha: (a) How many District Medical Officers are there on the different Railways?

(b) How many of them are Indians? How many vacancies have occurred since the adoption of Lee Report and how many Indians have been appointed accordingly?

Mr. A. A. L. Parsons: The information asked for in (a) and the first part of (b) can be obtained from the Railway Board's Classified list a copy of which is in the Library.

As regards the latter portion of (b) there have been 6 vacancies on State-managed Railways, 5 of which have been filled by Indians.

STOPPAGE OF THE RECRUITMENT OF EUROPEAN MEDICAL OFFICERS ON RAILWAYS.

735. *Kumar Ganganand Sinha: Have Government made any representation, recommendation, or suggestion or the like to the Railway Board and Company-managed Railways to stop recruitment of European medical officers till the proper percentage of Indian officers has been reached? If not, why?

Mr. A. A. L. Parsons: The reply to the first part of the question is in the negative. I would point out to the Honourable Member that the Lee Commission's recommendation was that recruitment in India should be advanced as soon as practicable up to 75 per cent. of the total vacancies in the Railway Departments as a whole, and not in any particular branch.

BENEFIT TO INDIA BY THE ADVERTISING CAMPAIGN AND OTHER ACTIVITIES OF THE EMPIRE MARKETING BOARD.

736. *Mr. K. C. Neogy: Will Government be pleased to state whether, and in what respects, India benefits by the advertisement campaign and other activities of the Empire Marketing Board?

The Honourable Sir George Rainy: The function of the Empire Marketing Board is to advise His Majesty's Government on the expenditure of the annual grant of one million pounds which is made by Parliament, in order to encourage the consumption in the United Kingdom of Empire food products in preference to imports from foreign countries. The object of the grant is to give some reciprocal benefit to other parts of the Empire in return for the tariff preference which they give to British goods. India gives no such preference and strictly speaking, therefore, should have no claim to the benefit of the grant. Nevertheless she is not excluded. It is understood, for instance, that Indian rice, tea, tobacco and condiments are now being largely advertised in the United Kingdom under the direction of the Board, on which the High Commissioner for India is represented.

In addition to advertising, the activities of the Board and of the Imperial Economic Committee, by which it is guided, are directed towards the investigation of better methods of marketing and technical research for the improvement of Empire agricultural products. Subjects of recent enquiries in which India is particularly interested, include the

food value of ground-nuts and other oilseeds, and the improvement of the quality of Indian tobacco which, with the assistance of the preferential tariff granted by His Majesty's Government to all Empire tobacco, is now being increasingly imported into the United Kingdom.

THE PROPOSED INDIA HOUSE, LONDON.

737. *Mr. K. C. Neogy : With reference to the construction of India House, London, will Government be pleased to state whether its architecture is to be of the Indian style, and how far the Indian School of Art will be utilised for purposes of its decoration ?

The Honourable Sir George Rainy : The London County Council requires that the exterior should be in harmony with the neighbouring buildings, and apart from small decorative features it will not be possible to make it representative of any Indian style. The Architect however, is endeavouring to give the interior a marked Indian character. It is also proposed to decorate the main hall with frescoes painted by Indian artists and, if funds permit, the dome also and the ceilings of the important rooms. Indian timber will be used, as far as possible, for panelling, flooring and furniture. Indian marble will also be used, and will be worked in India before shipment to England. During the past few months the High Commissioner and the Architect have been assisted by an Advisory Committee of Members of the Indian Legislature in England, and I understand that this Committee has examined and approved all the plans and has given much valuable advice.

Sir Hari Singh Gour : May I beg to inquire, Sir, what is the name of the architect who is going to design this building ?

The Honourable Sir George Rainy : Sir Herbert Baker.

Sir Hari Singh Gour : The same gentleman who designed the Secretariat and the Assembly Building ?

The Honourable Sir George Rainy : Yes.

Mr. M. S. Aney : May I ask, Sir, if the Advisory Committee that has been appointed is going to meet in London or in India ?

The Honourable Sir George Rainy : The Advisory Committee was formed in London from amongst those members of the Indian Legislature who happened to be in London last summer.

Sir Hari Singh Gour : May I beg to inquire if there is any reason for appointing the person who designed the Assembly building and the Secretariat to design this building on behalf of the Government of India in London ? Does Sir Herbert possess any special qualifications for designing. Have we not had enough experience of him in Delhi ?

The Honourable Sir George Rainy : I think, Sir Herbert Baker's qualifications are obvious.

Sir Hari Singh Gour : They are too obvious.

Mr. M. S. Aney : Are the Indian members of the Committee who happen to be in India at present going to be taken to London to attend the meetings of the Advisory Committee when they are required, on payment of travelling allowances ?

The Honourable Sir George Rainy : I think, Mr. President, that at the early stages when important decisions had to be taken which would determine all that was to be done in future, the existence of an Advisory Committee was most desirable. Obvioulsy, in the nature of the case, a permanent Advisory Committee representative of Indian opinion could hardly be established in London. I have no doubt, however, that the High Commissioner will, as occasion offers, avail himself of opportunities of consulting Members of the Indian Legislature who may happen to be in London on any important matters that may have to be decided.

Sir Hari Singh Gour : Sir, would the Honourable Member consider whether it would not be very advisable to get a copy of the plans and to show them to the Members of this House here in India ?

The Honourable Sir George Rainy : There might be difficulty about holding everything up until plans could be approved out here. That would involve considerable waste of time, and delay in these cases always means more expenditure. But I understand, Sir—I have not yet myself seen the detailed plans—I understand they are likely to be sent out soon, and whether they could be put in the Library for the scrutiny of Members of the Legislature would, I think, depend upon whether the Legislature was sitting at the time. It might not be possible to hold the thing up to give them an opportunity of seeing them.

Sir Hari Singh Gour : But assuming that the plans are received and that there is no immediate hurry about them, would the Honourable Member consider the advisability of placing them in the Library with a view to enable Members of this House to see them ?

The Honourable Sir George Rainy : I could not give any pledge on that point, Mr. President, because, as I have pointed out, delay in these cases means additional expenditure.

Mr. M. R. Jayakar : Is there any particular reason why Sir Herbert Baker should have a monopoly of the architectural designs of the Government of India ?

The Honourable Sir George Rainy : I am not aware that Sir Herbert Baker has the monopoly. I have heard of Sir Edwin Lutyens in connection with New Delhi.

Mr. B. Das : May I inquire whether the High Commissioner and the Government of India consulted Mr. Havell and Mr. Percy Brown who are great authorities on Indian art and whether these two gentlemen are members of the Advisory Committee to the Architect in London ?

The Honourable Sir George Rainy : I have no information on that point.

Mr. B. Das : Will the Honourable Member kindly convey this suggestion of the House to the High Commissioner and the Architect ?

The Honourable Sir George Rainy : I am afraid I could not accept an individual opinion, expressed by one Honourable Member, as necessarily the opinion of the House.

Sir Hari Singh Gour : May I beg to inquire what is the remuneration settled and paid or payable to Sir Herbert Baker ?

The Honourable Sir George Rainy : The remuneration, I understand, is more or less regulated by the scale of fees prescribed by the Royal Institute of British Architects.

Sir Hari Singh Gour : May I beg to inquire what it will amount to ?

The Honourable Sir George Rainy : I am afraid the Honourable Member must give notice of that question.

Mr. M. R. Jayakar : Will it run into five figures or six figures ?

The Honourable Sir George Rainy : I do not think it would amount to five figures.

Mr. Gaya Prasad Singh : May I ask, Sir, if it is not possible for a better architect to be employed for the construction of the India House considering that it is going to cost India a huge sum of money ?

The Honourable Sir George Rainy : I am unable to agree to the assumption on which the Honourable Member's questions appear to be based.

Pandit Hirday Nath Kunzru : Why is it, Sir, that it has not been found possible to construct the building in any Indian style ?

The Honourable Sir George Rainy : I think I gave the explanation in answer to the original question. As regards the exterior, we are necessarily bound by the opinion of the London County Council as to the harmony of the building with the other buildings in the vicinity. There would also be a further difficulty I think, in constructing in London any building of a marked Indian character which was also intended for practical use, because, deeply verandahed buildings are apt to be very dark, and the one thing you must have in London, especially with buildings with a northern exterior, is as much light as you can possibly get. That would be one of the practical difficulties.

Sir Hari Singh Gour : May I beg to inquire if the Honourable Member will consider the advisability of associating Indian architects even as subordinates in the construction of this building in London ?

The Honourable Sir George Rainy : At the stage to which the scheme has reached I do not think that is a practical suggestion.

Lala Lajpat Rai : Are there not competent Indians in England who can be associated ?

The Honourable Sir George Rainy : I am afraid I have no information on that subject. I should have notice of that question.

Sir Hari Singh Gour : What stage has the scheme reached ? I understood the Honourable Member to say a minute ago that he had not even seen a copy of the plan.

The Honourable Sir George Rainy : The stage has been reached, to use Indian terminology, when administrative approval has been given and the vote for the first year's expenditure was passed by the Assembly after the scheme had been approved by the Standing Finance Committee. We are now at the stage of the preparation of detailed plans and estimates.

Sir Hari Singh Gour : Who has given administrative sanction to this scheme ?

The Honourable Sir George Rainy : The High Commissioner, Sir, is the administrative officer responsible for the scheme.

Sir Hari Singh Gour : Is he in communication with the Government of India, and have the Government of India any voice in determining the scheme and giving administrative sanction to it ?

The Honourable Sir George Rainy : I have already pointed out that administrative sanction has already been given.

Sir Hari Singh Gour : By whom, Sir ?

The Honourable Sir George Rainy : By the Government of India who are responsible for the scheme.

Sir Hari Singh Gour : Was the administrative sanction given by the High Commissioner without the previous sanction of the Government of India ?

The Honourable Sir George Rainy : No, Sir. I have already told the Honourable Member it was given by the Government of India after the Standing Finance Committee had approved and the Assembly had voted the money.

Sir Hari Singh Gour : Am I to presume that the Government of India sanctioned the scheme without even looking at the plans ?

The Honourable Sir George Rainy : No, Sir. They looked at the plans which were prepared for the purpose of administrative approval. They could not look at the detailed plans which were not then in existence.

Mr. Gaya Prasad Singh : Were the plans submitted to the Standing Finance Committee for approval ?

The Honourable Sir George Rainy : I think, such plans as we had showing the general arrangement of the building and the various plans....

Mr. Gaya Prasad Singh : Are you quite sure ?

The Honourable Sir George Rainy : I do not think they were put before the Standing Finance Committee, and I myself brought that case before that Committee. I am speaking from recollection.....

Mr. Gaya Prasad Singh : I am also speaking from recollection as a member of the Standing Finance Committee.

The Honourable Sir George Rainy : I think arrangements were made to let members see them.

Sir Hari Singh Gour : What reason has the Honourable Member for saying that it is now too late to associate Indians in the construction of this building ?

The Honourable Sir George Rainy : I gave that as my impression. I am quite willing to consider the matter if the Honourable Member will write to me on the subject. All I was anxious to do was not to give a false impression to the House that I was clear that the thing could be done. I am not sure it could be done, but I am quite willing to consider it.

SELECTION OF CANDIDATES FOR PERMANENT COMMISSIONS IN THE INDIAN MEDICAL SERVICE.

738. ***Mr. Gaya Prasad Singh** : (*a*) Was a selection test held in Simla recently of the candidates for permanent commissions in the

Indian Medical Service, and about 60 candidates were required to be present at their own cost from all parts of India for oral examination ?

(*b*) Is it a fact that all those candidates who possessed Indian medical qualifications were declared unfit for permanent commissions, while those who possessed some kind of English medical degree were selected *en bloc* ?

(*c*) Is it a fact that out of those who possess Indian medical qualifications, but who have been rejected, there are at least three who are already holding temporary commissions in the Indian Medical Service ? If so, what will become of them ?

(*d*) Was the Selection Board given any sort of directions by the Secretary of State for India, or the Government, to follow certain lines of procedure in the selection of candidates ; and will the Government be pleased to lay a copy of the directions on the table ? Or were the members of the Selection Board left to their unfettered discretion in the selection of candidates ?

(*e*) Will Government kindly state how many candidates possessing Indian medical qualifications have been selected, and how many refused ? If none have been selected, why were those candidates invited to appear from all over the country ?

(*f*) Will Government kindly give the total cost of holding this meeting of the Selection Board, and the names of the members ?

Mr. G. M. Young : (*a*) Yes. The papers of 54 candidates were considered. Forty of these candidates appeared in person before the Board. The remaining 14 were either out of India or could not come to Simla for some other reason, but their papers were duly considered by the Board. Of the 40 who came to Simla, 21 already held temporary commissions in the Indian Medical Service, and 3 were military assistant surgeons, and they travelled under the rules governing their services. 16 candidates had to travel at their own expense.

(*b*) No, Sir, of the 34 candidates who were not recommended by the Board, 25 possessed professional qualifications obtained in the United Kingdom.

(*c*) 15 out of the 34 rejected candidates are still holding temporary commissions in the Indian Medical Service. Of these 6 possess only medical qualifications obtained in India. These officers will continue to be employed on the terms they have already accepted.

(*d*) No instructions have been drawn up either by the Secretary of State or by the Government of India for the guidance of the Selection Board in India. The Board is expected to select those applicants whom it considers the best qualified in every respect for permanent commissions.

(*e*) No applicant was selected who possessed only Indian medical qualifications, but of the 20 whose names are being recommended to the Secretary of State for permanent commissions, 12 possess Indian medical qualifications in addition to professional qualifications obtained elsewhere. Six applicants with Indian qualifications only were asked to attend because of their records and the good reports they had received whilst holding temporary commissions in the Indian Medical Service. These officers received the usual travelling allowances. In addition, two candidates who

possessed Indian qualifications only, and were not holding temporary commissions, were invited to appear because their academic record was good and it was considered that they should be given a chance of competing at a personal interview with the others whose applications were under consideration.

(f) The total cost is estimated at Rs. 11,000. The members of the Board were :

President.

The Honourable Major-General Hooton, Officiating Director General, Indian Medical Service.

Members.

Colonel W. R. Blackwell, Deputy Director of Medical Services in India,

Colonel C. R. Bakhle, Inspector General of Civil Hospitals, Punjab.

Colonel Bhola Nauth, I.M.S., (retired).

Mr. Gaya Prasad Singh : May I ask, Sir, how many candidates possessing only English qualifications, were selected ? I do not know whether the Honourable Member has given that information in his reply.

Mr. G. M. Young : It is not in my answer. I must ask for notice.

Lieutenant-Colonel H. A. J. Gidney : Will the Honourable Member kindly inform me whether it is a fact or not that it is the studied policy of Government, as represented by the Selection Committee, that no one with an Indian qualification will be permanently admitted into the Indian Medical Service ?

Mr. G. M. Young : I am not aware, Sir, of any studied policy of the Government of India which is carried out by the Selection Board as its representative.

Lieutenant-Colonel H. A. J. Gidney : Arising out of that answer, will the Honourable Member kindly inform me, whether any candidate with an Indian qualification only has been admitted into the Indian Medical Service by the Selection Board ?

Mr. G. M. Young : I have already stated that no applicant was selected who possessed only Indian medical qualifications.

Mr. Gaya Prasad Singh : Why was he not selected ?

Mr. K. C. Neogy : May I know whether the applications of all the temporary officers were submitted to the Selection Board, or only a few selected men were called up to interview the Board, and whether there had been any preliminary weeding out in the office of the Director-General of the Indian Medical Service ?

Mr. G. M. Young : I must ask for notice of that question. All I know is that the papers of 54 candidates were considered by the Selection Board. Whether there have been others I do not know.

Mr. K. C. Neogy : Was any consideration given for active war service of those men who did not possess European qualifications ?

Mr. G. M. Young : The Selection Board, so far as I am aware, selected the best candidates. They gave no special consideration to any one except the consideration of merit.

Mr. K. C. Neogy : Is it not a fact that out of the temporary officers who have been turned out after several years of service there are about half a dozen men who held the position of officer commanding and were in charge of station hospitals ?

Mr. G. M. Young : I must ask for notice of that question. That does not arise, in my opinion, out of the present answer. We are at present dealing with those who were selected for permanent commissions, or rather whose names have been recommended to the Secretary of State for permanent commissions. The Honourable Member is asking about the temporary officers whose commissions have been terminated. I made a statement about them the other day.

Mr. Gaya Prasad Singh : It arises out of question (*c*).

Mr. President : Order, order. The Honourable Member has asked for notice of that question.

Mr. B. Das : Is it a fact that there was a special order from the Secretary of State that no candidates with Indian qualifications should be selected for the I. M. S. ?

Mr. G. M. Young : No.

AGGREGATE TONNAGE OF COAL CONSUMED BY THE MAJOR INDIAN RAILWAYS.

739. ***Mr. Amar Nath Dutt** : Will the Government be pleased to state what is the aggregate tonnage of coal consumed by the major Indian Railways, for the purposes indicated below the figures for each railway being shown separately :

(*a*) running of mails and fast expresses ;

(*b*) running of passenger trains ;

(*c*) running of goods trains ;

(*d*) shunting ?

Mr. A. A. L. Parsons : I have sent a statement to the Honourable Member giving such information as is available.

COAL SUITABLE FOR USE ON THE MAJOR INDIAN RAILWAYS.

740. ***Mr. Amar Nath Dutt** : Will the Government be pleased to lay on the table a statement showing the coals, described with reference to the collieries in which they are mined, which meet the requirements of each of the major Indian Railways under each of the following heads :

(*a*) running of mails and fast expresses ;

(*b*) running of ordinary passenger trains ;

(*c*) running of goods trains ; and

(*d*) shunting ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given on the 29th instant to Mr. Neogy's unstarred question No. 54.

USE OF COAL RAISED IN THE COLLIERY OF ONE STATE RAILWAY BY OTHER RAILWAYS.

741. *Mr. Amar Nath Dutt : (a) Is it a fact that the coal raised in the colliery of one State Railway is used for another ? If so, will the Government furnish full particulars of all such recent instances in point ? Will the Government be pleased to state how the quota of each railway is determined when a colliery is jointly owned by two or three railway owners ?

(b) Is it a fact that the coal raised in collieries owned by State Railways are used on the Company-managed Railways ? If so, will the Government furnish full particulars of such instances in point occurring within the last two years ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given to Mr. Neogy's unstarred question No. 55 on 29th August 1927.

CONSTRUCTION BY THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY OF SPECIAL ENGINES TO SUIT THE CONSUMPTION OF SECOND CLASS COAL.

742. *Mr. Amar Nath Dutt : Is it a fact that the Bombay, Baroda and Central India Railway constructed some special engines three or four years back to suit the consumption of second class coal thereon ? If so, will the Government please state wherein exactly lies the speciality of such locomotives ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given on 29th August 1927 to Mr. Neogy's unstarred question No. 56.

ELECTRIFICATION OF RAILWAYS.

743. *Mr. Amar Nath Dutt : Have the Government now under contemplation any scheme of electrification of any section of any Indian Railway ? If so, will the Government be pleased to state the full particulars of such scheme ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given to Mr. N. C. Kelkar's question No. 614.

AMOUNT OF CAPITAL OUTLAY MADE BY THE PROPOSED RAILWAY COLLIERY IN THE TALCHUR FIELD AND IN RELIGARI-DARI.

744. *Mr. Amar Nath Dutt : Will the Government be pleased to say what is the amount of capital outlay so far made by the proposed railway colliery in the Talchur field and in Religari-dari ?

Mr. A. A. L. Parsons : The information is being collected and will be furnished to the Honourable Member when ready.

AVERAGE PRICE PER TON OF COAL PURCHASED FOR THE RAILWAYS FOR EACH YEAR FROM 1906-07 TO 1926-27.

745. *Mr. Amar Nath Dutt : Will the Government be pleased to state what average price per ton was paid for coal purchased for the Railways, the figure being worked out for each year from 1906-07 to 1926-27 ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given on 29th August 1927 to Mr. Neogy's unstarred question No. 58.

ADMISSION OF NON-RAILWAY PATIENTS INTO THE BURLINGTON HOSPITAL AT ASANSOL.

746. ***Mr. Amar Nath Dutt** : (*a*) Out of what revenues is the Burlington Hospital at Asansol maintained ?

(*b*) Is the Hospital maintained for the use of railway servants only or are private (non-railway) patients of the District Medical Officer entitled to be treated and nursed in the Hospital ?

(*c*) If the latter be the case under what terms and conditions are such private patients admitted for nursing and treatment and to whom are the fees for such (*i*) nursing and (*ii*) treatment payable ?

Mr. A. A. L. Parsons : Government are making enquiries and will communicate with the Honourable Member in due course.

THE DISTRICT MEDICAL OFFICER, ASANSOL.

747. ***Mr. Amar Nath Dutt** : (*a*) Is the District Medical Officer, Asansol, a whole time servant of the Railway Administration ? If so, is he permitted to accept contract practice with the various coal companies situated in the district ; if so under whose authority ?

(*b*) Are all railway medical officers liable to be transferred like all other Government officers in the East Indian Railway ? If not why ?

Mr. A. A. L. Parsons : Government are making enquiries and will communicate with the Honourable Member in due course.

†748*—753*.

CONSTITUTION OF THE DIFFERENT COMMITTEES OF THE COUNCIL OF THE SECRETARY OF STATE FOR INDIA.

754. ***Mr. K. C. Neogy** : (*a*) Have Government any information as to the constitution of the different Committees of the Council of the Secretary of State for India ?

(*b*) Is it a fact that the Military Committee, the Political Committee and the Services Committee do not include any Indian member ?

The Honourable Mr. J. Crerar : As the Honourable Member is doubtless aware, section 10 of the Government of India Act gives discretion to the Secretary of State as regards the constitution of Committees of Council. The Government of India have no information as to the constitution of these Committees.

ALLOCATION OF NON-JUDICIAL STAMP DUTIES AS A CENTRAL SOURCE OF REVENUE.

755. ***Mr. K. C. Neogy** : (*a*) With reference to the proposed allocation of non-judicial stamp duties as a Central source of revenue, what progress has been made in the consideration of the matter ?

† Not put, as the Honourable Member, Sardar Gulab Singh, has not yet taken the oath of office.

GRANT OF CONCESSIONS TO THE SWEDISH MATCH COMBINE.

760. *Mr. B. Das : With reference to starred question No. 18, answered on the 18th August 1927, will Government be pleased to state if the Swedish Match Combine have received or have applied for any concessions from the Government of India or from any of the Local Governments in any shape or form ?

The Honourable Sir Bhupendra Nath Mitra : Information on the subject has been called for and the result will be communicated to the Honourable Member in due course.

Mr. B. Das : May I request that it may be communicated to the House ?

The Honourable Sir Bhupendra Nath Mitra : The usual practice nowadays is to send the reply to the Honourable Member. I believe the object of that arrangement is to save a certain amount of expense to the tax-payer on printing charges. If, however, there is any general demand on the part of the House for the information, and if I find that the information does not lead to a lengthy document, I should be quite ready to place it on the table of the House. Otherwise, I shall place the information in the Library.

SELECTION OF CANDIDATES FOR PERMANENT COMMISSIONS IN THE INDIAN MEDICAL SERVICE.

761. *Mr. B. Das : (*a*) With reference to the Press report regarding the last selection of candidates for the permanent I. M. S. will Government be pleased to state if sixty candidates appeared for the test and that only fifteen of them were selected ?

(*b*) Will Government be pleased to state what are the qualifications for the permanent I. M. S. ?

(*c*) Is it a fact that no candidate was selected who possessed merely Indian medical degrees ?

(*d*) Will Government be pleased to state what are the degrees of European or British Medical Universities necessary for selection to the I. M. S. ?

(*e*) Is it a fact that the Selection Board which sat in Simla recently were guided by certain instructions from Whitehall ?

(*f*) If the answer to (*e*) be in the affirmative will Government be pleased to lay the said instructions on the table ? If not, why not ?

Mr. G. M. Young : (*a*) The Honourable Member is referred to the reply given to Mr. Gaya Prasad Singh's question No. 738.

(*b*) Candidates must possess a qualification registrable in Great Britain and Ireland under the Medical Acts in force at the time of their appointment.

(*c*) Yes. But I would refer the Honourable Member to clause (*b*) of my reply to Mr. Gaya Prasad Singh's question No. 738.

(*d*) Details of the Indian and British medical qualifications that are registrable in the United Kingdom are given in the " Medical Register " issued every year by the General Council of Medical Education and Registration of the United Kingdom.

(*e*) and (*f*). I would invite the Honourable Member's attention to clause (*d*) of the reply I gave to Mr. Gaya Prasad Singh's question No. 738.

Mr. B. Das : May I enquire if it is the decision of the Government of India that Indian University medical degreees are not qualifying degrees for the I. M. S. ?

Mr. G. M. Young : I have already said that that is not the case.

Mr. B. Das : May I also enquire if the Indian University degrees are not qualifying degrees for the I. M. S., will the Government see their way to abolish Indian medical colleges ?

(At this stage an Honourable Member crossed the Chamber between the Chair and the speaker.)

Mr. President : Order, order.

Mr. Gaya Prasad Singh : May I ask why no one possessing merely Indian medical degrees was selected ?

Mr. G. M. Young : I have already explained that the Selection Board, as far as I know, selected candidates according to merit. The qualifications are considered by the Selection Board. The Selection Board have no instructions with regard to purely Indian medical qualifications, and there is no policy of the Government of India, so far as I am aware, with regard to purely Indian medical qualifications.

Mr. Gaya Prasad Singh : Is it the contention of Government that candidates possessing merely Indian qualifications are inferior to those possessing purely European qualifications ?

Mr. G. M. Young : I have alrealy said that there is no decision and no policy on that point of the Government of India.

Mr. N. M. Joshi : May I ask how the Government explain the wonderful phenomenon of the exclusion of those candidates who possessed only Indian qualifications ?

Mr. G. M. Young : Government have made no attempt to explain it, nor do they consider it a very wonderful phenomenon.

Mr. M. R. Jayakar : Is it not more straight and honest to put the preference on the ground of racial discrimination ?

Mr. G. M. Young : All the candidates that we are discussing were Indians.

Mr. Chaman Lall : May I ask the Honourable Member if there has been any case in which Indians with Indian qualifications only have been given permanent commissions ?

Mr. G. M. Young : Past or this time ? This time—No.

Mr. Chaman Lall : Recently.

Mr. G. M. Young : I will find out and let the Honourable Member know.

Mr. K. C. Neogy : May I repeat my question as to whether any special consideration is shown to an Indian officer holding a temporary commission for active war service ?

Mr. G. M. Young : I have already answered that question. There is no special consideration shown except consideration of merit and qualifications.

APPOINTMENT OF E. J. MACKAY AS AN ASSISTANT SUPERINTENDENT OF THE ARCHAEOLOGICAL SURVEY.

762. *Kumar Ganganand Sinha : (*a*) Is it a fact that Mr. E. J. Mackay has been appointed as an Assistant Superintendent of the Archæological Survey and deputed to work at Mahenjo Daro ?

(*b*) If the answer is in the affirmative, will the Government be pleased to state the date of his appointment, his pay and allowances and the nature of his work at Mahenjo Daro ?

(*c*) Will the Government be pleased to state whether the post was advertised and if so, in what manner ?

(*d*) How many applications were received from Indians, what were their qualifications and why were they not appointed ?

(*e*) Is it a fact that one of the chief works to be done at Mahenjo Daro is to read script ?

(*f*) If so, what is the special qualification of Mr. Mackay so far as the reading of ancient scripts is concerned ?

Mr. A. R. Dalal : (*a*) Yes.

(*b*) 18th November 1926 ; pay Rs. 1,000 per mensem ; overseas pay £30 per mensem ; officer in charge of the excavations at Mohenjo Daro.

(*c*) The post was not advertised. For the conduct of excavations at Mohenjo Daro a practical excavator with an intimtae knowledge of Mesopotamian antiquities was required and there was no Indian archaeologist who possessed the requisite qualifications.

(*d*) Does not arise.

(*e*) No. The script found at Mohenjo Daro is illegible. It has not yet been deciphered.

(*f*) Does not arise.

Sir Hari Singh Gour : How did the Government come to the conclusion that there was no one in India possessing the requisite qualifications when they did not advertise the post ?

Mr. A. R. Dalal : Because, Sir, the officer required was one with large experience of excavations at Mesopotamia and also with some knowledge of Sumerian antiquities, and it was not at all likely that an Indian possessed of those qualifications would have been found.

Diwan Chaman Lall : How can the Honourable Member say it is not likely that any Indian would have been found with those qualifications ?

Mr. A. R. Dalal : We were guided by our experts in the Archæological Department, and I do not think it is very difficult to imagine that no Indian possessing knowledge of Sumerian antiquities and Mesopotamian excavations could have been found.

Kumar Ganganand Sinha : And even outside India Mr. Mackay was the only gentleman who was found qualified ?

Mr. A. R. Dalal . Mr. Mackay was regarded by the Director General of Archæology as very well qualified, and as his services would not have been available to us long, if we had advertised all the world over, he was appointed.

U. Tok Kyi : What are Mr. Mackay's qualifications ?

Mr. A. R. Dalal : Mr. Mackay has had 25 years' experience of excavations in Mesopotamia.

Kumar Ganganand Sinha : What is the connection between Sumerian antiquities and the antiquities excavated at Mohenja Daro ?

Mr. A. R. Dalal : That is a very learned question, but I understand that it was originally anticipated that there would be some kind of connection between these very difficult and illegible script and antiquities and Sumerian antiquities.

Kumar Ganganand Sinha : Has Mr. Mackay been able to read it ?

Mr. A. R. Dalal : No one has been able to read the script.

Sir Hari Singh Gour : When did the Government discover any connection between the excavations at Mohenjo Daro and Sumerian architecture ?

Mr. A. R. Dalal : I did not say that any connection has yet been proved.

Sir Hari Singh Gour : Then why it is that a knowledge of Sumerian antiquities was considered as *sine qua non* for the appointment ?

Mr. A. R. Dalal : I did not say that knowledge of Sumerian architecture was considered as a *sine qua non*, but a knowledge of Mesopotamian excavations was considered a very necessary qualification.

Sir Hari Singh Gour : Are not Mesopotamian excavations closely connected with Sumerian activities ?

Mr. A. R. Dalal : I am afraid, Sir, we are going beyond our depth—at least I am going beyond my depth. (Laughter.)

Reservation of the Bungalow at Mahenjo Daro for Europeans.

763. ***Kumar Ganganand Sinha** : Is it a fact that Indians living in European style are not allowed to occupy the bungalow at Mahenjo Daro which is reserved for [illegible] when it is unoccupied and the visitor wants to occupy it ? If so, will the Government be pleased to state its reason ?

Mr. A. R. Dalal : The bungalow at Mohenjo Daro is not a rest house but a departmental bungalow. It is intended for the use of Archæological officers stationed there and is occupied by European and Indian officers alike without distinction.

Resolution of the Government of India regarding Archæological Policy.

764. ***Kumar Ganganand Sinha** : Will the Government be pleased to lay on the table a copy of the Resolution of the Government of India

regarding their Archæological policy published soon after the appointment of Sir John Marshall as the head of the Department and fully indicate how far action has been taken in pursuance of the Resolution up to date ?

Mr. A. R. Dalal : A copy of the resolution is laid on the table.

The attention of the Honourable Member is invited to the Annual Published Reports of the Archæological Department which show the action taken in pursuance of the policy laid down in the Resolution.

Resolution.

The conservation of the ancient buildings which provide so splendid a record of Indian history and so interesting an illustration of the artistic and religious feelings of the past is a task that should appeal powerfully to the sympathy of the Government of this country, and that must be regarded as a responsibility for the due discharge of which it will properly be held to account. For some time past the attention of the Governor General in Council has been directed to the question of securing the recognition of a liberal policy in this matter, and of increasing the efficiency of the organization which exists for carrying it into effect. Under a scheme which was introduced in 1898 the provinces of British India were grouped into five circles to each of which an Archæological Surveyor was appointed, to be paid from the Imperial revenues but to be controlled by the Local Government within whose jurisdiction his headquarters were situated. He was charged with the duties of cataloguing archæological remains, of advising the Local Government concerning the preservation of such of these remains as merited care, and, generally, with the prosecution of archæological research. Responsibility for the effective conservation of such monuments as it was decided to maintain was left with Local Governments, which were to employ the agency of the Provincial Public Works Departments in carrying out necessary measures of construction and repair. This responsibility has led in some provinces to a liberal and welljudged expenditure, and the Governor General in Council recognizes that the local interest and pride in the public monuments of a province which are thereby developed should furnish the most effective security against their neglect. But the organization has been shown to be imperfect in so far as it has left the Archæological Department without an expert Head, who could assist local effort with authoritative advice and guidance, and maintain a continuous record of the archæological needs of the various provinces and of the action taken to meet them. In the absence of such a central authority the attention that is given to the conservation of the ancient monuments of the country, and to archæological questions in general, must depend partly upon the attractiveness which these subjects may possess for particular Heads of Local Governments and Administrations, partly upon the sufficiency of available funds. With a view to introducing greater uniformity as well as greater liberality of treatment, the Governor General in Council has determined, with the approval of the Secretary of State, to appoint tentatively, for a term of five years, a Director General of Archæology; and Mr. J. H. Marshall has been selected for the post. In name, the appointment will be a revival of that held by Major General Cunningham and Dr. Burges between the years 1871 and 1889. But the duties of the incumbent will extend considerably beyond the direction and control of archæological research to which these officers mainly directed their attention. It will be the most important of his functions to secure that the ancient monuments of the country are properly cared for, that they are not utilized for purposes which are inappropriate or unseemly, that repairs are executed when required, and that any restorations which may be attempted are conducted on artistic lines. In this respect his position will be generally similar to that occupied by the Curator of Ancient Monuments who held office from 1880 to 1883. But his duties will extend to the exercise of a general supervision over all the archæological work of the country, whether it be that of excavation, or preservation, or repair, or of the registration and description of monuments and ancient remains, or of antiquarian research ; he will assist the Provincial Surveyors in ascertaining and formulating the special requirements of each province ; and he will advise the Government of India as to the operations for which special subsidies may be allotted from Imperial funds. He should visit all the circles in succession, and the more important ones, so far as is possible, in each year, succinctly reporting the general results of his tour to the Local Government of each province visited and offering any suggestion that he

may have to make in connection with the buildings which he has inspected. He should co-ordinate and bring up to date the local surveys and reports; and he will be expected to submit annually to the Government of India a brief report on the progress effected during each official year.

2. The Governor General in Council desires to make it known that the creation of this appointment is in no way intended to weaken the responsibility of Local Governments for the care of the ancient monuments of their provinces. Their duty in this respect will remain unimpaired ; but it is hoped that a stimulus may be lent to its continuous and effective discharge by the offer of expert advice and, where required, of practical assistance. The present arrangements under which repairs and restorations are carried out by the Provincial Departments of Public Works will remain unaltered ; and the Government of India are indeed of opinion that in the interests of continuity of administration it is desirable that each Local Government should fix an annual minimum sum to be expended on these purposes. The Governor General in Council is prepared to emphasize his own responsibility in the matter and to facilitate the prompt undertaking of necessary works by reserving annually a sum of one lakh of rupees to be distributed for particular objects demanding early execution and shown to be beyond the financial capacity of Local Governments. It is further in contemplation to take powers by legislation for the more efficacious protection and repair of ancient buildings, in which case these subsidies will prove of special assistance to those administrations whose archæological responsibilities will thereby be enhanced.

Order.—Ordered that a copy of the foregoing Resolution be forwarded to the Local Governments and Administrations noted below for information and guidance and to the several Departments of the Government of India, for information.

Ordered also that a copy of the foregoing Resolution be forwarded to the Director General of Archæology for information and guidance.

Ordered, also, that the Resolution be published in the Supplement to the Gazette of India for general information.

Government of Madras.
Government of Bombay.
Government of Bengal.
Government of the North-Western Provinces and Oudh.
Government of Punjab.
Government of Burma.
The Honourable the Chief Commissioner of the C. P.
The Honourable the Chief Commissioner of Assam.
The Chief Commissioner, Ajmer-Merwara.
The Chief Commissioner, Coorg.
The Honourable the Resident at Hyderabad.
The Honourable the Agent to the Governor General and Chief Commissioner of the North-West Frontier Province.

(True Extract.)
J. B. FULLER,
Secretary to the Government of India.

Refusal of Permission to Mr. Ram Narayan Singh, M.L.A., to visit the Detenus in the Hazaribagh Jail.

765. ***Kumar Ganganand Sinha**: Will the Government be pleased to inquire and state what were the causes that prevailed upon the Governments of Bihar and Orissa and Bengal to refuse permission to Mr. Ram Narayan Singh, an Honourable Member of the House, to visit the Hazaribagh jail with the object of inducing the detenus to put an end to the hunger strike that they were observing ?

The Honourable Mr. J. Crerar : The Government of India have not received any information.

Mr. Gaya Prasad Singh : Will the Government be pleased to ask the Government of Bengal and the Government of Bihar and Orissa to give their reasons for refusing to allow a Member of this House to visit the detenus in Hazaribagh Jail.

The Honourable Mr. J. Crerar : Questions relating to the internal administration of jails are entirely within the competence of Local Governments and the Government of India would not be prepared to call for reports on matters which are so distinctly within their competence.

HUNGER STRIKE OF THE BENGAL DETENUS IN THE HAZARIBAGH JAIL.

766. ***Kumar Ganganand Sinha** : Will the Government be pleased to state fully the reasons for the hunger strike observed by the Bengal detenus at Hazaribagh, its origin and its end ? If not, why ?

The Honourable Mr. J. Crerar : I am making enquiries on the subject.

PROVISION OF LATRINES IN THIRD CLASS CARRIAGES ON THE BARSI LIGHT RAILWAY.

767. ***Khan Bahadur Haji Abdullah Haji Kasim** : (*a*) Are the Government aware of the inconveniences caused to the third class passengers owing to there being no latrines in the third class carriages on the Barsi Light Railway between Pandarpur and Lathur a distance of 110 miles ?

(*b*) If so, what steps have the Government taken to remove this inconvenience to the third class passengers ?

(*c*) If not, will the Government enquire into the matter and do the needful ?

Mr. A. A. L. Parsons : Government are not aware of the inconvenience complained of but are bringing the matter to the notice of the Company concerned.

PROVISION OF LATRINES IN RAILWAY CARRIAGES RUNNING BETWEEN PANDHARPUR AND MIRAJ.

768. ***Khan Bhahadur Haji Abdullah Haji Kasim** : (*a*) Are railway carriages ready for the proposed line between Pandarpur and Miraj a distance of about 84 miles ?

(*b*) If so, are latrines provided in the third class carriages ?

(*c*) If not, will the Government provide latrines in the third class carriages ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) Only in the compartments for women.

(*c*) Government are bringing the matter to the notice of the Railway Company concerned.

RECRUITMENT OF MOPLAHS FOR THE INDIAN TERRITORIAL FORCE.

769. *Khan Bahadur Haji Abdullah Haji Kasim : (*a*) Is it a fact that recruitment is going on at Cannanore in the District of Malabar for the Territorial Force ?

(*b*) If so, is it a fact that only Nairs and Tiyyas are being recruited ?

(*c*) Do Government intend recruiting Moplahs also for the Territorial Force ?

(*d*) If so, when, and in what number ?

Mr. G. M. Young : (*a*) Government have no detailed information, but recruiting to replace vacancies in the establishment of the 12th and 13th Battalions of the 3rd Madras Regiment, located at Cannanore is most probably proceeding as usual.

(*b*) The 12th and 13th Battalions of the 3rd Madras Regiment consist of 2 companies each of Nairs, 1¾ companies of Thiyyas and a ¼ company of Christians.

(*c*) The answer is in the negative.

(*d*) Does not arise.

QUESTIONS NOT PUT, OWING TO THE ABSENCE OF THE QUESTIONER, WITH ANSWERS TO THE SAME.

APPOINTMENT OF SOME MUHAMMADANS IN THE SUPERIOR GRADES ON RAILWAYS.

770. *Mr. A. H. Ghuznavi : (*a*) Will the Government be pleased to lay on the table a statement showing the respective numbers and proportions of Europeans and Indians (excluding Anglo-Indians) employed in the Railways, owned by the Government, in the superior grades of from Rs. 200 to Rs. 1,000 ?

(*b*) Will the Government be further pleased to lay a statement on the table showing the number of Indians (excluding Anglo-Indians) and Europeans respectively, now employed in the Railway administration, carrying salaries of Rs. 1,000 and upwards ?

(*c*) Will the Government be pleased to state the respective number of Muhammadans and non-Muhammadans employed in the Railway administration with salaries starting from Rs. 200 to Rs. 1,000 and from Rs. 1,000 and upwards ?

(*d*) Do Government propose to consider the desirability of appointing more Muhammadans representing the different provinces in the superior grades of the Railway administration, specially in the grades of Rs. 500 and upwards ?

(*e*) Will the Government be pleased to state the respective number of such Muhammadans belonging to the various provinces of India ?

(*f*) Are Government prepared to take early steps to make such appointments in future in a way so as to ensure an equitable representation of the different provinces in the service ?

Mr. A. A. L. Parsons : (*a*), (*b*) and (*c*). I would refer the Honourable Member to Appendix F of Railway Board's Report on Indian Railways for 1925-26, Volume I. No other information is available.

I may mention that this Appendix does not at present show the number of Anglo-Indians separately ; but in response to a suggestion made by Pandit Hirday Nath Kunzru during the debate on the last Railway Budget we intend to give separate figures for Anglo-Indians in this Appendix, in future.

(*d*) and (*f*). I would refer the Honourable Member to the Regulations for the recruitment for certain Superior Railway Services published in the Gazette of India of the 17th July, 1926, and 9th July, 1927, in which provision has been made for the redress of communal inequalities. Those Regulations also provide that the number of candidates to be nominated from the various provinces should be fixed in a certain proportion.

(*e*) Government have no information.

PROGRESS MADE IN CONNECTION WITH THE CONSTRUCTION OF THE SINGHJANI TANGAIL-PINGNA RAILWAY IN THE MYMENSINGH DISTRICT.

771. ***Mr. A. H. Ghuznavi** : (*a*) Will the Government be pleased to state the progress made with regard to the Singhjani-Tangail-Pingna Railway scheme in the District of Mymensingh in Bengal ?

(*b*) Will the Government be pleased to state whether the survey with regard to the said scheme has been completed ? If not, when is the said survey expected to be completed ? If yes, will the Government be further pleased to state the approximate date when the work of construction would be started ?

(*c*) Is it not the fact that the said scheme has been under contemplation for a long time now ? And do Government propose to push on the said scheme with expedition so that the Railway might be opened by 1929 ?

Mr. A. A. L. Parsons : (*a*) and (*b*). It is proposed to make a traffic survey of the project during the coming working season After consideration of the Report on the traffic survey, it will be decided whether construction should be undertaken.

(*c*) Yes. If the survey shows satisfactory results, no time will be lost in commencing construction.

APPOINTMENT OF AN INDIAN AS MEMBER OF THE RAILWAY BOARD.

772. ***Mr. A. H. Ghuznavi** : (*a*) Will the Government be pleased to state whether they have taken any steps to carry out their promise made to the Indian Legislative Assembly of appointing an Indian Member of the Railway Board ?

(*b*) If nothing has been done in that direction, will the Government be pleased to give the reason why they have not yet given effect to the said promise ?

(*c*) Will the Government be pleased to state when an Indian Member would be appointed on the Railway Board ?

The Honourable Sir George Rainy : (*a*), (*b*) and (*c*). I would draw the Honourable Member's attention to the remarks made by the Honourable Sir Charles Innes in his speech on the motion of Mr. S. Srinivasa Iyengar on the Railway Budget on the 23rd February 1927. (Page 1241 of Volume IX, No. 22.)

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I beg to present the Report of the Select Committee on the Bill to consolidate the law relating to forests, the transit of forest produce and the duty leviable on timber and other forest produce.

THE GOLD STANDARD AND RESERVE BANK OF INDIA BILL—*contd.*

Mr. President : The House will now resume consideration of the Bill to establish a gold standard for British India and constitute a Reserve Bank of India, clause by clause.

The question is :

"That clause 7 do stand part of the Bill."

The Honourable Sir Basil Blackett (Finance Member) : Sir, I beg to move the amendment, No. 26 on the order paper, which stands in my name, namely :

"That in clause 7, after sub-clause (*a*), the following sub-clause be inserted, namely :

'(*b*) is a member of the Indian or a local Legislature, or ; and sub-clauses (*b*), (*c*) and (*d*) be re-lettered (*c*), (*d*) and (*e*), respectively, and for the letter '(*d*)' in the *Explanation* the letter '(*e*)' be substituted.'"

Sir, this is one of the amendments to which the Government of India attach special importance. The provision that Members of the Legislatures as such should not be eligible for membership of the Directorate of the Reserve Bank was among the unanimous recommendations of the Currency Commission. It is a provision that is found in a considerable number of statutes of the Central Banks throughout the world, and the reasons for this are fairly simple. It is obviously desirable that there should neither be a definite intermixture of politics in the business of controlling currency and credit, nor should there be any room for suspicion of such intermixture. This is perhaps even more important now that this Bank is to be not a shareholders' bank but what is called a State Bank. The provision allowing Members of the Legislatures to be members of the Directorate was reinserted by the Joint Committee. I think there is a certain amount of misapprehension on this matter. I am quite prepared to admit that there are always likely to be a considerable number of Members of the Legislatures who are well qualified to serve as Directors of the Reserve Bank. But it is desirable that they should make a definite choice between the two. If they desire to serve as members of the Directorate of the Reserve Bank, they ought in the first place to be readily available for meetings of the Board. If they are going to spend a considerable portion of the year in attendance at Delhi or in Simla at the Sessions of the Assembly and the Council of State, or at Sessions of their local Legislatures, they will not really have the time and energy properly required for the performance of their duties as members of the Reserve Bank Board. It is not proposed that they should be disqualified for election, but if they are elected they must choose either that they should

[Sir Basil Blackett.]

be Reserve Bank Board Members or that they should be Members of the Legislature. The functions of the Reserve Bank Board will be very important and difficult, and it is desirable that the members of that Board should be permitted to devote as much as possible of their energies to the work involved. I think it is clearly quite impracticable for them, if they take an active part in the life of this Assembly or the Council of State or of a local Legislature, to be taking an active part at the same time in performing the functions of membership of the Reserve Bank Board. The objections to Members of the Legislatures being also members of the Board are I think present to the mind of anybody who begins seriously to consider the subject. Obviously, there is a certain amount of difficulty in this Assembly in arguing that Members of the Assembly should not be members of the Board. I desire to make it perfectly clear that that means no reflection on Members of this Assembly. It is undesirable that they should be combining either their politics or their business in such a way as to be mixing up their duties as members of the Reserve Bank Board with their duties as active Members of this Legislature. I would ask this House to remember that in voting on this amendment, it is considering to some extent a self-denying ordinance (Laughter), and I think that in considering that as a self-denying ordinance, it should give the benefit of the doubt, if it possesses any in its mind, to the virtues of self-denial. I know that this matter has been considered and that there is considerable objection on the part of some Members to this proposal ; but I would ask the House, in consideration of the concord at which we are in process of arriving at on the whole question of the Directorate of the Reserve Bank, to think twice and three times before committing itself to the view that membership of the Legislatures and membership of the Reserve Bank can properly be combined, and to remember that the Government have been trying very hard to make those concessions that are in their power with a view to securing that the Bill may rest safely on the Statute-book. Sir, I move.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, if I rise to oppose the amendment which Sir Basil Blackett has moved, it is because I desire the Honourable Member to consider certain criteria which I am sure he himself at many times stated before the House. We have been told that in this country banking is undeveloped, business is undeveloped, commercial men are all too few, and that the extent of interest that commercial men take in public and financial affairs is far too limited ; and I am sure Sir Basil Blackett will be the last man to deny the fact that, if he is going to place a limitation on Members of the Legislative Assembly electing to the directorate of the Central Bank, he will be extremely narrowing the choice of those who will have the right to elect or nominate directors and will thereby cripple the efficiency of the Board of Directors. Sir, it has been admitted on all hands that the number of business men available for the discharge of public duties, whether it be in the Legislature or in such a public institution as the Central Bank, is none too great in our country. We hope that it will increase ; and we are sure, when that situation arrives, it will not be necessary to impose any limitations and that there will be, in the process of nature, a proper division of functions between business men who would like to take part

in the public duties of a Legislature and business men who would like to take part in the business duties which appertain to a Central Bank. Sir, that time has not arrived admittedly. Until that time arrives, I say, from the point of view of the efficiency of the Central Bank, it is obvious that to impose a limitation of this character is certainly a most undesirable thing. It will defeat the very object which the Honourable the Finance Member has in view. In the next place, Sir, yesterday the Government as well as we on this side agreed to the definite principle that so far as the Central Bank is concerned, it should be a representative body ; it should contain a majority of Indian elected Members. Sir, when that principle has been conceded, I say it is a denial of that principle if you deny to the electorate the right to choose those whom it considers best qualified to discharge the duties of a Director on the Central Board. The limitation that is sought to be imposed is a limitation which it is well within the power of the electorate itself to consider and judge. It is not right that a limitation of this character should be imposed on the electorate, and I say it is a deprivation of the fundamental rights of the electorate to restrict its choice in the manner proposed. In the next place, Sir, I desire to state that so far as this disqualification is concerned, the Government originally wanted to couple it with the proposal that Members of the Legislature should not constitute themselves into an electorate and that Members of the Legislature should not get elected to the Central Bank. Sir Basil preached the virtues of self-denial on the part of the Legislature. Sir, if my friend, Sir Basil had conceded the right to the Legislature (as the Joint Committee had proposed), here and to the Legislatures in the provinces to elect Directors, I could understand what he now says, namely, that the Legislatures, when they possess the power to elect, should practise the virtue of self-denial and should not elect one among themselves. Sir, when proposals are now under consideration to constitute electorates outside of the Legislature from the public, people who will represent wide interests, who will bring up a proper Directorate to the Central Bank, I say, Sir, that when the Legislature itself is not going to have a hand in the elections, it is wrong to tie the hands of such electorates and say " You shall not take anybody from the Legislature." After all, Sir, in what sense can you say that a Member of the Legislature cannot properly discharge the duties of a Central Bank ? It is not as if he will bring politics into the affairs of the Central Bank. They cannot go by political considerations ; they are only dealing with business there. Will the Member bring the financial affairs of the Central Bank into this House ? I say, Sir, that if he does so and thereby commits any breach of the principles of business which Directors are expected to conform to, that is a reflection upon the Member who will be elected to the Central Directorate, and I refuse to believe that any Director of the Central Directorate as such would so use his position as a member of the Central Bank's Directorate as to come into this House and make political capital of what is essentially a business function. I do not think our past experience in this respect has been in any respect wrong. We have here in this Legislature Members who are members of the Directorate of the Imperial Bank. Have we found Imperial Bank politics trotted out by these Directors in this House ? I do not think any instance can be cited of that case. Therefore I refuse to believe that the Members of the Legislature by the mere reason that they are Members of this Legislature would be prejudiced either in the discharge of the duties of the Central Bank or of

[Mr. A. Rangaswami Iyengar.]

the Legislatures. If, as a matter of fact, a Member of the Legislature finds that the duties of the Central Bank Directorate as well as of the Legislature are too arduous for him to undertake, he will be the first man to give one up. The whole question is this. You are giving this power to the electorate. Is it not our duty to leave it to the electorate to find out whether its nominee is a proper man, whether he will discharge his duties, whether he will find time to do those duties, whether he will be impartial, whether he will keep all the traditions of honour and of business methods both in the Central Bank and in the Legislature ? I therefore think that the imposition of this disqualification is wholly unnecessary and, is also opposed to the fundamental principles of election, and I oppose the amendment.

*Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : Sir, I have already spoken on this question when I moved my amendment. I simply rise to make one correction in the remark made by the Honourable the Finance Member that in no leading banks any Member of the Legislature is found. I have got with me a list of the Bank of England Directors, in which I find the name of a member of Parliament.

The Honourable Sir Basil Blackett : May I point out, Sir, that I did not say that in no leading banks any Member of the Legislature was found. What I said was that this provision finds a place in very many of the statutes of Reserve Banks.

Mr. Vidya Sagar Pandya : I simply want to draw the attention of the House to the fact that in the Bank of England members of Parliament are not debarred from sitting as Directors and actually we find one or two members of Parliament on the Directorate. I merely want to give this information to the House and support the contention of my friend Mr. A. Rangaswami Iyengar.

Mr. K. C. Roy (Bengal : Nominated Non-Official) : Sir, I rise to support the amendment of Sir Basil Blackett. I do so with very great pleasure. But I am very sorry to differ from my esteemed friend Mr. Rangaswami Iyengar. He has been a lifelong friend of mine both in the profession as well as in politics. But, Sir, I believe he is not right. What is the choice that Sir Basil Blackett has given us ? He says " Choose politics or choose finance and commerce." I think, Sir, he is for once right. (Laughter.) I have often believed that the shoemaker should keep to his last. Now, Sir,.....

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Why should a newspaper man be in the Assembly ?

Mr. K. C. Roy : A newspaper man is both a politician and a journalist.

Now, Sir, I come to the proposition of Sir Basil Blackett. What does he say ? If he says that no legislator is eligible for appointment on the Central Board of the Bank as a Director, I shall certainly oppose his motion. I am not going to write down once for all that Members of this House are ineligible for the bank directorship. What he has told us is a question of choice. As there are bankers, business men and

*Speech not corrected by the Honourable Member.

economists, growing all over the country and there are men really who are anxious to pursue banking as a profession, let us not restrict their choice, but let us practise the self-denying ordinance and let us restrict our own choice and let us be once for all either legislators or bankers. I therefore, Sir, have very great pleasure in supporting the amendment of Sir Basil Blackett.

*Mr. H. G. Cocke (Bombay : European) : Sir, I think this proposal is a very healthy recommendation of the Royal Commission. This is merely accepting the proposition of the Royal Commission. As regards the practical point of view, as set forth by Mr. Rangaswami Iyengar and as we say in our minute of dissent, it is quite true that the number of men available for the Legislatures and for the Reserve Bank is not too great. But that is a different thing to saying that you cannot get men. I do not know very much about Madras, but I am not quite certain that it will be impossible for Madras to produce a good Director or good Directors for the Reserve Bank without encroaching on the field of the Legislature, the local Council and the Assembly. Certainly so far as Bombay is concerned, I do not think it will be difficult at all ; there are plenty of able men in Bombay.

Mr. A. Rangaswami Iyengar : We want the best men.

Mr. H. G. Cocke : I see no practical difficulty in accepting the amendment and one cannot but regard it as a most healthy principle recommended by the Royal Commission.

Mr. M. R. Jayakar (Bombay City : Non-Muhammadan Urban) : Sir, I am very sorry that I have to oppose the amendment moved by the Honourable the Finance Member, and I do hope that in consistency with the salutary spirit which he showed yesterday and which on this side of the House we very much approved, he will not insist upon this amendment going through. I did not take part in the early discussion on this Bill, Sir, but I am bound to say that there is always a sort of obsession of fear and distrust on the part of some Members on the opposite Benches wherever the Legislatures are concerned. The Honourable the Finance Member indulged in a very striking analogy in comparing this Bill with a pet child. But he reminds me, Sir, of a legend in Greek history which is more appropriate, namely, that a celebrated Greek sculptor prepared a female statue with which he eventually fell in love and the feeling became such a great obsession, Sir, that a kind friend destroyed the statue and thus enabled the sculptor to get rid of his obsession and acquire the free working of his natural faculties. I do hope, Sir, that the Government Benches in supporting this amendment will not be prompted by this kind of obsession ; my hope has become more pertinent having regard to the fact that the popular benches are showing a desire for and I am told are already in sight of a compromise under which they will not insist upon the Legislature electing its Members to the Directorate. There are negotiations going on at the present moment between the Government Benches and this side of the House by which a satisfactory compromise is likely to be arrived at, under which this side of the House will give up its contention that the Legislature ought to have direct representation on this Directorate. Under these circumstances, Sir, I beg of the Honourable the Finance Member not to insist upon this amendment going through ; that will be in consonance with the spirit of the compromise which we are likely to arrive

* Speech not corrected by the Honourable Member.

[Mr. M. R. Jayakar.]

at. He talks of self-denial, an admirable virtue in these days ; but let the Government of India make the beginning in this matter, by restraining their distrust of their Colleagues in the Legislature.

12 NOON.

This amendment, Sir, is bound to be regarded by a large section of the Members on this side as a slight put upon the Members of this Legislature. Apart from other considerations connected with this question, one cannot avoid the feeling that by reason of being a Member of this Legislature one is being denied the membership of the Board, in spite of one's possessing all the requisite qualifications, business talent and experience, etc., of which this Bill speaks. The mere fact that one happens to be a Member of this House *ipso facto* constitutes a ban that is bound to be regarded as humiliating, whatever the Government may say in justification of it. I do hope, therefore, that the Honourable the Finance Member will not insist upon this amendment going through.

Sir Victor Sassoon (Bombay Millowners' Association : Indian Commerce) : Sir, I take it that the Honourable the Finance Member's point is, firstly, that it is undesirable for a member of a political body to be a Director of the Bank and, secondly, that his duties as a Member of the Legislature would interfere with his duties as a Director.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Is it undesirable in any part of the British Empire ?

Sir Victor Sassoon : If I may take the second point first, I do feel that that argument is not a very strong one. If your point is that a legislator who looks after his business of legislating efficiently will not have the time to give to his duties as a Director of the Bank, why not also say that nobody who is in any form of business, which will interfere with his duties as a Director of the Bank, should be eligible to be a Director. Frankly, I do not think that your Directors need be whole-time Directors. It is true that, apart from their monthly meetings, there will be a daily committee which may take up part of their time, but I think in practice you will find that the Directors will be able to spare time for either their business or the local legislative work which they may desire to pursue. Secondly, we must remember that the Director of the Bank may prefer to neglect his duties as a legislator rather than neglect his duties as a Director. From that point of view, I think it would be invidious to pick out legislators and say that they must not be Directors merely from the standpoint that their time is too fully occupied.

With regard to the first point, I do realise the force of the argument that no political complexion should be attached to the Directorate of the Bank and from that point of view I do see a certain amount of force in the statement that a Member of the Legislature should not be a Director. I do not, however, personally attach a very great deal of force to it if my point of view were accepted that Directors would be elected first because of their business capacity. And I, therefore, take it that if a man is elected as a Director because of his business capacity, he would not allow the political side of his temperament to interfere with the business side. Still, the Honourable the Finance Member feels very strongly in this matter and if it is going to interfere with the solution,

may I offer very respectfully a small suggestion. Why not say that we will insist on this clause but that we will defer making it operative for a certain number of years ? During that period it would be known to everybody whether those Directors who were Members of the Legislatures were or were not efficient in their task as Directors of the Reserve Bank, and then the clause could either be withdrawn or allowed to become operative at the future date, say, five years hence.

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province : Nominated Non-Official) : Sir, I do not know why I should interfere in these matters, but something or other strikes me every now and then and I can hardly avoid the temptation of saying a few words and that is my excuse. I understand, Sir, that the Bank is going to be a State Bank and as such this Assembly will have to do a good deal in shaping its policy, etc. (*Honourable Member* : "No no.") If we have a Member of this Assembly as a member of the Directorate of the Bank, and that member disagrees with the views of the majority of the Directors on any matter connected with the Bank, he will have the advantage of pressing his personal views more effectively in this House than those who are not Members of this House. He will be in a particularly advantageous position in the Directorate as against those Directors who are not Members of this House. This disadvantage of the others might go against the interests of the Bank or at least against the views of the majority. If there is this likelihood of a member of the Directorate claiming to be speaking from personal knowledge and with similar other advantages about the Bank's affairs in this House, I think it will not be fair and just to his other colleagues. That is all I wanted to say on this amendment.

Mr. M. S. Aney (Berar Representative) : Sir, I rise to oppose the amendment moved by the Honourable Sir Basil Blackett. One point ...

Mr. President : Does the Honourable Member support the amendment ?

Mr. M. S. Aney : I am opposing it. There were two points which the Honourable the Finance Member tried to make out in support of the amendment. One point has already been replied to very satisfactorily by Sir Victor Sassoon. The other point is this that there is an apprehension that a Member of this Legislature may not find sufficient time to devote himself to the work of the Bank. In this connection I warn the House to remember that in all the Legislatures, including the Central as well as Provincial Legislatures, we have definitely got certain constituencies to represent the commercial and industrial interests. The object of creating these constituencies is to secure the best possible men from those constituencies to give us advice on these matters. If the amendment moved be passed, the result will be that either the Legislature will have the benefit of the best possible men in the industrial and commercial circles or the Reserve Bank will have the benefit of them. One of the two bodies, namely, the Legislature or the Reserve Bank, must be robbed of the best possible commercial or industrial advice that is available in the country. That will be the net result. Is it advantageous to us ? Can we afford to put up with it ? I think it is desirable that neither the Central Legislature nor the Provincial Legislatures should be denied the advantage of getting the best possible advice from these men nor should the Reserve Bank be robbed

[Mr. M. S. Aney.]

of their advice. That being the case, it will decidedly be to the disadvantage of one of these bodies if the proposed amendment is carried. So, there is no reason why we should accept the amendment and deny the privilege to the Members of the Legislatures of becoming Directors of the Reserve Bank.

As regards the Members of this Assembly who are to be Directors, I will say one thing. We have got in this Assembly Members who represent the commercial constituencies and do their work in the Legislature very satisfactorily. (Hear, hear.) We also actually find that they have been able to do their work in the various commercial bodies which they represent, and of which they are members, in the most satisfactory way, in fact in as satisfactory a way as they were doing before they were Members of the Legislature. Their membership of this Assembly has not in any way impaired their capacity to look up with ability and vigilance to their other commercial activities. I am sure that the fact that they are Members of this Legislature will not in any way stand in the way of the discharge of their duties as Directors of the Reserve Bank. As regards the time that is necessary for them to do their work, we have heard Sir Victor Sassoon say that it will not be impossible for him to do his duties in both places properly. He can devote his undivided attention to both duties ; the one will not come into conflict with the other. That being the case, I do not see any reason for this House to accept the amendment. Particularly in view of the appeal which has been made by my Honourable friend Mr. Jayakar, and in consistency with the spirit of conciliation which the Leader of the House has shown yesterday, I submit that it will not be proper for him to press his amendment.

Mr. V. K. Aravamudha Ayangar (Finance Department : Nominated Official) : Sir, the question whether Members of the Legislature should be excluded from the directorate of the Reserve Bank came up for consideration before the Currency Commission at a very early stage of their deliberations. It was definitely put to them that the number of men in India who are versed in public affairs and finance was so small that if we made a provision of this sort, it would exclude a number of most desirable men. The Commission gave very careful consideration to this proposal and came to the deliberate conclusion that so far as the Central Board of the Reserve Bank is concerned, their main function was to regulate the general credit and currency policy of the country and that the exclusion of the Members of the Legislature from a seat on the Board was most desirable in the interests of India. They, moreover, thought that such a provision would be the best and easiest means of increasing the number of people who were versed in public affairs and finance. They, however, made a concession that in regard to the Local Boards which were only intended to carry out the policy laid down by the Central Board, there was no such strong objection to the Members of the Legislature being on that Board. It has been suggested in some quarters that that provision giving the concession to Members of the Legislature of a seat on the local Boards of the Reserve Bank has been rendered nugatory by the omission of any provision for local Boards in the Reserve Bank as it stands. In the first place, I would point out, the Commission had only one aim, one business and one endeavour. It was to give India a currency system which was based upon the modern practice and theory in other most advanced countries. Its

main object was to give to India a currency machinery which was capable of being worked to the lasting and permanent benefit of India. It was not the intention of the Currency Commission to devise appointments for Members of the Legislature. Secondly, if you take into consideration the fact that the number of men versed in public affairs and finance in India is very small, then why do you object to the Local Boards being taken away ? It only gets rid of the difficulty of the number of posts to be filled up by public men being too great and the supply of men being too small.

Some of the Honourable Members referred to certain Central Bank statutes which do not place a ban on Members of the Legislature being on the Board. I think the Bank of Belgium was referred to. May I point out, Sir, that in the National Bank of Belgium there is a provision that no Member of the Legislative Chambers can be Governor, Director, Regent or Censor. Some other charters were referred to by Pandit Madan Mohan Malaviya and I think he must have been referring to certain pre-historic statutes. I can quote a certain number of other statutes of other countries which specifically debar Members of the Legislature from the Directorate. In Hungary, Members of the National Assembly are not eligible as members of the Board of Directors. In Austria, there is a similar provision debarring Members of the National Assembly. In Czecho-slovakia the members of the Bank may not, during the term of office, be Members of the legislative bodies. In the Federal Reserve System no Senator or representative in Congress can be a Governor of the Federal Reserve Board or a Director of the Federal Reserve Bank. Granted this in regard to the Federal Reserve System, it is argued that the chief executive of the Federal Reserve Board is appointed by the President. Why all this bogey of political control raised only in the case of India ? We are not the persons, Sir, that are fitted to pass judgment on the working of the Federal Reserve System. Mr. Parker Willis, who was Secretary of the Federal Reserve Board for a long time and who is most competent to criticise the American system, says that the American method of constitution of the Board is unsatisfactory. In his own words, " it has fallen constantly under the supervision of politicians and even when not under their influence has been constantly fearful that it will be obliged to yield to them."

May I add one further reason why the Commission thought that Members of the Legislature should be excluded from the Directorate. The work of a Director will be a serious charge on his time and energy. It is very important that a Director should ever reserve practically the whole of his spare time and energy to this great national institution and he should not try to combine it with an active part in politics. Politics in India is more and more engrossing and Members have to be away for three or four months from their headquarters during the Assembly meetings. It is impossible for them to give their exclusive attention to the meetings of the Central Board while they are also Members of the Legislature. If there is a Central Board meeting at Bombay simultaneously with an Assembly meeting at Delhi or Simla, Members will never care to leave their seats in the Assembly and go to Bombay to attend the more pressing affairs of the Bank at Bombay. A really sound financial genius has more scope for useful and noble service to the country by serving on the Board of the Reserve Bank.

[Mr. V. K. Aravamudha Ayangar.]

It has been mentioned that the members nominated by the Governor General to the Central Board of the Imperial Bank are all Members of the Legislature. The membership of the Reserve Bank is something different from the membership of the Central Board. The Reserve Bank will be the currency authority of the country with an enormous responsibility to the public. But the Imperial Bank of India is not a Central Bank of issue. It does not control credit and currency of the country. It is imperatively necessary in the case of Central Bank of issue that it should, like Caesar's wife, be above suspicion. (Hear, hear.) My Honourable friend Mr. Jayakar quoted a Greek legend. May I quote an Indian legend. There was a goddess in Nepal. The goddess took a baby in her lap and behold ! the goddess was not and the baby was !. Here is an institution given by the Currency Commission calculated to give inestimable benefit to India. Superimpose on this institution a political Board as now suggested ; I say, Sir, it will kill the Reserve Bank and the political Board itself will not last for a day. (Cheers.)

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, I am surprised to hear the arguments advanced by my co-Aiyangar (Laughter) supporting the amendment brought forward by the Honourable the Finance Member. He began quoting from his Scripture, the Report of the Royal Commission on Indian Currency and Finance and tried to point out that there were very valid and sound reasons why Members of the Legislature should be excluded from standing as candidates for directorship. I am unable to understand his arguments. He went so far as to try to convince this Assembly that there was no substance in the argument that Members of the Legislature should be eligible for membership on the directorate. My Honourable friend has been quoting a number of countries in which there is a rule that Members of the Legislature should not be on the Board of Directors in a bank. On the other hand I have not seen how it has been placed on the basis of political complexion existing in those countries. It is only in this country that politics are operating as a red rag to the eyes of Government. They often want to put everything on the ground that it is to be debarred on account of its political complexion. If only the Honourable Sir Basil Blackett would see a bit, he would find that according to his own proposal, it is only those politicians who come into such Legislatures that will be debarred from going in as Directors. There are worse politicians outside the Legislature and they will not be debarred from the Directorate. You will find for instance, my Honourable friend Mr. Srinivasa Ayyangar, the President of the Congress, if he had not come into this Assembly would have been eligible for membership on the Directorate. Now, for the simple sin of his having come into this Assembly, he will be debarred from entering this Directorate. Sir, I find absolutely no logic or reason in such a distinction being drawn between a politician who is outside the Legislature and a politician who is inside the Legislature. Perhaps the Honourable Sir Basil Blackett himself will realise that the politicians within the Legislature are much calmer than the politicians outside the Legislature at present and will be glad if those who have been tamed in the Legislature are allowed to go into the Directorate rather than politicians outside the Legislature who have not yet been tamed !

Now, Sir, my friend Mr. Ayyangar says the Skeen Committee discussion will be coming on here as well as other discussions, and all the Directors will be inclined rather to sit in the Assembly here and take part in those discussions than attend to the business of the Bank Directorate. But I am surprised to hear from Mr. Ayyangar that he anticipates that these discussions on the Skeen Committee's Report and such matters will be a lifelong struggle between the Government and this part of the House and never come to an end. He probably expects that the Skeen Committee's Report will be a hardy annual or a hardy sessional ! I for one hope that a better situation will soon prevail, so that all matters of such great controversy between us will soon be settled and we shall be able to sit down to do such business as is required of this Assembly and also attend to any other business which we may be called upon to do on the Directorate of the Bank. I ask if the Honourable Sir Basil Blackett who is entrusted with much of the financial work in the Government of India is prevented from doing all that work by reason of the fact that he has been made the Leader of the House and has to sit in this Assembly day after day ? Does his work suffer ? And if he is competent to do both the legislatve work as well as his work as Finance Member of the Government of India, then, Sir, I feel that Members of the Legislature here will have much more time than Sir Basil Blackett himself has for attending to both functions, both responsibilities, and discharging them to the satisfaction of the electorate. Sir, the people who select Members to represent them in the Legislature do not take only politics into consideration but also various other aspects of their representatives, and primarily also the way in which they are able to control the finances of the Government of India. If those capacities are also required on the part of those who are asked to represent the constituencies in this Assembly, and particularly, as my friend Mr. Aney pointed out, the commercial representatives here, the banking representatives here, then I submit, Sir, there seems to be absolutely no reason why there should be this distinction drawn and a ban put upon the Members of the Legislature for the simple reason that they have come here to represent their constituencies.

Mr. Muhammad Yamin Khan (United Provinces : Nominated Non-Official) : Sir, I have heard both sides of the House and I frankly admit that I am convinced by the views advanced in favour of the amendment. I believe that every Member of the Legislature here belongs to a certain party and he is under a certain amount of influence of his own Party. If he is allowed to act as a Director of a Bank then the influence of the Party is sure to work on his mind and that will be injurious to the interests of India. I do not think that the Bank which has got the capital of the State should be in any way influenced by party politics. If party politics prevail then the interests of the peasants are sure to suffer. Honourable Members have been very anxious to support the cause of the peasantry of India, but I think when they will be working under the influence of their Parties they are sure to neglect the interests of the peasantry in favour of the interests of their own party. With this view I support the amendment and think it is a very sound amendment which has been made in this clause.

***Mr. Miles Irving** (Punjab : Nominated Official) : Sir, I do not think that the Honourable Member who spoke first in opposing this amendment realised that his argument was of a somewhat double-edged nature. He

* Speech not corrected by the Honourable Member.

[Mr. Miles Irving.]

said it was an unjustifiable restriction on the powers of the electorate when they are not to be allowed to choose members of this Directorate ; but it is also a restriction on the powers of the electorate that they should not be allowed to choose officials, and we have known electorates which would naturally have chosen officials if they had been allowed to do so. But, as a matter of fact, in this case I am in favour of both restrictions and for very similar reasons. Neither officials nor Members of this Legislature who are elected to it are altogether free men. An official in the long run has to be guided by the policy of Government ; and elected Members of this Legislature, as has just been stated by the Honourable Member on my right, have to be influenced by the decisions of their party. I do not wish to elaborate the argument that has just been raised but it struck me from the first to be the strongest. Party ties in this country are very strong. (*An Honourable Member* : " Are they any stronger than in England ? "). They are stronger than in England because I can say, perhaps looking at it as an outsider, that they have a quasi-religious sanction here. They seem to occupy not merely the sphere of politics but almost every sphere of life, and I feel it would be extraordinarily dangerous to allow Members who are thus tied and may be bound—if I may use the expression—to non-co-operate in every sphere of political activity to take their places in a body which has to exercise functions of a quasi-judicial character. Finally, Sir, how is this system to work ? In my own province of the Punjab, if arrangements for electorates are made as seems most likely, there will be at least 3,000 agriculturist electors and a considerably larger number of non-agriculturists. I do not think these electors will know very much about banking. If the names placed before them are going to be those of leaders of party politics, the banker, the financier, the professor of economics, the man who really could do good work is not going to have the ghost of a chance. The election, if it does not—as I greatly fear—take place on communal lines, will certainly take place on the lines of party politics. The party man has got his election agency, he has got his agents, and every arrangement made through the party for securing votes. The unfortunate—shall I say ? professor of economics in the university or the unfortunate banker who is outside party politics, will simply not have a look in. For these reasons—first of all, the reason of party politics and secondly in order to enable our simple ill-instructed electors to choose the best man,—I am strongly in favour of the amendment.

Mr. T. C. Goswami (Calcutta Suburbs : Non-Muhammadan Urban) : Mr. President, I think Government have sought to raise a bogey to the level of a principle, and I cannot, I am afraid, accept either the principle underlying the suggestion of the amendment proposed by the Honourable Sir Basil Blackett, nor can I agree with the practical considerations that have been urged in support of his amendment. I have never seen the tyrannny of deductive logic so rampant as it has been this morning. We have been told that people in the Assembly or in any other Legislature are swayed by party considerations, by religious considerations. I think a Director on the Reserve Bank would be a very inconsiderable person if he had no views on political questions. If you have views and if you are capable of independent judgment on political questions, you must have a certain amount of political bias ; and any reasonable and thoughtful man, as I hope every Director of

the Reserve Bank will be, would, therefore, necessarily have his own views and leanings on political questions.

Being a Director of the Reserve Bank he does not on that account forefeit his citizenship ; he still continues to be a citizen of India and he still has got to think, if he is worth anything, if his brains are worth anything, if his judgment is worth anything, on every question that affects the destiny of his country. We have been told by the last speaker that the Directors on the Reserve Bank Board would sit in a judicial capacity.....

Mr. Miles Irving : Quasi-judicial.

Mr. T. C. Goswami : Or in a quasi-judicial capacity. That is a proposition which I hope no one on any side of the House will accept ; because I cannot understand how the Board of Directors have any judicial functions to perform ; and even if they had judicial functions to perform, are not politicians elevated to the bench of the High Courts ? And when they are elevated to the bench, are their judgments swayed by the political views they held before they were elevated to the bench ?

Then, Sir, as regards the practical considerations that have been mentioned. It is true, Mr.. President, that you have tried to make us perfect legislators, you have tried by your rulings to see that we are in our seats all the time the House is sitting ; but as a matter of fact I do not think anybody really expects a Member of the Assembly to be present every day that the Assembly is sitting. And if we have in the Assembly business men, if we have lawyers, if we have people who have other work to do besides sitting in the Assembly, and who efficiently discharge their duties as legislators and also look after their own work effectively, efficiently, I think it will be possible for a Director on the Reserve Bank who is also a member of the Assembly to discharge his duties as a Director of the Reserve Bank efficiently and well. Sir, Sir Basil Blackett does not exclude membership of the European Association. You have only to look round and see whether members of the European Association are not politicians. Would you have a provision, for instance, in your Bill that any candidate for the directorship should not be a member of any political body—say, of the Indian National Congress or of the European Association ? Would the precept of self-denial be accepted by, say, the European Association ? I want to know that ; and I do not know that members of the European Association or members of the Indian National Congress who do not happen to be in any Legislature are any the less political persons than Members who happen to be elected to a Legislature. I think these are considerations which ought to weigh with Sir Basil Blackett, and I hope he will not press his amendment.

Mr. N. C. Kelkar (Bombay Central Division : Non-Muhammadan Rural) : Sir, I wish to draw attention to a special point in this discussion a point which so far as I can see, has not been touched upon I understand the objection to a member of the Legislature being a Director of the Bank is two-fold, namely, first political contagion and political influence and second, incompatibility or conflict of duties on the Legislature and on the Board of the Bank. The Finance Member has somewhat narrowed down the ground of objection by laying stress rather on the incompatibility of duties than on the contagion of political

[Mr. N. C. Kelkar.]

influence ; and on that assumption I shall proceed. We have now to consider the case under this amendment of a person who is already sitting as a Member of the Legislature—not of a man who is not in the Legislature. Supposing the election for the Bank and the election for the Legislature happen to come at the same time, then I could conceive that a man would rather make a choice then and there and decide for himself to stand for one election rather than the other. But that is not the case we are concerned with here. Here it is the case of a man who is actually a Member of the Legislature and is sitting in the Assembly or the Council of State. Let us assume that during his period of three years, the election to the Bank comes round. He has also then to make a choice, as in the other case, but in this case you will see that the choice is very difficult. Here it is a positive prohibition laid upon the Member at the very point of his nomination for the election, and it follows therefore in my opinion that he has got to make up his mind at the time of nomination whether he should remain a member of the Legislature or should seek election to the bank. Now, what has he got to do ? Supposing he is more inclined to be a Director of the Bank, he has positively once and for all to resign his seat in the Legislature. Now, what happens ? He may either be elected or he may not be elected. If he is elected, then of course it is all right. But supposing he is not elected, then he deliberately leaves the one and loses the other ; it is rather a hard case ; if he resigns his seat, how could he come in again ? The vacancy may be already filled in the Legislature ; so he leaves the one and loses the other in case of failure. That is rather hard lines on the man who has got to make a choice.

I come now to the second case (the man who is already sitting in the Legislature and is elected as a Bank Director) from the point of view of alleged incompatibility of duties. Now, if the work of the Director of the Bank is really realised by the member to be so engrossing that it is incompatible with his duties as a Member of the Legislature—and I will assume in most cases that the man is a conscientious man—he will naturally make his choice and resign the Legislature ; then it will not be hard lines on him because he will deliberately make his choice and keep the directorship and leave the Legislature. But the choice in the former case is rather hard on him. I can quite see that the business of the Director on this Bank may be perhaps engrossing but during the first stages, at any rate for some time, it is not going to be so engrossing. That is my view. But on the other hand, are there not people in this Legislature who besides doing their other business also can attend successfully to the business of the Legislature ? For instance, there is Sir Victor Sassoon ; I think his stake in business is larger than we can conceive of for anybody else in the Legislature, and yet I suppose he is not certainly going to spoil his business by coming to the Legislature and on the other hand we can see that he is not spoiling the business of the Legislature because he is a business man. The same thing can be said of Sir Purshotamdas Thakurdas. Coming now to the lawyers, they do not permanently leave their practice because they come to the Legislature and they are not disqualified from practising in courts because they are Members of the Legislature. Taking all these factors therefore into consideration, what does it matter if a

man is a business man or a lawyer ? If he is a capable man and a capable business man he certainly can attend to both businesses. It will be found there are many lawyers here in this Assembly who enjoy a very big practice at home, and yet I do not find that any of them complains that he finds he loses his practice. I admit that there is some scope for self-sacrifiece : all credit to these people who undergo that limited amount of sacrifice and put themselves in a position to attend to both these kinds of business successfully. But that argument of sacrifice is certainly not to be used against them. You must assume that they are able to carry on both the businesses successfully.

Then with regard to the Sessions of the Assembly. Let us take the Simla Session. It is after all a small Session and lasts for 20 days or so. And even within these 20 days on some days we have half week holidays. Therefore, if a business man really wants to go away from the Legislature, I think he can certainly do so without prejudice to his work in the Legislature, attend to his business and come back. Of course, the Sessions in Delhi are longer, but even there some business men go away early and some people come late and some go and come in the middle of the Sessions. There are also some Members who take advantage of the rules and run away from the Assembly for a week or so and attend to their business. My point is, whether at the beginning, or in the middle or at the end of the Sessions, they can attend the meetings of the Legislature and attend their business as well. They take their Secretaries with them to Simla and Delhi, and they find no difficulty whatever in attending the Sessions of the Legislature without prejudice to their own business.

Then again the Honourable Sir Basil Blackett is doing his duty as Finance Member, as Leader of the House, as a Member of the Legislature as well as a Member of the Executive Government. Similarly, he should be charitable enough to suppose that there are other people also who are capable of attending to a number of businesses at one and the same time.

Therefore, my point is specially about the positive prohibition which, as I take it, is laid upon a Member of the Legislature at the very point of nomination. I could have understood it if at the time of entering upon his duties this prohibition had been enforced. But, as I see the wording of the amendment, the disqualification comes in at the very beginning. That is the reason why I am opposed to this amendment.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, I submit that there is a certain amount of misapprehension about the amendment which has been moved by my Honourable colleague Sir Basil Blackett. My Honourable friend Mr. Kelkar made a great point of the argument that a non-official gentleman who wants to be a Director of the Bank must at an early stage make a choice between election to the Legislature and election to the Directorate of the Bank. Now, Sir, the amendment certainly does not contemplate that. All that it contemplates is that, if a Member of the Legislature wants to be elected to the Board of management of the Bank, after he has been elected, he must cease to be a Member of the Legislature.

An Honourable Member : Where is the provision for it ?

The Honourable Sir Bhupendra Nath Mitra : This is the provision. " Save as expressly provided in this Act, no person may be a Director who is an officer of Government to be or who is a Member of the Indian or local Legislature ". The provision of the Bill with the amendment proposed by my Honourable colleague does not contemplate that no man shall be eligible for election to the Board of the Reserve Bank who is a Member of the Indian or local Legislature. It follows, therefore, that he may even be a sitting Member of the local or the Central Legislature, and he may offer himself for election to the Board of the Reserve Bank. It is when he is elected to be a member of the Board of the Reserve Bank that he will have to give up his seat on the Legislature. That meets the first point of my Honourable friend Mr. Kelkar.

Then the other argument which my Honourable friend used, Sir, is to my mind, an argument in support of the amendment of my Honourable colleague. Let us for argument's sake take my friend Sir Victor Sassoon. He has got large interests in Bombay. That undoubtedly takes away a good deal of his time. He is also a Member of the Legislature and as such he devotes a considerable amount of his time to the work of the Legislature. (*An Honourable Member* ; " He does not complain of it, does he ?). If we throw on him again the work connected with the Board of management of the Bank that would mean putting a further burden on him, and I submit, Sir, that it would be hardly fair to expect him to attend to all these duties simultaneously. Mr. Kelkar assumed that in the earlier stages of the Reserve Bank the work connected with the Bank will not be heavy. I join issue with him on that point. I should have thought that the early stages of this Bank would require a considerable amount of work on the part of the Directors to put it on a proper footing. If the work of the Bank is more or less neglected in the initial stages, we will never be able to put the Bank on a proper footing.

Now, Sir, I am quite prepared to admit that there is something in the views urged by my Honourable friends opposite ; but at the same time it is a question of choosing the best arrangement, and as has already been pointed out by my young friend Mr. A. Ayyangar, it is a question of Caesar's wife being above suspicion. This Bank will be newly created, and must take some time to inspire confidence among the public. We must therefore take steps to have the Directors absolutely free from suspicion. It is for that reason. (*Several Honourable Members ;* " Suspicion of what ?"). Suspicion of all sorts of influences.

Pandit Madan Mohan Malaviya : Please name some of them

The Honourable Sir Bhupendra Nath Mitra : If Honourable Members will listen to me patiently, they will find that I am going to develop my argument. It is for that reason that the clause as it stands, begins by saying that no person may be a Director who is an officer of Government. Now, among officers of Government, I am pretty sure there will be found plenty of capable men who will be able to fill the appointment of Director of that Bank with credit. Look at my young friend Mr. A. Ayangar over there.....

Sir Hari Singh Gour : Government servants are prohibited from trading.

The Honourable Sir Bhupendra Nath Mitra : Please allow me to pursue my point. As Government wants that the Directors of this Bank should be absolutely free from any sort of influence, well, the clause provides to start with, that the Director should not be an officer of Government. Next it goes on to say that that Director should not be a Director of any other Bank, not being a registered society, etc. Now, there again it will be possible to find plenty of men from among the Directors of existing Banks who would be quite capable of filling the appointment of Director of the State Bank without giving up their present jobs. But still simply because Government want that these Directors should be free from influence of any sort, they too are excluded and the Joint Committee have already accepted both these exceptions.

Now, Sir, my point is this. After very careful consideration, Government came to the conclusion, with that cardinal object in view, that the sitting Members of the Legislature should not be allowed to be members of the Board of the Reserve Bank. That from the point of view of Government is a matter of great importance, and Government are not in a position to give up that point.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : Unless it is lost.

The Honourable Sir Bhupendra Nath Mitra : I would implore my friends opposite to try and see eye to eye with Government in this matter. They are aware that Government have already made a great concession ; they have dropped their idea of the shareholders' bank. They have yielded to what they understood to be a genuine demand on the part of the Members of this House on the other side for a State Bank, while their own preference was for a shareholders' bank. I would implore my Honourable friends opposite there to concede to Government on this particular matter which Government at least considers to be a matter of very considerable importance in connection with the constitution of this Bank.

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division : Muhammadan Rural) : Sir, I rise to oppose the amendment that has been moved by the Honourable the Finance Member. Sir, I was very sorry to find the argument of Sir Bhupendra Nath Mitra that, if he is a Director, selected or elected, a Director of the Reserve Bank, that he should cease to be a Member of the local or Indian Legislature. I think, Sir, his argument would be quite correct if the choice were to be left to the individual. I beg to submit to this House, Sir, for their serious consideration that the choice is left to the constituency from which that person comes. If the constituency thinks that that person is the best man available for the job why should this Legislature by an enactment prohibit that constituency from sending up the best man. I shall, Sir, cite one recent instance. Mr. P. B. Haigh is a Member of the Legislative Assembly. His services were required by the Bombay Government and what do we find, Sir ? We find that he tendered his resignation in the Legislative Assembly and was nominated a Member of the Bombay Legislative Council. I wish we had such an instrument as Government have to suit their requirements and choose their best men available.

[Mr. Fazal Ibrahim Rahimtulla.]

Sir, as regards the other two arguments put forward by the speakers, I think they are most astounding. One is that it would be a serious charge on the time of a person who wants to be a Director. Sir, if you develop that argument further, it amounts to this that no business man can become a Director of a Bank because it is a serious charge on a business man and I hope the Honourable the Finance Member knows what the duties and functions of business men in Bombay and Calcutta are. He will find that this argument will not stand in favour of the amendment which he has proposed.

The second point, Sir, is the argument that a man who comes from the Legislature is a man who would be influenced by politics. Politics in the management of business, in the management of a directorate of a Bank is an unheard of thing, and I think, Sir, to say the least it shows absolute ignorance on the part of a Member who says that politics will play a part in the management of a bank. Sir, the Reserve Bank has not come into being. At present the Government balances are being managed by the Imperial Bank of India. And what do we find, Sir, again ? That Government have nominated two of the governors of the Imperial Bank on the Council of State—Sir Dinshaw Wacha and Sir Maneckji Dadabhoy. Why, Sir ? Because their services Government think are very useful on both these bodies. (Hear, hear.) Again, Sir, if I were to go further, take the instance of Sir Alexander Murray who made here on the floor of this House the other day one of the best speeches that we have heard during this Session. What do we again find ? He is a Director of the Central Board of the Imperial Bank and he has been nominated here on behalf of Government to come here, because his expert knowledge, Government think, would be useful in guiding the destinies of the Reserve Bank of India. I think, Sir, to carry this argument a little further, do the Government mean to say that, because Sir Purshotamdas Thakurdas is a Member of the Legislature or Sir Maneckji Dadabhoy or Sir Dinshaw Wacha is a Member of the Legislature, that the work of the Imperial Bank has in any way suffered ? Is it because of the experience that they have derived that the work of the Imperial Bank has suffered that they are coming forward with an amendment which may, if I may put it in the words of Sir Bhupendra Nath Mitra, create suspicion on the other side ? Is it because Government wish to deprive us of the services of the best men available on this side of the House that they want to put forward this amendment ? I hope, Sir, Government will not allow this amendment to be pressed to a division but will withdraw it and will allow the best men, who are Members of this Legislature, to be put on this body.

One last word and I have finished. In the general constituencies, you find that in the local and Central Legislatures, you have constituencies like the European Chamber, the Bengal Chamber and the Indian Merchants' Chamber.

Why do business people come into politics, and why do Government provide seats for them. If the Honourable the Finance Member says that politics and business should not be mixed, they should not get this right of sending a representative. Why do you want business men from the business constituencies to come here and advise you on business matters ? If that is so, then we want our best men, who are on this and the local Legislatures, to be also Directors on the Reserve Bank.

(An Honourable Member moved that the question be now put).

Mr. President : The question is that the question be now put.

(After putting the question Mr. President ordered a division.)

Pandit Madan Mohan Malaviya : The point is not quite clearly understood. Will you kindly explain it ?

Mr. President : Members will have another opportunity.

(After the ringing of the Division Bell.)

Mr. President : The question is that the question be now put.

The motion was adopted.

Mr. President : The question is :

"That in clause 7, after sub-clause (*a*), the following sub-clause be inserted, namely :

(*b*) is a member of the Indian or a local Legislature, or ';

and sub-clauses (*b*), (*c*) and (*d*) be re-lettered (*c*), (*d*) and (*e*), respectively, and for the letter '(*d*)' in the *Explanation* the letter '(*e*)' be substituted."

The Assembly divided :

AYES—51.

Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmad, Khan Bahadur Nasir-ud-din.
Alexander, Mr. William.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.
Ayangar, Mr. V. K. Aravamudha.
Ayyangar, Rao Bahadur Narasimha Gopalaswami.
Bajpai, Mr. G. S.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Coatman, Mr. J.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Courtenay, Mr. R. H.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Crofton, Mr. R. M.
Dakhan, Mr. W. M. P. Ghulam Kadir Khan.
Dalal, Mr. A. R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr. J. T.
Dunnett, Mr. J. M.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Haigh, Mr. P. B.
Hussain Shah, Sayyed.
Irving, Mr. Miles.
Jowahir Singh, Sardar Bahadur Sardar.
Kabul Singh Bahadur, Captain.
Keane, Mr. M.
Kikabbai Premchand, Mr.
Kirk, Mr. R. T. F.
Lamb, Mr. W. S.
Mitra, The Honourable Sir Bhupendra Nath.
Mohammad Ismail Khan, Haji Chaudhury.
Moore, Mr. Arthur.
Mukherjee, Mr. S. C.
Murray, Sir Alexander.
Parsons, Mr. A. A. L.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Roy, Mr. K. C.
Sams, Mr. H. A.
Shah Nawaz, Mian Mohammad.
Singh, Rai Bahadur S. N.
Suhrawardy, Dr. A.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Wright, Mr. W. T. M.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

NOES—70.

Abdoola Haroon, Haji.
Abdul Haye, Mr.
Abdul Matin Chaudhury, Maulvi.
Abdullah Haji Kasim, Khan Bahadur Haji.
Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswamy.
Aney, Mr. M. S.
Ayyangar, Mr. K. V. Rangaswami.
Ayyangar, Mr. M. S. Sesha.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Bhuto, Mr. W. W. Illahibakhsh.
Chaman Lall, Diwan.
Chetty, Mr. R. K. Shanmukham.
Chunder, Mr. Nirmal Chunder.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Farookhi, Mr. Abdul Latif Saheb.
Ghazanfar Ali Khan, Raja.
Goswami, Mr. T. C.
Gour, Sir Hari Singh.
Haji, Mr. Sarabhai Nemchand.
Hla Tun Pru, U.
Ismail Khan, Mr.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jamnadas, Seth.
Jayakar, Mr. M. R.
Jinnah, Mr. M. A.
Jogiah, Mr. Varahagiri Venkata.
Joshi, Mr. N. M.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath.
Lahri Chaudhury, Mr. Dhirendra Kanta.
Lajpat Rai, Lala.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Misra, Mr. Dwarka Prasad.
Mitra, Mr. Satyendra Chandra.
Moonjee, Dr. B. S.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Naidu, Mr. B. P.
Neogy, Mr. K. C.
Pandya, Mr. Vidya Sagar.
Phookun, Srijut Tarun Ram.
Purshotamdas Thakurdas, Sir.
Rahimtulla, Mr. Fazal Ibrahim.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Rang Behari Lal, Lala.
Rao, Mr. G. Sarvotham.
Roy, Mr. Bhabendra Chandra.
Sarda, Rai Sahib Harbilas.
Sassoon, Sir Victor.
Shafee, Maulvi Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Kumar Rananjaya.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. R. P.
Sinha, Mr. Siddheswar.
Tirloki Nath, Lala.
Tok Kyi, U.
Yakub, Maulvi Muhammad.
Zulfiqar Ali Khan, Nawab Sir.

The motion was negatived.

Mr. N. C. Kelkar : Sir, I rise to move the amendment that stands in my name. The amendment is :

"That in clause 7, (*a*) in sub-clause (*c*), omit the word 'or'.

(*b*) Omit sub-clause (*d*) and the Explanation."

Mr. President : The Honourable Member knows that there are two " ors " in that sub-clause. I hope the Honourable Member will be more accurate in the drafting of his amendments.

Mr. N. C. Kelkar : I hope everybody understands.

Mr. President : Does the Honourable Member mean, " in sub-clause (*c*), omit the word ' or ' at the end " ?

Mr. N. C. Kelkar : Yes. Sir. Before giving my reasons for this amendment, I would like in the first place to remove an apparent prejudice which is likely to arise from the mere appearance of the amendment as I have put it. The original clause which I wanted to delete read thus :

" No person may be a Director who is not or has not at some time been actively engaged in agriculture, commerce, finance or industry."

The proposed deletion of that clause may to some minds mean that I am against business men, real business men, being employed on the Directorate of the Bank or that experience in this direction is not a *sine qua non* of the knowlege required for doing the business of a Director of that Bank ; but I at once hasten to assure the House that that is far from my intention. On the other hand, I do assert and earnestly assert and expect that only business men should join this Bank as Directors, and not only business men but first-class business men as far as possible. My objection, therefore, is not based on the ground that business men need not go as Directors on the Bank, but my objection is merely directed to the wording of the clause as it is there ; and I shall soon prove in a moment that that clause as it is will not carry us any further in the direction we want to go in securing able business men as Directors of the Bank. In the first place, I would like to point out this, that this clause (*a*) was not originally there, so far as I know, in the original Bill, not at least in that form It is an innovation made by the Joint Committee, and though it is part of the work of the Joint Committee on which I was sitting, I think I did not myself vote for it at the time and therefore I have stuck to my amendment in that form in this Assembly also. My objection to this clause is, in the first place, that it is a sort of hindrance, not a help, for it is admittedly so framed that you may practically make anything out of it or even nothing out of it. I will at once show that the clause can be reduced to a *reductio ad absurdum* by a very little argument. In the first place it will be observed that no point of time is mentioned here in respect of the actual engagement there must be in the case of a member seeking to become a Director of the Bank. Now is it possible that a point of contact with any business concern say 20 years ago should be regarded as sufficient for our present purposes ? The words " is not or has not been " cover all possible periods of time. Supposing a man in his early days were a Director of some small body, why should that suffice as a qualification to be a Director of the Bank at the end of his life when he is ripe and not doing any kind of business ? Then again I should have expected that if you really wanted business men to come as Directors of the bank, you should have by some effort put in a minimum measure of active engagement or point of contact with any particular business or interest. Here, therefore, just as no period of time is mentioned during which that qualification may have been possessed, similarly there is no definite measure or minimum point of contact or

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active engagement mentioned. I can give one or two instances which will at once prove that without this positive statement of some measure of qualification or knowledge of business this clause is going to land us in absurdity. I will take the case of a member of a rural co-operative society with a working capital of Rs. 1,000. I am not saying that a man like that, who is a member of such a small concern, will aspire to stand as a candidate for election. But supposing he chooses to stand, this particular clause will not rid you of him ; that is the point. Ultimately we shall see that we shall have to leave this whole business to the common sense of the people to see whether the nominees possess the required qualification. You are now legislating in definite terms about the disqualification pertaining to a member seeking election for a Director of this Bank, and it is my business to point out that it can be reduced to an absurdity like this that a member of a managing committee of a small rural co-operative bank can stand for election because he is covered by the words " he has been actively engaged in some business, agricultural business ". Then, I will give another instance. There is nothing in this clause that can prevent any agricultural labourer, or industrial labourer from standing as a candidate. Again I repeat that I am not expecting that he will stand as a candidate. But supposing some person chooses to offer himself as a candidate, the clause does not save you ; my real point is that the clause does not really save you. You are here legislating for a particular disqualification and you have put it in such loose terms that you can get nothing out of it. My point is that any agricultural labourer, any industrial labourer, may be a candidate for election as Director of this Bank, because the wording of the clause is " actively engaged in agricultural business ". The same may be said, I suppose, of a small shopkeeper who deals in bidis or bananas. Therefore, the real difficulty about making the assertion or affirming the qualifications required has been avoided and the thing has been negatively put. There the real difficulty arises. This is the negative way of securing the required qualifications. But if a positive statement of the qualifications really does not help you, if you cannot find words suitable enough to express what you mean, then let the attempt be dropped ; let this negative clause also be dropped. I can at once imagine how a crop of litigation is likely to arise under this clause. When it comes to litigation, I would ask my lawyer friends here how difficult it will be to prove the negative in this case because the thing has been negatively put and the scope of the clause, as I have already pointed out, is so very large. You will see, again, that in the rule-making powers of this Bill there is no provision for making rules and making it more definite than it is here. Ultimately, I suppose, in case of litigation the case will have to be decided with reference to the wording of this Bill itself and not with reference to any other rules under this Bill. If you will look at the rule-making section, you will find that it does not provide for any rules in other directions. So, ultimately the case will be decided strictly with reference to the wording of this Bill and this particular clause. Therefore, in that case it will be very difficult to prove the negative.

Now, I will turn to another point, which is briefly this. In any other elections have Government or anybody followed this particular parallel of negativing the nomination on the ground that certain qualifications

have not been possessed by the candidate ? Take the whole scheme of the new Reforms and the new Legislatures. What do we find there ? The business of the elected Member is to take part intelligently in legislation and for that purpose I think he must be taken to be ordinarily acquainted with the constitution, the general working of the constitution, the principles of law, and so on. Now, on the analogy of the present Bill you might as well have stated in the rules governing the elections to the Legislature that no man can offer himself as a candidate for the election to the Legislature unless he possesses some modicum of knowledge of those matters which are mentioned, namely, the principles of law, principles of justice and the principles of administration. He has got to deal here practically with a hundred departments. But what is the qualification laid down ? I think an attempt must have been made and the matter must have been investigated when the election rules were made and the Government must have come to the present conclusion deliberately. It is certainly a very difficult task actually to name certain qualifications which may be taken as essential for the election of a man. Therefore, ultimately what is the result ? What is the real and effective operative qualification for a man to be elected to the Legislature, even the Supreme Legislature ? There is only the rate qualification ; and, if in this case also you devise some electorate based on this rate qualification for at least part of the Directorate, then, of course, we can easily see that the man will be in a position, first of all, to become a member of the electorate and then as a member of the electorate to be a candidate for election to the Board. That is a natural process and it has been followed in the matter of elections to the Central and local Legislative Councils. I say this expressly that if a man in the case of this House pays a land revenue assessment in my province of Rs. 75 or is an income-tax payer, he can come to this Legislature and do the business as a legislator. Now, in the case of such a man what qualifications have you ordinarily assured ? On the other hand, you cannot deny that certain qualifications, though they may not be put down on the paper, are necessarily required and which are assumed to be possessed by the man before he is allowed to be nominated if he is a sensible man or is elected by the Legislature which is generally sensible in these matters. I would also like to mention before this House the municipal and the local board laws. Even there you will find only a rate-paying qualification and nothing else. Now, an illiterate man can come into this Assembly. In fact, an illiterate man did come into this Assembly and sat on these Benches and did his business. Of course, he could not do the real business, as we have had an instance of that. In the last Assembly there was a gentlemen who did not understand a word of English and he was literate in this sense that he could only read speeches in Urdu.

I think my Honourable friend read one speech in Urdu because he did not happen to know English. His want of knowledge of English did not stand in his way of winning the confidence of his electorate. His lack of knowledge of English was not regarded as a disqualification by his electors, so far as the business of voting in this Assembly was concerned. Therefore, I say that neither in municipal laws, nor in laws governing local boards nor in the laws governing elections to the local Councils, nor in the rules governing the election to this supreme legislative body does any regulation exist making it a disqualification not to know how to read and write English. But, I say it is simply absurd that you should insist on this qualification about

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a knowledge of English. If you put in a clause like that, it would amount to putting it in, in a negative form because you failed to put it in in a positive form. It is calculated to create a lot of difficulties in the working of the rules. The first difficulty would be that it would give rise to a crop of litigation and it would be an unnecessary waste of time and energy. Ultimately, I think, the whole matter must be left to the common sense of both the nominee and the elector. Let them settle it among themselves. In the case of election you must not assume certain things. I do not want to assume that the electorate in this case would be so foolish as to stand for election or to elect people when they do not possess these ordinary qualifications that are expected of them. To pass this clause would be casting a slur upon the common sense of the people and I therefore positively object to this clause.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly then re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. N. M. Joshi : (Nominated : Labour Interests) : Sir, I rise to support the amendment moved by my Honourable friend Mr. Kelkar. Sir, I do not know what the object of sub-clause (*d*) of clause 7 is. Whom does that sub-clause intend to exclude. The clause says those who are not actively engaged in agriculture shall be disqualified. Does the clause intend to disqualify absentee landlords of whom there may be many here in this House and there may be a large number outside. But, Sir, I do not think that that is the intention of this sub-clause because I am told that the Government and the leader of the Swaraj Party have come to an agreement by which absentee landlords are going to be the electors of the Directors. I therefore feel that although absentee landlords may not be actively engaged in agriculture it is not the intention of Government to exclude them. Then whom does it exclude ? Does it exclude those landlords who do not drive the plough with their own hands but engage others to cultivate their fields ? Sir, I do not think that either is the intention of Government. But how will they be qualified if you say " actively engaged in agriculture " ? Sir, here again I feel that although it is not the intention of Government to exclude them, perhaps the working of the clause as it is, may exclude them. Then, Sir, are the ordinary labourers in the fields going to be excluded or are they to be considered as actively engaged in agriculture ? If there is any class of people which is actively engaged in agriculture, it is the labourer in the field who is more actively engaged in agriculture than the landlord, either the absentee landlord or the landlord who stays on his field but does not cultivate it. I want to know what is the intention of Government. Whom do they want to exclude by disqualifying those people who are not actively engaged in agriculture ? Are the tenants actively engaged in agriculture ?

A man who cultivates a bigha of land taking it on lease, is he supposed to be actively engaged in agriculture ? Then, Sir, there is the disqualification of a man who is not actively engaged in industry ? Is a

worker who is working in the mills of Bombay to be considered as actively engaged in industry ? Sir, it is difficult to find whether he is to be considered as actively engaged in industry or not. In my view if there is anyone who is more actively engaged in industry, it is the worker in the mills who is actively engaged in industry. But, Sir, from the explanation given it seems to me that it is the intention of the Joint Committee only to qualify those people who are directors of joint stock companies. Sir, if those people who work in the fields as ordinary labourers, if those people who are landlords but do not cultivate their lands, are to be considered as qualified for being Directors of the Reserve Bank, I do not know, Sir, why those people should be disqualified who have not the good fortune of possessing land simply because under the present laws the land is not properly and equitably divided among the citizens of this country. Is it a sin on their part that they do not possess a piece of land, is it a sin on their part that they are not directors of companies ? And moreover, I should like to know, Sir, how does a man become specially qualified to become a Director of the Reserve Bank simply because he possesses a piece of land ? (*The Honourable Sir Basil Blackett* : " He does not."). Simply because—if I may use the actual wording of the sub-clause—simply because he is actively engaged in agriculture or industry, how does he become specially fit to be a Director of the Reserve Bank ?

And how does a man who does not cultivate land or may not be engaged in trade or industry become specially disqualified to become a Director of the Reserve Bank ? Sir, this Bank is not a shareholders' bank. The money which the Bank is going to have for its business is the money belonging to the people of this country. To that amount every man in the country will contribute his mite. If the man who is actively engaged in agriculture will contribute his mite for the money required for the Reserve Bank, if the man who is actively engaged in industry will contribute his mite to the amount necessary for the Reserve Bank, the man who is neither actively engaged in agriculture nor actively engaged in industry also contributes his mite to the amount which the Reserve Bank will have for its business. On what ground, then, does Government disqualify that man ? There may be hundreds of thousands of people who are neither actively engaged in industry nor actively engaged in agriculture, and they may be very well qualified even in the opinion of the Honourable the Finance Member to become Directors of the Reserve Bank if the question is to be decided by merit. Sir, an Honourable Member sitting behind me was very anxious only a few minutes ago that eminent professors from colleges should have at least a chance of being Directors of the Reserve Bank because they many know finance, they may know economics well. Now, Sir, an eminent professor of economics who may have studied finance, who may have studied economics, who may have studied the administration of all the Reserve Banks will be disqualified to become a Director if he is not actively engaged in agriculture, and if he is not actively engaged in industry. Is it right, Sir, that such an eminent professor should be disqualified to become a Director of the Reserve Bank while any one who is engaged in agriculture or in industry, who may be illiterate, who may not know anything whatever, who may not have any public spirit, who may even be dishonest, may become a Director of the Reserve Bank ? What is there to disqualify those who are illiterate, who know nothing of economics, who know nothing

[Mr. N. M. Joshi.]

of finance, who have no public spirit, from becoming Directors of the Reserve Bank, while you are disqualifying those people who may have knowledge, who may have public spirit and who may have contributed very largely to the fund which is going to be used by the Reserve Bank? Sir, I fail to understand the justification for this disqualification. I have been thinking over this matter for a long time and I am trying within my mind to find out what is the reason which led or inspired Government to disqualify people who are engaged neither in agriculture nor in industry. Sir, I claim that at least on some occasions and in some moments of my life I am disinterested ; but, Sir, I am also sometimes inclined to be selfish ; and I asked myself the question : Why should I be disqualified from becoming a Director of the Reserve Bank? It is not my good fortune to possess a piece of land and I am wondering whether I am actively engaged in industry or not. I am at present engaged in the industry of law-making. I do not know, Sir, what judgment a judge before whom my case may go may give—whether I am actively engaged in industry or not.

But, Sir, there are other grounds why I should be considered qualified. I am connected as an office bearer with a trade union, and a trade union is an essential part of an industrial organization. Therefore, am I going to be disqualified or qualified? If the matter goes before a bench of judges, I am quite sure some of them at least will decide in my favour that a trade union is an essential part of the industrial organization ; but, Sir, I do not wish to leave that point in doubt. I therefore think that the amendment proposed by my friend Mr. Kelkar should be passed by this House unanimously, and I hope that at least those parties which stand for the people of this country and which call themselves popular will support this unanimously, and that they will not be tempted or frightened away by the threat that if an amendment like this is passed, the Bill may be in peril. If the Bill is in peril simply because you want to do justice to those people who do not possess land and are not engaged in industry, Sir, you will not be doing anything wrong, but you will certainly be doing justice to them. I hope, Sir, the amendment will be passed.

The Honourable Sir Basil Blackett : Sir, I am sorry to disappoint my friend Mr. Joshi, but I am going to do my best to persuade the House to oppose this amendment. My friend Mr. Joshi, I think, said that he has been spending a good deal of time in trying to understand the meaning of this amendment and that he could not do so. I wish I had known it earlier, because I really think I could have explained to him the exact meaning and object of the amendment. He asked questions about an absentee landlord. The question whether an absentee landlord may be excluded is a question of fact. If the landlord was an absentee and did not actively engage himself in the pursuit of agriculture, he would not be qualified as actively engaged in agriculture. He also stated that a professor of economics will not be qualified. I submit, Sir, that a professor of economics may be an extremely good acquisition to the Bank in the position of a financial adviser, but he will be of little use to the Bank as a Director if he has never taken any active part in business of some sort, and in such a case I think there is some reason for excluding him.

Now, Sir, I think there is some misunderstanding about the whole position. I would first of all point out to the House the position we are in. The House has just rejected an amendment moved by Government to restore a clause that was defeated in the Joint Committee. The House is now being asked by Mr. Kelkar to reject an amendment that was made in the Joint Committee by a majority of the Committee. If the House is going to reject both the Government amendment to restore a clause and the additions made the Joint Committee, we are obviously not getting any nearer the agreement we all wish. Sir, the gynesis of this clause is as follows. When the Joint Committee decided that instead of a shareholders' bank they would have a State Bank, there ceased to be that check on the choice of Directors which the existence of shareholders implied. A shareholder will normally not choose as a director a man who knows nothing whatever about the business of the Bank. In the present case, we have got rid of the direct personal interest of the shareholder in the election of the director. We are substituting a general electorate. Now, I submit that you do want to give some guidance to the general electorate as to the nature of the directors that should be chosen. Mr. Kelkar said that there was no such guidance given to the electors for the Legislative Assembly. That is so, I believe. But in the case of the Council of State there is a very definite qualification necessary before you can be eligible for the Council of State. That is a money qualification and that qualification I did not think myself was entirely suitable for this case. You do not want to say that only people with a certain amount of wealth shall be eligible as directors, but you do want a general indication and guide to the elector as to what sort of director will be suitable. Now, this clause does not go really very far beyond giving that guidance. I do not think that it is open to the objection which Mr. Kelkar raised that it would give rise to litigation. I think he has overlooked the provision for giving powers to Government to make regulations and so on in regard to this matter. But this clause is one which has been taken from several of the existing statutes. The Commonwealth Bank of Australia has been frequently held up as a model to the Government in cases where it suited the views of those who held it up. The Commonwealth Bank provides that the Directorate shall include 6 other persons who are, or have been, actively engaged in agriculture, commerce, finance or industry. The Federal Reserve Board Bank Act of the United States divides the Board of Directors into various clauses, 3 representing the stock-holding banks—that of course is a different proposition—clause (*b*) shall consist of 3 members who at the time of election shall be actively engaged in their district in commerce, agriculture or some other industrial pursuits. You will notice that is a much more definite disqualification. They have to be at the time of their election actively engaged in their district. The Government feel therefore.....

Pandit Madan Mohan Malaviya : That is not a disqualification : it is a positive qualification that they should possess. Here you have provided a disqualification.

The Honourable Sir Basil Blackett : If you say that 3 members must at the time of their election be actively engaged in doing certain things, is it on any way different from saying that at the time of their election

[Sir Basil Blackett.]

none of these 3 members shall not be actively engaged ? There is nothing in the question of positive or negative whatsoever. It is merely the method of the draftsman in expressing the subject. He would not have the least difficulty in expressing it positively and it has exactly the same meaning whichever way it is expressed. Now, that is the position. We have no longer the check on the character of the directorate which is implied in the pecuniary interests of shareholders and the directorate. We want to give some general guidance to the electors as to the sort of director that is required. This clause was agreed to in the Joint Committee and it is admittedly not a clause that has any very wide disqualifying effect. But it certainly has a very definite effect in indicating the nature of the qualifications that ought normally to be required in a Director. I am glad to say that in this matter I have the entire agreement of the Mover of the amendment himself. He said quite definitely that we were all agreed that the people who should become Directors ought to be business men. But his objection was, I think, that this clause did not secure that entirely. I admit that this clause is a very moderate, modest clause ; it does not go very far. But it is, I think, a very important clause and really I think that the House ought to pause and consider whether it is not essential that, if you are going to submit the choice of directors for this Bank to an electorate which is not directly interested in the affair, you must give some guidance and put some check on the nature of their choice and I hope that in these circumstances the Mover will not press this amendment and if he does that the House will not accept it.

Pandit Nilakantha Das (Orissa Division : Non-Muhammadan) : May I ask a question, Sir ? Does industry include labour ?

The Honourable Sir Basil Blackett : Yes, certainly.

Mr. Varahagiri Venkata Jogiah (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, I rise to support this amendment. There is no satisfactory reason given for restricting the Directorate to those actively engaged in agriculture, commerce, finance or industry. Such a restriction does not obtain in any of the rules framed in connection with elections for any other public body. For instance, in the rules framed for election to legislative bodies there is no such restriction ; nor do we find any such restriction in the rules framed for elections to municipal or local boards. No such provision obtains in enactments establishing Central Banks in this country. There is therefore no reason why, in this Bill alone, such a restriction should be particularly introduced. The result of such a restriction will be to keep out men of eminence in public affairs, such as those who are engaged in law, teaching and such like professions. Supposing there are men, as referred to by my friend Mr. Joshi, who make a special study of banking and finance, there is no reason why such men should be excluded from the Directorate. It is admitted that these men will prove to be very good advisers to the Bank, and if it is so, there is no reason why they should not be admitted as qualified to stand for the Directorship. Again, why should absentee landlords and industrialists, who are sleeping partners, be admitted ? There is no reason given why the discretion of the electorate should be restricted like this. When once you constitute an electorate, there is no reason why you should not leave it to the good sense of the consti-

tuency as to who should be their candidate. For these reasons, Sir, I support the amendment of Mr. Kelkar.

Pandit Hirday Nath Kunzru (Agra Division : Non-Muhammadan Rural) : Sir, the Honourable the Finance Member has told us that the self-interest which would have guided the shareholders in a shareholders' bank being absent, we have now to provide some guidance to the electorate who will be required to choose a number of directors in the form of positive rules, and he thinks that it is necessary, therefore, that they should be told that only those men should be chosen who are actively engaged in agriculture, commerce, finance or industry. According to the definition of what active interest in commerce, finance or industry implies, we might have any man who is or has been a director of any company. Now, in the first place we know perfectly well that during the last 20 years, a number of companies have been started in this country, the directorate of which has not been noted for its business qualities. Many men have been appointed as directors who are not known particularly for their grasp of economic principles or for their knowledge of business methods. The companies of which they were directors might have failed on account of inefficiency or mismanagement or even for worse reasons, but so long as no criminal conviction stands against them, they are absolutely free to offer themselves for election to the Directorate of the Reserve Bank. In the second place, there is no guarantee that a man who has not been a director of a company does not possess an adequate knowledge of finance, industry or commerce. We know that in this country there are large private firms which are actively engaged in commerce, finance and industry. Nevertheless, the definition, as drafted here, would summarily exclude such men, although they may be highly qualified to assist in the business which the Directorate of the Bank will be called upon to deal with. (*Some Honourable Members* : " No, no ".) In the third place, it does not seem to me, in spite of what the Honourable the Finance Member has said, that there is any good reason why a man with a sound grasp of economic principles should be excluded. Such a man may be an elector for his salary may be more than Rs. 10,000 a year, and yet he will be debarred from offering himself for election to the Directorate. Take a man like Professor Coyajee. I am sure there is no one in this House... (*Sir Bomanji Dalal* : " Why not you " ?) I am much too modest to mention my name. I am partial to Honourable Members opposite and they may be perfectly certain that I am not likely to trench upon their preserves. Take a man like Professor Coyajee. I am sure nobody in this House will deny that he is possessed of an excellent grasp of economic principles. I am sure that Honourable Members on the other side at least will not dispute that. Yet, if this provision is accepted by the House, such a man who has been regarded as competent to advise on the constitution of the Bank will be prevented from serving on the Directorate and giving the benefit of his wide knowledge to his colleagues, who, whatever their competence might be in other respects, may not be as well grounded in theory....

Mr. V. K. Aravamudha Ayangar : Professor Coyajee is already disqualified because he is a Government servant.

Pandit Hirday Nath Kunzru : I know that. I was merely taking him as an example. I may take another example of another gentleman who happens to be a Government servant. Take the Honourable Sir

[Pandit Hirday Nath Kunzru.]

Basil Blackett himself. I wonder if he has ever been a director of a company.

The Honourable Sir Basil Blackett : Yes, I have.

Pandit Hirday Nath Kunzru : It is his particular good fortune that he has been a director.

Mr. C. Duraiswamy Aiyangar : Take the Law Member.

Pandit Hirday Nath Kunzru : But it is possible that a man with that wide and sound knowledge, if I may say so, of economics that the Honourable the Finance Member possesses may not have had the good fortune of being a director of a company. Is there any reason why we should not have the benefit of his knowledge on the Directorate ? An Honourable Member suggests one or two other names. I need not mention them, for it is not my business here to canvas for any particular individual. All that I want to do is to establish a particular principle. Now, this provision, as I have pointed out, does not exclude undesirable persons. On the other hand it excludes desirable persons inasmuch as it prevents members of private firms and persons having an exceedingly good general knowledge of economics, particularly of currency and banking and possessing wide and deep familiarity with the money market, from being elected to the Directorate. I submit for these reasons that the House should accept the amendment placed before us by my Honourable friend, Mr. Kelkar.

Pandit Thakur Das Bhargava (Ambala Division : Non-Muhammadan) : Sir, in this clause we find some negative definition and some negative qualifications of what a director ought not to be. It is rather difficult to find any common formula sufficient to indicate as to what are the desirable qualities of a director. Among ordinary disqualifications, Sir, you will find that a previous convict, a *badmash,* an insolvent or a public servant dismissed for some heinous offence are generally the persons who are disqualified from being a director. With regard to the particular case before you, may I give an illustration, Sir. Supposing a director of some agricultural institute is dismissed for criminal breach of trust. What would happen to him ? Would that be taken to be a necessary disqualification or not ? My humble submission is that he will be taken to have been actively engaged at some time or other of his life in agriculture, etc., and though according to ordinary principles such a man is one of the most undesirable persons who ought to be directors, this disqualification by itself, I submit will not stand in his way. Again, Sir, an ordinary cultivator, a petty village shopkeeper, and illiterate and ignorant person, an ironsmith or carpenter, a tailor, an insolvent, possibly an idiot or perhaps a person not in his own senses is not debarred from being a director (*An Honourable Member* : "Will he be elected "?), but who are the persons who are debarred from being directors ? Lawyers, professors of economy (laughter) and all men, if the interpretation of the Honourable the Finance Member is going to be accepted, possessing no other qualifications except those of a director. Lawyers and professors will be rigorously excluded—those persons who by virtue of their position in life, breadth of vision, knowledge of affairs of banking institutions are the best fitted to be on the Directorate of the Bank. Now, Sir, the question arises as to the exact significance of the words "at some time". I will illustrate my point. Take the example of

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a person who is a student in a college while he is 17 or 18 years of age ; he goes to his house in the vacations and is actively engaged with his parents in agriculture. After that he qualifies himself at the Bar and practises for 25 years and then wants to be a director. What would happen to him ? I contend that he will be quite fit so far as this qualification embodied in this clause goes. Similarly take the case of a member of a joint Hindu trading family ? Will it be said of him that he has not been engaged in any agriculture, commerce, trade, etc. ? Then, Sir, all those qualities which go to make a good director have not been indicated. I can quite see the significance of the remarks of the Honourable the Finance Member when he says that this clause is in the nature of a guidance. I have understood this clause as a sort of ban on particular people. Even by way of guidance I would rather leave this question to the particular candidate who wants to be elected : it will be his duty to educate his electors ; but in a Statute I have never seen that rules of guidance or the qualifications of candidates are sought to be told to the people who have to elect the candidates. Before we put on the Statute Book a disqualification of this sort, my humble submission is that we ought to be quite clear in our minds as to what the words convey, whether the words convey the particular meaning which are sought to be put on them. As I understand the words, Sir, it is clear to me that they mean absolutely nothing, or they may have a meaning which is not present to-day to the minds of the legislators sitting here. I would submit that they do not define the length of time during which a person standing as a candidate is to be engaged in agriculture, etc. Suppose, Sir, a person who wishes to go on the Directorate of this Bank gets himself nominated, and as soon as he is nominated he takes to business or to agriculture, my humble submission is, so far as the provision goes, he will be perfectly within his rights to be brought on the Directorate of this Bank, because it is some time that he has been actively engaged in agriculture or trade. Moreover, why take the case of an absentee landlord ? Take the case of any landlord. I contend that it can be predicted of every landlord that he is not actively engaged in agriculture, so that all these electors who are qualified to elect go away. It is an ordinary principle that those persons who elect, namely, the voters, can become candidates. If the suggestion of the Swaraj Party, namely, that any person who has got an income of so much, is accepted by the House, it would come to this that any person who pays an income-tax on an income of more than Rs. 10,000 will be an elector. I beg to ask, Sir, why this disqualification should be attached to him. If he is a good voter, why should he not be a good candidate even supposing he is not actively engaged in agriculture, but he has got villages ? We cannot at this stage know what the exact interpretation of the words " actively engaged " will be. Apart from that, Sir, I would submit that the word " industry " is a word which is too vague and illusory. What is industry, as my Honourable friend Mr. Joshi put it ? Is it not the industry of law-making in which the Legislature is indulging ? Every industry, unless it is defined, would come under this definition. My humble submission is that even if what the Honourable the Finance Member has in mind is to be brought about, it will never be brought about by a provision like this, so that this provision is condemned on the principle that no such disqualification should attach to any director, and secondly, from this point of view that even if it goes on the Statute-book it will not achieve the object which it seeks to encompass.

Mr. B. Das : I move that the question may now be put.

(Several other Honourable Members also moved that the question be put.)

Mr. President : The question is that the question be now put.

The motion was adopted.

Mr. President : The question is :

"That in clause 7—

(*a*) In sub-clause (*c*), omit the word 'or' at the end ;

(*b*) Omit sub-clause (*d*) and the Explanation."

The Assembly divided :

AYES—29.

Aiyangar, Mr. C. Duraiswamy.	Kelkar, Mr. N. C.
Aney, Mr. M. S.	Kunzru, Pandit Hirday Nath.
Ayyangar, Mr. K. V. Rangaswami.	Lajpat Rai, Lala.
Ayyangar, Mr. M. S. Sesha.	Mehta, Mr. Jamnadas M.
Belvi, Mr. D. V.	Misra, Mr. Dwarka Prasad.
Bhargava, Pandit Thakur Das.	Mitra, Mr. Satyendra Chandra.
Chunder, Mr. Nirmal Chunder.	Moonje, Dr. B. S.
Das, Mr. B.	Naidu, Mr. B. P.
Das, Pandit Nilakantha.	Neogy, Mr. K. C.
Dutt, Mr. Amar Nath.	Phookun, Srijut Tarun Ram.
Dutta, Mr. Srish Chandra.	Sarda, Rai Sahib Harbilas.
Iswar Saran, Munshi.	Singh, Kunar Ranan jaya.
Jamnadass, Seth.	Sinha, Mr. Siddheswar.
Jogiah, Mr Varahagiri Venkata.	Tok Kyi, U.
Joshi, Mr. N. M.	

NOES—57.

Abdul Haye, Mr.	Irving, Mr. Miles.
Abdul Matin Chaudhury, Maulvi.	Jowahir Singh, Sardar Bahadur Sardar.
Abdul Qaiyum, Nawab Sir Sahibzada.	Kabul Singh Bahadur, Captain.
Abdullah Haji Kasim, Khan Bahadur Haji.	Keane, Mr. M.
Ahmad, Khan Bahadur Nasir-ud-din.	Kikabhai Premchand, Mr.
Alexander, Mr. William.	Kirk, Mr. R. T. F.
Anwar-ul-Azim, Mr.	Lamb, Mr. W. S.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.	Moore, Mr. Arthur.
Ayangar, Mr. V. K. Aravamudha.	Muhammad Nawaz Khan, Lieut. Sardar.
Ayyangar, Rao Bahadur Narasimha Gopalaswami.	Mukherjee, Mr. S. C.
Bajpai, Mr. G. S.	Murray, Sir Alexander.
Blackett, The Honourable Sir Basil.	Parsons, Mr. A. A. L.
Bray, Sir Denys.	Rahimtulla, Mr. Fazal Ibrahim.
Coatman, Mr. J.	Rainy, The Honourable Sir George.
Cocke, Mr. H. G.	Rajah, Rao Bahadur M. C.
Cosgrave, Mr. W. A.	Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Courtenay, Mr. R. H.	Rao, Mr. G. Sarvotham.
Crawford, Colonel J. D.	Roy, Mr. K. C.
Crerar, The Honourable Mr. J.	Ruthnaswamy, Mr. M.
Crofton, Mr. R. M.	Sams, Mr. H. A.
Dalal, Mr. A. R.	Shah Nawaz, Mian Mohammad.
Dalal, Sardar Sir Bomanji.	Singh, Rai Bahadur S. N.
Donovan, Mr. J. T.	Suhrawardy, Dr. A.
Dumett, Mr. J. M.	Sykes, Mr. E. F.
Ghazanfar Ali Khan, Raja.	Tonkinson, Mr. H.
Ghuznavi, Mr. A. H.	Wright, Mr. W. T. M.
Haigh, Mr. P. B.	Yakub, Maulvi Muhammad.
Hussain Shah, Sayyed.	Yamin Khan, Mr. Muhammad.
	Young, Mr. G. M.

The motion was negatived.

Mr. President : Does any Honourable Member wish to move amendments to clause 7 ?

Mr. Vidya Sagar Pandya : Sir, I beg to move :

" That after clause 7 of the Bill insert a new clause 7A as under :

' 7A. The Governor, the Deputy Governor or a Director.....' ".

Mr. President : Order, order. We have not yet appointed Governors and Deputy Governors. The Honourable Member is not in order in moving his amendment at this stage. We must first appoint Governors and Deputy Governors before we can talk of their resignations. Does the Honourable Member wish to move his amendment which stands as No. 32 in the agenda ?

Mr. Vidya Sagar Pandya : No, Sir.

Mr. President : The question is :

" That clause 7 do stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Mr. President : Clause 8.

(Both Mr. Vidya Sagar Pandya and Mr. Joshi stood up to move their respective amendments.)

Mr. President : If any Honourable Member has an amendment which is next in order, is not present or does not rise to move it at the appropriate time, he will lose his chance

The Honourable Sir Basil Blackett : I was out in the interests of expedition of business.

Sir, I beg to move :

" That in clause 8 in clause (*a*) of sub-clause (*1*), the words ' of whom one shall be an Indian and ' "

be omitted.

Mr. Vidya Sagar Pandya : According to the list, Sir, I must be first allowed to move my amendment.

Mr. President : The list is not necessarily the guide. The Chair has to see which amendment fits in where. The Honourable Member is not entitled to priority because his amendment is entered first in the list or because he has given prior notice.

The Honourable Sir Basil Blackett : Sir, there are some difficulties in dealing with this clause. Clause 8 (*1*) is one of those clauses which it is difficult to deal with under separate heads. If therefore I deal with my amendment solely in reference to clause (*a*), I hope you will excuse me if I stray a little bit beyond that clause in my explanation of its purpose. The purpose of my amendment is to omit the words " of whom one shall be an Indian and " which were inserted in the Joint Committee. Sir, I yield to no one in my desire to see the Reserve Bank a Bank Indian in character. I think I have given proof of my desire that it should be Indian in character in what I said in regard to being perfectly willing to see a majority of elected Indians on the Board and indeed in the whole of my dealings in this matter. But I do very strongly deprecate the introduction of racial or communal questions and, in particular, racial or communal clauses into a Bill of this sort. I do not think that it is desirable

[Sir Basil Blackett.]

that at the very outset of this Bank we should restrict the choice of the Governor and the Deputy Governor on racial lines. I submit that it is not even fair to the Indian who, if this clause were carried and the Bill became an Act, would be chosen as Deputy Governor. Everybody would say—they could not help saying—that he had been chosen not necessarily because he was the best available Deputy Governor for the Bank, but because he was an Indian. His position in relation to the Governor, if the Governor were a European and he were an Indian, would not be what it ought to be. If you leave it to the free choice of the Government in the first instance, and the Government on the recommendation of the Board thereafter, to decide who is the best man to be chosen as Governor or Deputy Governor, then that it will not be long before Governors and Deputy Governors of the Reserve Bank are normally Indians is a belief that I am perfectly willing to admit that I hold ; but I do not think it is desirable, in the first instance, to tie down the choice without reference to the efficient working of an institution which is admittedly going to be a very difficult thing to start,—to tie the hands of those who have to be responsible for the work of that Bank in the racial characteristics of the Governor or Deputy Governor whom they are to choose. I do hope that the House will recognise that on this point the Government have gone a very long way already in the matter of admitting the desirability of assisting in the creation of a Bank that shall be Indian in domicile, character and outlook, and will leave the matter at that and not attempt to introduce a racial distinction into the working of this clause. Sir, I move.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : Sir, I oppose this amendment. It is not because we are communal in outlook or sectional in our views that I do so, but long years of experience have convinced us that unless an Indian is definitely provided for in the Statute, there is no possibility for years and years to come of an Indian being appointed either as Governor or Deputy Governor. In the first instance we have no Reserve Bank in India and therefore no qualified man in the technical sense will exist ; and unless some one is appointed now, nobody will ever be qualified in future ; and whenever the question crops up the plea will be advanced that Government are looking far and wide, but are disappointed that no competent Indian is available ; and this painful process will go on as it has gone on in the case of the Railway Board, and many other cases that may be mentioned. Sir, there is no provision in the Government of India Act that the Governors of Provinces shall be only Europeans ; but except in one unfortunate experiment or exception—whatever you may call it—not a single Indian has ever been appointed Governor of a province, although we have 9 provinces, and this is the seventh year since the Government of India Act has been in force. The *bona fides* of the Government have been tested over and over again and they have always proved wanting.

Then, again, it is not peculiar to this country only that we want the Directors to be Indians ; the Finance Member maintains that in such a measure there should be no racial question. Sir, I said the other day that in some countries statutory provision is made that only those who are nationals of those countries shall be directors of Reserve Banks, and I quoted the case of Germany where it was laid down by law that all the Directors must be German nationals. My Honourable friend Sir Alexander

Murray challenged my statement and proceeded to correct me ; the Finance Member supported him stating that I was referring to the old constitution and everybody else thought I had made a mistake. Since then, Sir, I have referred to the authorities and I find that these distinguished financiers and infallible authorities are utterly wrong. In Germany the directors must be all German nationals. The very book which Sir Basil Blackett threw at my face the other day showed that all the directors and the Chairman must be German nationals.

Sir Alexander Murray : Of what ?

Mr. Jamnadas M. Mehta : Of this Bank ; of the German Central Bank.

Sir Victor Sassoon : The managing committee or the governing bodies ?

Mr. Jamnadas M. Mehta : I am coming to the distinction which was not present to the minds of those gentlemen the other day. I have now their own authority in my hands, and, Sir, this is what it says. Since the Dawes Settlement this Board of Directors must be all German nationals. There is no question about it ; they are appointed with the approval of the President and of the General Council and it is on this General Council—not the Board of Directors which is elected by the shareholders—that there must be 7 Germans and 7 must be foreigners, one from each country which participates under the Dawes Settlement. But not one of these 7 foreigners are directors. I got this authority for my friend, Sir Alexander Murray ; the Associated Press was in a hurry to wire all over the country that Mr. Jamnadas Mehta was corrected. I hope it will now have the fairness to wire that the Finance Member was corrected and that Sir Alexander Murray was corrected and that all the gentlemen who came down upon me were all corrected. Sir, in the face of the fact now established why should the Finance Member object to Indians being statutorily provided for ? The Dawes Scheme is like the appointment of a receiver for Germany. The General Council is a council of receivers for insolvent Germany. But even in insolvent Germany on its National Bank the Chairman and all the directors must be German nationals. I hope we are not going to be treated even worse than Germany ; and yet the Finance Member has the hardihood to oppose this simple provision that one at least of the Governor or Deputy Governor should be an Indian. It is desirable that both should be Indians ; but if you cannot have both, I do not see any harm in providing that one at least shall be an Indian, and I hope that this House will see that this amendment is not carried and that the original proposition remains.

***Mr. H. G. Cocke** : Sir, with your permission, I want to move an amendment to this amendment, to the effect that in clause (*a*) of sub-clause (*1*) of clause 8, for the words " a Deputy Governor of whom one shall be an Indian ", the words " two Deputy Governors ", and in the proviso to the same clause for the words " Deputy Governor ", the words " Deputy Governors " be substituted.

Mr. President : Honourable Members desiring to move important amendment to an amendment must give intimation to the Chair of their intention and supply a copy of it to the Chair in time. It is not fair to

* Speech not corrected by the Honourable Member.

[Mr. President.]

the Chair that an Honourable Member should rise from his seat and read his amendment without any notice whatsoever.

(The amendment was then handed to the Chair.)

Mr. R. K. Shanmukham Chetty : Sir, will you kindly read out the amendment so that we may know what it is.

Mr. President : The amendment is that in clause (*a*) of sub-clause (*1*) of clause 8, for the words ' a Deputy Governor of whom one shall be an Indian ', the words ' two Deputy Governors ', and in the proviso to the same clause for the words " Deputy Governor ", the words " Deputy Governors " be substituted.

Sir Hari Singh Gour : Does the Honourable Member mean to cut out the words " of whom one shall be an Indian ".

An Honourable Member : Yes.

Mr. H. G. Cocke : Sir, I desire to move this amendment, because it may meet the wishes of the other side of the House, and in moving it I want to ask Government if they can give an assurance that one of these three, the Governor or the Deputy Governors, shall be an Indian.

Mr. R. K. Shanmukham Chetty : Sir, I oppose both the amendment moved by the Honourable the Finance Member and the one moved by Mr. Cocke. The Honourable the Finance Member said that he was against introducing any racial discrimination in a Bill of this character. I entirely agree with him that it is a great pity that racial discrimination should be introduced into the Statute-book. But, it is the unfortunate position in which this country is placed that drives us to this necessity that we must statutorily provide for what we are entitled to by right. Sir, we are not by making this proviso, perpetuating any racial discrimination, but we want by this proviso to ensure that no racial discrimination shall be observed by Government in this matter. This proviso, I maintain, is a protest against the racial discrimination that is being practised by this Government. My Honourable friend Mr. Jamnadas Mehta drew the attention of the House to the sad experience that we have had in the matter of our claim for the appointment of an Indian to the Railway Board ; and though, if not promises, at least hopes, have been held out to us on the floor of this House from time to time, those hopes and promises yet remain to be fulfilled. And, Sir, what is the argument that is advanced every time when we ask that an Indian should be appointed to the Railway Board ? The Indian to be qualified to sit on the Railway Board must necessarily pass through a certain amount of technical training which must necessarily take time. Now, I ask, Sir, if at least the Deputy Governor in the first instance is not to be an Indian, what opportunity is there for an Indian to qualify himself for this post at all? Are we to go to some other country and become Deputy Governors of the Central Bank there and thereby qualify ourselves ? Certainly not. In the speech that I made on the motion for consideration, I drew the attention of the House to the fact that if the first Deputy Governor is not an Indian, then at least for ten or fifteen years to come we cannot have an Indian either as a Governor or as a Deputy Governor. Though technically it might be provided that the period of office of the Governor and Deputy Governor

is only 5 years, yet I believe there will be continuity in the tenure of this office. The Governor that would be appointed in the first instance would not be asked to go about his business at the end of the 5-year period. He would certainly remain for some considerable time, we will say for 10 years. The Governor of the Bank who has already been brought to this country in anticipation of the passing of this measure is, I believe, a young man who will remain in this country as Governor of the Central Bank for at least 10 years, if not more ; and when he retires what happens ? The Deputy Governor would naturally be promoted, and if the Deputy Governor also happens to be an Englishman then, for another 10 or 12 years thereafter the next Governor will be an Englishman. Sir, I am sure we might be excused if we protest against the perpetuation of this sort of system. My Honourable friend, Mr. Cocke, brings forward an amendment that there might be two Deputy Governors and even then he is not prepared to make a statutory provision that one of these two Deputy Governors shall be an Indian. But what is the hope that he gives us ? He says that Government might probably give a promise on the floor of this House that one of these two Deputy Governors would be an Indian. Well, Sir, if Government is prepared to make a declaration on the floor of this House in advance that one of the two Deputy Governors shall be an Indian, I cannot understand why they ought not to have a statutory provision of this nature, and why the Government should not find the best Indian available for this purpose without having two Deputy Governors. I do hope, Sir, that, as a result of the sad experience this House has had in matters of this kind, they will unanimously oppose the amendments moved by the Honourable the Finance Member and Mr. Cocke.

Sir Hari Singh Gour : Sir, the Honourable the Finance Member has deprecated the introduction of racial distinctions in a Bill of the Legislative Assembly. May I remind him of the provisions of the Government of India Act ? What does it say as regards the High Court, the Executive Council and in various other clauses there ? Are there not racial distinctions there ? How is the Finance Member justified then in what he says ? And as my Honourable friend Mr. Jayakar reminds me, take the case of the I. M. S. this morning. Now, Sir, we deprecate the introduction of racial distinctions into Indian Statutes. But unfortunately the Government have led the way, and if they will purge the Statutes of these racial distinctions which are as galling to this side of the House as to the Honourable the Finance Member, we shall then certainly follow suit and eliminate from the present Bill the racial distinctions which have been recommended by the Joint Committee. The Honourable the Finance Member gives us an assurance. We take that assurance, but the Honourable the Finance Member remembers that he wanted to weigh the scales in favour of an Indian in the next appointment that was made to a membership of the Railway Board. And how often have we not reminded him of that undertaking—at any rate an understanding—and how often have we not been told that there is no such man forthcoming ? I am perfectly certain that the Leader of the future House will get up and say that the assurance stands good, but no Indian competent to discharge the onerous duties of Deputy Governor is available in this country. And what reply shall we then give ? We shall have thrown away the advantage which we have now got of placing our views on the Statute-book. I therefore, think, Sir, that we shall be well advised in voting with the Joint Committee for the retention of this clause. As regards the Honourable Mr. Cocke's

[Sir Hari Singh Gour.]

amendment, I have no doubt that it is inspired by good feeling because he wants that out of two Deputy Governors one should be an Indian. But it is not made clear to me why there should be now two Deputies when the Bill provides only for one. Has he considered the cost ?

There again the matter is left to the tacit understanding and assurance which the Honourable the Finance Member has given in the existing clause as it stands, namely, that out of two Governors, one principal Governor and one Deputy Governor, one shall be an Indian. Therefore, I submit that the amendment of the Honourable Mr. Cocke is even worse than the amendment moved from the Treasury Benches. We therefore, Sir, oppose both these amendments.

The Honourable Sir Basil Blackett : Sir, I desire to speak in regard to the amendment moved by the Honourable Mr. Cocke. As the House knows, this is one of the questions on which it is absolutely necessary that the two sides of the House should come to an agreement, if we are to get this Bill in a form we all want. I have already explained that in the opinion of the Government it is most undesirable and objectionable that a Statute of this nature should contain clauses of a racial or communal character.....

Mr. President : Order, order. The Honourable Member must confine himself to the amendment moved by Mr. Cocke.

The Honourable Sir Basil Blackett : That was exactly the reason why I was making the statement. Mr. Cocke's amendment excludes any such racial or communal clause. His amendment is that there should be two Deputy Governors. Now, there are quite important arguments for having two Deputy Governors instead of one in this Bank. It is a matter that has been considered on merits for some time, and I am not sure that on balance, if the Bill had been originally introduced with two Deputy Governors instead of one, I should not have favoured that amendment for its own sake. But this amendment has one further very definite advantage. It offers what I hope every Member of this House will recognise as a sincere effort on the part of the Government to find a way through a difficulty so that we may, instead of being up against a blank wall on each side, be able to walk together quite comfortably in the green meadow beyond. I am perfectly prepared on behalf of the Government to give an undertaking that one out of the first three members appointed Governor or Deputy Governors, supposing there are two Deputy Governors, that is, either the first Governor or one of the first two Deputy Governors, shall be an Indian. I am authorised to make that declaration on behalf of Government. With that declaration I am sure Honourable Members will see that Mr. Chetty's point is completely met—that the question of the succession to the position of Governor is met. Beyond that Government are not prepared to go. They are not prepared to put into this Bill a clause requiring that one member of the Board shall be of a particular race or of a particular religion. They are prepared to agree to this proposal on the understanding that it is a compromise that will meet all that is really asked for on the other side, and will at the same time make for increased efficiency in the Bank. I do hope and I do appeal very earnestly to this House to accept this olive branch and to agree to the amendment as proposed by Mr. Cocke.

If we are really in a spirit of compromise, and I am sure that I have done my best on behalf of Government to show that we are in a spirit of compromise, here is an opportunity to show it. Instead of developing a debate which cannot be altogether pleasant—it never is when we get debating on this question of race—instead of developing such a debate, I do appeal to the leaders of the various parties who have done so much to assist in arriving at an amicable solution of our difficulties—to Mr. Jinnah, in particular, to whose assistance in the matter I desire to pay a special tribute. It is, I think, very largely due to his initiative that His Excellency the Viceroy called a conference and that, instead of being in the position of quarrelling, we are now in the position of trying to find an amicable solution for all our difficulties. To Pandit Malaviyaji I appeal to come in and accept this olive branch. I have already had the very happy experience of the willingness of Mr. Srinivasa Iyengar (Laughter) to assist in putting this Bill on the Statute-book, and if Honourable Members are going to jeer because other Honourable Members are trying to do their best for India in this matter, I am sure they are making a mistake. I make this appeal in the confident hope that the fruit of our hard work is not going to be thrown away in this matter.

Sir Hari Singh Gour : May I ask the Honourable the Finance Member.....

Mr. President : Order, order. The amendment proposed by Mr. Cocke is, he says, an amendment to the amendment moved by the Honourable Sir Basil Blackett. I do not think it is an amendment to the amendment, but it is a substantive amendment. I will therefore consider it as such, and ask Government, if they support Mr. Cocke's amendment, to withdraw their own amendment.

The Honourable Sir Basil Blackett : Yes, Sir, I withdraw my amendment.

Mr. President : Is it the pleasure of the House that leave be given to the Honourable Sir Basil Blackett to withdraw his amendment ?

As no one objects, the amendment is, by leave, withdrawn.

Sir Hari Singh Gour : May I ask the Honourable the Finance Member one question ? The Honourable the Finance Member says that he will give an undertaking on behalf of the Government that in the first appointments either the Governor or the Deputy Governor will be an Indian. May we beg to know what will become of the later appointments ?

The Honourable Sir Basil Blackett : May I answer ? The position is, after the first appointment, the appointments are made by the Government after considering the recommendations of the Board. The majority of this Board will, according to the concordat on which we are approaching an agreement, consist of elected Indians. It will be in the competence of the Board to recommend. I admit at once that that does not bind the Government to accept, but at the same time, if one of the first three is an Indian, and if the Board is Indian in majority, while I cannot bind the Government or the Board after 5 or 10 years with a promise in this matter, I do not think that Sir Hari Singh Gour need be of such little faith as to doubt that the question will before long be, not

[Sir Basil Blackett.]

whether one of the three is to be an Indian, but whether any of them is to be anything but Indian.

Munshi Iswar Saran (Lucknow Division : Non-Muhammadan Rural) : After the appeal of the Honourable Sir Basil Blackett addressed to the leaders of the various parties, I should feel very sorry to make any submissions which would stand in the way of the Finance Member and these distinguished gentlemen coming to an understanding. But I must confess that even after the undertaking given by the Honourable Sir Basil Blackett my doubt remains unremoved. I shall put before him for his consideration a hypothetical case. Now, suppose that a Governor and two Deputy Governors are appointed to-day, one of whom is an Indian. Let us further suppose that for some reason that the Indian Deputy Governor or Indian Governor has to resign or has to sever his connection with the Bank. What will happen then ? Are we to understand that Government then will be free to appoint in his place a non-Indian, or are we to understand that the undertaking given by the Honourable the Finance Member on behalf of Government will hold good ? That point, I must confess, Sir, presents to my limited understanding a very serious difficulty. Sir Basil Blackett has very rightly said that Sir Hari Singh Gour should have faith in the undertaking given by Government and that we ought to hope that in future the appointment will be made in the spirit of the undertaking given. Sir, I beg to assure the House that it is a great pain to have to say this, but we must honestly and unhesitatingly say that many of our hopes in the past have been blasted ; and if the past is any guide to the future, then I must confess there is no room for much hope. When I listened the other day to the debate on the Indian Sandhurst Committee, I thought to myself, especially after one particular speech, that we Indians had not the capacity for holding King's commissions. Are we to understand now that Government cannot make up their mind as regards our capacity for filling up at least one of these two posts ? I therefore feel, Sir,—speaking for myself, without having received any mandate from anybody and without having had any consultation with anyone—my own feeling is that we shall betray our cause if we do not insist on the incorporation in the Act of the provision contained in the Report of the Joint Committee, or failing that, we do not insist on an undertaking being given in clear language by Sir Basil Blackett on behalf of the Government of India that in future out of the appointments to the Governorship and to the two Deputy Governorships, at least one must go to an Indian. (*An Honourable Member* : " We do not want two.) " There is one observation which I shall with your permission make for the consideration of this House. We find that according to the Report of the Joint Committee there shall be one Governor and one Deputy Governor. Now in order that one Indian should find a place in this body, the number is being increased to two. I do not know, but I venture to think that the salary which these gentlemen will get will be rather large. Why is it necessary, I ask, that this additional burden should be imposed on the tax-payer ? I submit that you have to make up your mind once for all. Take away these words " of whom one shall be an Indian ", but give us an undertaking here and now, in clear and unambiguous language, that one of the two will always be an Indian ; and as far as I am concerned, I shall

be perfectly satisfied. But without such an undertaking, I personally do not find myself in agreement with the view of Sir Basil Blackett.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : Sir, I have not taken any part in the progress of this Bill so far, but the few remarks that fell from the Leader of the House compel me to say a few words. As I understand Sir Basil Blackett, what he conveys to the House is this, that the Government give an undertaking not a hope, or even a promise, but an undertaking—there is a distinction between these words (*An Honourable Member* : " A distinction without a difference ") on the floor of this House that, if you agree to the amendment of my Honourable friend, Mr. Cocke that there shall be one Governor and two Deputy Governors, then one of them first appointed shall be an Indian. If you look at the Bill, Sir, you will find that the first appointment is to be for five years. After that clause 8, sub-clause (*2*) says this :

" Before appointing any Governor or Deputy Governor other than the first, the Governor General in Council shall consider any recommendation made by the Board in that behalf."

Now, my Honourable friend on my right who spoke last is rather puzzled as to what will happen when the first appointment is made and then one of the Deputy Governors, who is an Indian according to the undertaking given, resigns or dies. Surely the Government are bound by their undertaking that, if they have to substitute any one who happens to die or resign, it must be an Indian. If there is any doubt on this point, the Leader of the House ought to make it clear that the first appointed shall be an Indian and, in case of death or resignation or otherwise, the substitute shall be an Indian. Then, as to the next part, after the period of 5 years, the Governor General in Council will be guided by the recommendation of the Board. I entirely agree with the Leader of the House.

Mr. D. V. Belvi : He may be guided.

Mr. M. A. Jinnah : He may be guided by the recommendation ; certainly it is not binding on him. If you have a majority of Indians on the Board, I cannot conceive why my countrymen should go out of their way to recommend anybody else than an Indian, unless they fail to get a competent man. But even if they go wrong, it is not binding on the Governor General and he may, after having given due consideration to the question, appoint an Indian. Therefore, it seems to me, Sir, that once we get an undertaking in the clearest language from the Leader of the House, one Indian will be appointed first and there is every likelihood that later on one Indian will be there.

Mr. S. Srinivasa Iyengar (Madras City : Non-Muhammadan Urban) : Mr. President, I regret I cannot agree with the speech made either by the Honourable Mr. Cocke or by the Honourable the Finance Member. If really it is a racial question, then I can understand that there may be some force in the argument. But when we claim that the word " Indian " should be inserted and there should not be two Deputy Governors, the point of view for which we on this side stand is that we are trying to nationalise Indian institutions, nationalise legislation, nationalise every sort of Government. Therefore, there is no necessity, especially for anyone on the other side of the House to feel uncomfortable that they or we are introducing any racial distinctions. It is, on the other hand, the Honourable Mr. Cocke's amendment that introduces a racial

[Mr. S. Srinivasa Iyengar.]

distinction not expressly but by necessary implication. When the Honourable the Finance Member says he gives an undertaking that one shall be an Indian, it goes without saying that the other will not be an Indian in the majority of cases, and the opportunity for this Indian Deputy Governor becoming a Governor is retarded very very considerably, whereas there is every chance, if the Deputy Governor is to be an Indian by reason of statutory obligation, of his becoming, after some experience, a Governor of the Bank, and we should like to have an Indian as the Governor of the Indian Reserve Bank. I am sure that ought to please the Finance Member more than myself. We must remember that unfortunately the Indian General Clauses Act does not enact, as I would very much like it to enact, that every person means every Indian national. If that expression had been as it should in the Indian General Clauses Act, then there would not have been the slightest difficulty whatever in removing all these references to Indians in all enactments. But, as things stand at present, it is impossible for us to be content with any undertaking on behalf of the Government. This does not necessarily mean that there is any suspicion or distrust, though suspicion and distrust have been naturally engendered in the past, and there is an enormous amount of justification for it, and suspicion and distrust are likely to be engendered in the future also, with plenty of justification. But my idea is that we should insist on the reference to "Indian" as a question of principle. When you inaugurate a Bank of this important description, it should be a point of principle that either the Governor or the Deputy Governor should be an Indian. If it is the Honourable the Finance Member's happy experience to have had my assistance which, I am afraid, it may not have been my good fortune to have, then my assistance to Government will be as rare as possible. On this side I should like to add one word of congratulation which will be given only when the Government openly acknowledge that there is nothing wrong in principle in having the word "Indian" in the Statute-book. There is nothing wrong whatever in our efforts to nationalise our institutions. It is a very sound effort which is free from the remotest racial bias. In these matters it is a question of business with Indians. They want their institutions to be controlled by themselves. They want to secure their interests and they do not want the trusteeship of others. They do not want that the officers of Government should in the future be put in the awkward predicament of being pressed by the European and Indian communities. The Government ought to be thankful for being relieved from the obligation of having to choose among rival applications from the two communities. They ought to welcome a statutory provision of this description which will relieve them from all anxieties of this nature. Then, Sir, the appointment of two Deputy Governors will be far more expensive than we can afford. The Deputy Governors will not be gratuitous officers. I suppose they are going to be paid fairly well. Therefore, I consider that we are perfectly justified in opposing this amendment of the Honourable Mr. Cocke. I can assure the Members on the other side that in our legitimate aspirations to nationalise the institutions, we should like to have their support, and that they should not in season and out of season bring up the question of racialism to weaken our opposition. I hope that on this side no Indian Member will ever

4 P.M.

be weakened by being told he is racial when he is merely just to his countrymen. I have no hatred towards anybody and I have not the slightest doubt that no Indian Member of this House, be he an official or non-official, elected or nominated, harbours any such racial feelings. I want this question to be settled once for all. When we say that Indians should be here, that Indians should be there and should be everywhere, we mean that everything should be Indianized. It is our legitimate claim and it is the least of our rights and it is impossible for us to listen to the siren voice of the Honourable the Finance Member and to his eloquent appeals and to be moved by them. I regret, Sir, that I am not able to find myself in the fortunate company of my Honourable friend Mr. Jinnah in this matter. I have had my own experience and I do believe that we are perfectly justified in opposing this amendment. In fact, we shall be wanting in our duty if we do not sternly oppose such an attempt as this which has been made.

Mr. R. K. Shanmukham Chetty : May I ask the Honourable the Finance Member, Sir, whether it is his intention by accepting Mr. Cocke's amendment that both the Deputy Directors will simultaneously sit on the Board and have simultaneous voting ?

The Honourable Sir Basil Blackett : With your permission, Sir, I might be allowed to speak again on this motion. In answer to Mr. Chetty's last point, I think it would certainly be desirable that, if there are two Deputy Governors, there should be provision that only one of them should vote at any one meeting.

Mr R. K. Shanmukham Chetty : Only one of them should vote !

The Honourable Sir Basil Blackett : Only one should vote. That I think would be very desirable. I should not have the least objection to both voting except that it will increase more than I desire the number of Government nominees. If there is any question between the two sides of the House as to whether there are to be two voting Deputy Governors or only one, I should follow them on that point except that I do not want to unduly increase the number of Government nominees. As regards Mr. Jinnah's point, may I say that he has missed one of the strongest points for the future. Supposing this amendment is carried, the undertaking on behalf of the Government is that of the first 3 officers, executive officers, in whose appointment Government have the sole voice, one shall be an Indian. After the first appointment, the next appointments are not appointments in which Government have the sole voice, but they must await the recommendation of the Board. This Board has a majority of Indians and the Government obviously cannot very well say in advance that one shall be an Indian until they have heard the recommendation of the Board, whether he is to be an Indian or not. But it may be said that Government need not follow the advice of the Board. Now, Sir, if you will read clause 8 (*1*) (*a*) there is a proviso to the following effect :

" Provided that the salaries and allowances of the first Governor and Deputy Governor shall be such as may be fixed by the Governor General in Council ".

After that the salaries and allowances respectively are to be such as may be determined upon by the Board. It is obvious, therefore, that the Board have a very strong voice in the matter and it can put pressure on the Government so as not to ignore their recommendations. Under those circumstances, I do submit that the Government have given all the

[Sir Basil Blackett.]

undertaking that they possibly could in this matter, short of having a provision inserted in the Statute. It is quite impossible to conceive circumstances in which unless the Board—which be it remembered has a majority of elected Indians—recommends a non-Indian, there would not be one at least of the three officers an Indian. Then, Sir, in regard to what Mr. Srinivasa Iyengar has said, I have to say that the Government do attach very great importance to not multiplying racial provisions in the Statute-book. I would point out that there are dangers in it. It has been said that the Bank of England would not put an Indian on its Board. As a matter of fact the Bank of England is extraordinarily cosmopolitan in the matter of its directors. I can mention a large number of directors of the Bank of England who are or were either themselves naturalised Englishmen, born out of England or the sons of naturalised Englishmen born as foreign subjects. There is no bar whatsoever to a British subject, be he an Indian, or British or Canadian, being a member of the Board of the Bank of England. I have no doubt that if it so happens that an Indian were to leave the shores of India and settle down and become a business man in London, it would be quite within the bounds of possibility and easily conceivable not a wild idea that there should be an Indian member of the Board of the Bank of England. I do think there are dangers in putting racial provisions in the Statute-book. I am sorry that my Honourable friend Mr. Srinivasa Iyengar, in spite of the compliment that he paid me in saying that I would be more glad than he if an Indian were the Governor—I hope he and I will be equally glad, but I thank him for the compliment—I am sorry that he is unable to follow up that compliment by agreeing in this matter. But he says that it is a matter of principle and that he would not be doing justice to India. I do ask him to say whether there is not the possibility, even so, for the sake of having a Governor and a Deputy Governor at all to agree to what I think is a very reasonable offer that is made by the Government in this matter.

The Assembly then adjourned till Eleven of the Clock on Friday, the 2nd September, 1927.

LEGISLATIVE ASSEMBLY.

Friday, 2nd September, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

AMOUNT OF INCOME-TAX AND SUPER-TAX PAID BY BRITISH AND OTHER NON-INDIAN COMPANIES CARRYING ON BANKING, SHIPPING AND INSURANCE BUSINESS IN INDIA.

773. ***Mr. Sarabhai Nemchand Haji** : Will Government be pleased to give separately the amount of income-tax and super-tax paid

(1) By British Companies,

(2) By other non-Indian Companies,

carrying on business in India in

(*a*) Banking, (*b*) Shipping, and (*c*) Insurance ?

The Honourable Sir Basil Blackett : Statistics distinguishing between (1) Indian, (2) British, and (3) other non-Indian Companies are not maintained.

Mr. K. Ahmed : Is it true that income-tax was levied on the British shipping companies only after I had drawn the attention of the Government in the first reformed Assembly ?

The Honourable Sir Basil Blackett : I am sorry I did not hear the question.

Mr. K. Ahmed : Is it true that the income-tax was levied on the British shipping companies who never paid before the year 1922 any tax to the Honourable the Finance Member's Department, and after I drew their attention to this in this House in the year 1921 taxes were levied on them ?

The Honourable Sir Basil Blackett : I have heard the question, but I am afraid I do not understand it.

Mr. K. Ahmed : Is it not a fact that since the year 1922 the British shipping companies are paying income-tax and that they did not pay a single pice before 1922 when I drew the attention of the Government to the matter ?

The Honourable Sir Basil Blackett : I give it up.

Mr. K. Ahmed : What is the amount that the Indian exchequer has suffered owing to the negligence of the Government of India in exempting the British shipping companies from payment of income-tax prior to 1922 ?

The Honourable Sir Basil Blackett : I hope the Indian Exchequer never suffers in that way.

Mr. Sarabhai Nemchand Haji : Will the Government be good enough to let us know if it is a fact that income-tax was levied on the British shipping companies operating in this country after attention was drawn to their not paying income-tax by an Honourable Member of this House in 1922 ? Is it a fact or is it not ?

The Honourable Sir Basil Blackett : I am afraid I do not know.

Mr. Sarabhai Nemchand Haji : Will you kindly make inquiries ?

Mr. K. Ahmed : Did the Honourable Member just before his arrival in India have a mind to look to the interests of India, and does he do so as far as the finances of India are concerned ?

Mr. Sarabhai Nemchand Haji : In view of the importance of the figures for which I have asked in my question, will the Government be good enough to collect the necessary figures and present a statement to the Assembly at a later date ?

The Honourable Sir Basil Blackett : The answer is in the negative.

COMMUNICATION FROM THE BOARD OF TRADE OR OTHER SHIPPING INTERESTS IN ENGLAND IN CONNECTION WITH THE REPORT OF THE MERCANTILE MARINE COMMITTEE.

774. ***Mr. Sarabhai Nemchand Haji** : (*a*) Will Government be pleased to state if they have received any communication from the Board of Trade or from any shipping interests in England in connection with the Report of the Indian Mercantile Marine Committee ?

(*b*) If the answer to (*a*) be in the affirmative, will Government be pleased to lay a copy of such communication on the table ?

The Honourable Sir George Rainy : The Government of India received a memorandum from the Board of Trade on the reservation of the Indian coasting trade, in connection with the question whether legislation for this purpose, on the lines proposed by the Committee, was *intra vires* of the Indian Legislature. The Government of India are enquiring from the Secretary of State whether there is any objection to laying this memorandum on the table of this House.

The only other correspondence that the Government of India have had with the Board of Trade in connection with this Report, related to the training ship, which, as the Honourable Member is aware, the Board of Trade have agreed to recognise, on the same footing as the nautical colleges in England, for the purpose of certificates of competency.

No shipping interests in England have addressed the Government of India in connection with the Report.

Mr. Sarabhai Nemchand Haji : Are the contents of this statement so dangerous that it is necessary to get the consent of the Secretary of State before its publication in this country ?

The Honourable Sir George Rainy : It is clearly necessary, Sir, that when a communication has been received by the Government of India from the British Government with nothing stipulated as to publication, that the consent of that Government should be obtained to the publication.

Mr. K. Ahmed : How long will the Government of India wait for the sanction of the Secretary of State to publish this Mercantile Marine Committee's Report ? Is it not a long time since the Report was submitted by the Committee ?

The Honourable Sir George Rainy : I am afraid I cannot admit the assumptions upon which the Honourable Member's question appears to be based.

Mr. Sarabhai Nemchand Haji : May I inquire if there is any mention in that statement to the effect that it should not be published until the consent of the Secretary of State is obtained ?

The Honourable Sir George Rainy : No, Sir, there is no such statement ; but it is in accordance with the usual official procedure and the usual considerations of courtesy to another Government.

Mr. K. Ahmed : Then what is the period for waiting for the Government of India for the usual courtesy which they want to show to the Secretary of State's office ?

Mr. Sarabhai Nemchand Haji : Will the Government be good enough to get a telegraphic communication from England in this connection ?

The Honourable Sir George Rainy : No, Sir, I do not think there is any necessity to telegraph about it.

RESERVATION OF THE COASTING TRADE OF INDIA TO INDIAN SHIPPING.

775. ***Mr. Sarabhai Nemchand Haji** : Will Government be pleased to state when they propose to give legislative effect to the recommendations of the Indian Mercantile Marine Committee in connection with the reservation of the coasting trade of India to Indian shipping ?

The Honourable Sir George Rainy : I would refer the Honourable Member to the debate in this House in March 1926 on Sir Sivaswamy Aiyer's Resolution regarding the training of Indians for nautical careers and other recommendations of the Indian Mercantile Marine Committee.

RECOMMENDATION OF THE INDIAN MERCANTILE MARINE COMMITTEE REGARDING THE TRAINING OF ENGINEER OFFICERS.

776. ***Mr. Sarabhai Nemchand Haji** : Will Government be pleased to state the steps if any that they may have taken in carrying out the recommendation of the Indian Mercantile Marine Committee in connection with the training of engineer officers ?

The Honourable Sir George Rainy : Government expect to reach a decision in the near future.

Mr. Sarabhai Nemchand Haji : In view of the fact that a very long time has elapsed since the Mercantile Marine Committee made recommendations in connection with the training of engineer officers, will the Government be kind enough to state how much longer will they take to provide facilities for such training ?

The Honourable Sir George Rainy : I hope, Sir, it will not take much longer ; but I am indebted to the Honourable Member for calling my attention to the matter.

ENCOURAGEMENT OF SHIP-BUILDING IN INDIA.

777. *Mr. Sarabhai Nemchand Haji : Will Government be pleased to state if they have taken or propose to take any steps in connection with the recommendation of the Indian Mercantile Marine Committee regarding the encouragement of ship-building in India ?

The Honourable Sir George Rainy : Government are not yet satisfied that steps should be taken for the development of ship-building in India. Apart from that I may remind the Honourable Member that the recommendations of the Indian Mercantile Marine Committee for the encouragement of ship-building in India were subject to the condition that a ship-building yard should be projected by an Indian company. Until such a project is proposed, the question of the assistance that might properly be given by the Government does not arise.

TRAINING ON THE INDIAN MERCANTILE MARINE TRAINING SHIP OF DECK OR EXECUTIVE OFFICERS FOR THE PROPOSED ROYAL INDIAN NAVY.

778. *Mr. Sarabhai Nemchand Haji : Will Government be pleased to state what arrangements they have made or propose to make regarding the training ship for giving preliminary training for the purpose of recruiting deck or executive officers for the proposed Royal Indian Navy ?

The Honourable Sir George Rainy : No special arrangements are being made on the Indian mercantile marine training ship for giving preliminary training for the purpose of recruiting Deck or Executive Officers for the proposed Royal Indian Navy.

Mr. Sarabhai Nemchand Haji : In view of the fact that the country is going to spend considerable sums of money on the training ship, will the Government consider the advisability of utilising this training ship for naval requirements as well ?

The Honourable Sir George Rainy : I think my friend Mr. Young is in a better position than I am to answer that question.

Mr. G. M. Young : It is quite possible, Sir, that if the Indian mercantile marine training ship proves a success, officers will be recruited from it into the executive of the Royal Indian Marine, but naval training will not take place in the mercantile marine ship ; it will take place in the Indian Royal Navy after the candidates have been recruited to it.

Mr. Sarabhai Nemchand Haji : Will the Honourable Member kindly make clear the meaning of the words " if the training in the Indian mercantile marine ship proves a success " ? What does he mean by that ?

Mr. G. M. Young : From the point of view of the Navy, Sir, turning out suitable material for officers' ranks in the Navy.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member state how long it will take before the training commences ?

Mr. G. M. Young : Is my Honourable friend referring to the training on the mercantile marine ship or training in the Royal Indian Navy ?

Lieut.-Colonel H. A. J. Gidney : The training ship.

The Honourable Sir George Rainy : It is hoped that by December next the training ship will be ready and the first term will start.

RECRUITMENT OF INDIAN CREW, INDIAN DECK AND ENGINEER OFFICERS AND OTHER RATINGS FOR THE PROPOSED ROYAL INDIAN NAVY.

779. *Mr. Sarabhai Nemchand Haji : In view of the recommendation of the Indian Mercantile Marine Committee that the services in the proposed Indian Navy should be Indianised, will Government be pleased to state what steps they have taken or propose to take for recruiting

(*a*) Indian crew,

(*b*) Indian deck officers,

(*c*) Indian engineer officers, and

(*d*) Other ratings,

for the proposed Royal Indian Navy ?

Mr. G. M. Young : (*a*) Indian ratings are already recruited. As I have explained on another occasion the new Navy will carry on with the same ratings as have hitherto been employed in the Royal Indian Marine.

(*b*) Indian deck officers will be recruited in the proportion of one-third of the total number. Arrangements for holding the first entrance examination have not yet been concluded, but I hope that they will be shortly.

(*c*) Indian engineer officers also are being recruited in the proportion of one-third. Applications for appointment have been received and are under consideration.

(*d*) The only other ratings are, I think, the few British warrant officers still left in the service. These will serve out their time and be replaced in due course by Indian warrant officers.

Mr. B. Das : May I inquire, Sir, what was the channel through which the Government invited applications for recruitment of Indian engineer officers ? The Honourable Member just told us that applications for recruitment of Indian engineer officers have been received. May I inquire what was the channel through which Government invited those applications ?

Mr. G. M. Young : Government did not actually invite applications, but they were received.

Mr. B. Das : Through what channel were they received ? Were they received through the Public Service Commission or through the principals of engineering colleges ?

Mr. G. M. Young : It was not through any channel. The Report of the Departmental Committee contains the qualifications required, and on that, applications were received.

Mr. B. Das : Why was not the Public Service Commission asked to call for applications from Indian engineers for recruitment to this service ?

Mr. Sarabhai Nemchand Haji : A supplementary question, Sir. With reference to the proportion of one-third reserved for Indian recruitment, will the Government kindly state the accepted total number of officers to be recruited every year ?

Mr. G. M. Young : At present the accepted total number is three on each side ; three executive officers and three engineer officers.

Mr. Sarabhai Nemchand Haji : In view of the smallness of that figure, is there any particular reason why only one Indian should be taken every year ?

Mr. G. M. Young : Both figures are small. The decision was to recruit in the proportion of one-third, which is considered to be a sufficiently high proportion.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member kindly state whether his Department is receiving or will receive applications for such appointments as engineers ?

Mr. G. M. Young : As I have already stated, applications have been received.

Diwan Chaman Lall : Has the Honourable Member heard the story of the boy who stood first in the class because he was the only boy ?

RECRUITMENT OF RATINGS FOR THE PROPOSED ROYAL INDIAN NAVY.

780. ***Mr. Sarabhai Nemchand Haji** : (*a*) Will Government be pleased to state if any ratings for the proposed Royal Indian Navy have been already recruited by them ?

(*b*) If the answer to (*a*) be in the affirmative will Government be pleased to state if it is a fact that all the ratings already recruited for the ships of the proposed Royal Indian Navy come from one particular community and from one particular part of India ?

Mr. G. M. Young : (*a*) Yes, Sir, as I have explained in my answer to the previous question the personnel is being transferred into the new Navy.

(*b*) Yes, Sir. I would invite attention to the replies given to Mr. M. S. Aney's questions Nos. 321—324.

Mr. Sarabhai Nemchand Haji : Are we to understand, Sir, that, in future, recruitment will take place without the ancient prejudices with regard to castes and communities ?

Mr. G. M. Young : I have already explained the matter fully in my answer to Mr. Aney's question. While the Indian Navy remains at its present strength, it is not proposed to go outside the community which at present supplies recruits. When the time comes for the expansion of the Indian Navy, we do propose to go outside that field of recruitment.

Mr. K. C. Roy : Is the Honourable Member aware that it will practically keep out the seafaring Moslems of Chittagong in Bengal from service in the Royal Navy ?

Mr. G. M. Young : It is not a question of practically keeping them out. For the last 40 or 50 years we have only had one class coming forward to serve in the Royal Indian Marine, and we have not even yet had any applications from outside those classes.

RECRUITMENT FROM THE BHANDARI COMMUNITY FOR THE PROPOSED ROYAL INDIAN NAVY.

781. *Mr. Sarabhai Nemchand Haji : (a) Will Government be pleased to state if they have received any petition from the Bhandari community requesting the Government to recruit their crew for the proposed Royal Indian Navy from that community ?

(b) If the answer to (a) be in the affirmative, will Government be pleased to state the action which they have taken or propose to take in connection with that petition ?

Mr. G. M. Young : I would refer my Honourable friend to my reply to Mr. Aney's question No. 324.

Mr. Sarabhai Nemchand Haji : With reference to this habit of referring the questioner to earlier replies, will the Government be good enough to repeat those replies here so that this House may exercise its constitutional right of asking supplementary questions ?

Mr. G. M. Young : No, Sir ; I do not think it is advisable nor necessary.

Mr. K. Ahmed : What is the practice followed in the House of Commons, Sir ? May we know ?

NUMBER OF INDIAN LASCARS AND FIREMEN SHIPPED AT EACH MAJOR PORT IN INDIA DURING THE LAST THREE YEARS.

782. *Mr. Sarabhai Nemchand Haji : Will Government be pleased to lay on the table a statement giving particulars of Indian lascars and firemen shipped at each of the major ports of India for :

(a) the coasting trade, and

(b) the overseas trade,

in the last three years ?

The Honourable Sir George Rainy : Local Governments have been asked to supply the information asked for, if available, and the result will be communicated to the Honourable Member on receipt.

Mr. N. M. Joshi : May I ask, Sir, whether the information will be laid on the table of the House ?

The Honourable Sir George Rainy : If the Local Governments have the information and give it to us, I should be prepared to lay it on the table of the House, unless the information was so voluminous that it might be sufficient to place a copy in the Library.

UNEMPLOYMENT AMONG INDIAN DECK, SALOON AND ENGINE ROOM CREWS.

783. *Mr. Sarabhai Nemchand Haji : (a) Are Government aware of the fact that a large number of Indian deck, saloon and engine room crews remains without employment for a long period ?

(b) Have Government received any representation in connection with such unemployment from the Indian deck, saloon and engine room crews ?

(*c*) If the answer to (*a*) and (*b*) be in the affirmative will Government be pleased to state the steps they have taken or propose to take to relieve such unemployment ?

The Honourable Sir George Rainy : (*a*) The Government are aware that there is some unemployment among Indian seamen, but they have no reason to suppose that it is abnormal.

(*b*) The Government of India have from time to time received copies of resolutions passed at meetings of Seamen's Unions, but they have received no direct representation on the subject from Indian deck, saloon or engine room crews.

(*c*) The unemployment of seamen depends upon the number of ships that require crews, over which the Government can have no control.

Mr. N. M. Joshi : May I ask, Sir, what Government propose to do to relieve the distress caused by unemployment among Indian seamen ? Do they propose to introduce some form of unemployment insurance or any other form of relief ?

The Honourable Sir George Rainy : I think, Sir, that this is a matter which was raised at the Geneva Conference in 1920, and the view then taken was that unemployment insurance for seamen was unnecessary in India. This view was accepted by the Legislature in a Resolution adopted on the 26th September, 1921.

Mr. N. M. Joshi : May I ask, Sir, why Government came to the conclusion that unemployment insurance was unnecessary in India ?

The Honourable Sir George Rainy : I am afraid I must ask for notice of that question ?

Sir Hari Singh Gour : What percentage of seamen are at present unemployed ?

The Honourable Sir George Rainy : I have no information on that point.

Sir Hari Singh Gour : Even approximately ?

Mr. President : The Honourable Member has no information.

The Honourable Sir George Rainy : I have no information from which I could give any figure at all.

Mr. K. Ahmed : Are the Government aware that in 1921 I opposed that Resolution.....

Mr. President : Order, order.

CARRIAGE OF CARGO AND STORES BY INDIAN SHIPPING COMPANIES.

784. ***Mr. Sarabhai Nemchand Haji** : (*a*) Will Government be pleased to state if the Departments concerned have been regularly sending inquiries to the Indian shipping companies for the carriage of cargo and stores in pursuance of the Resolution moved by Sir Lalubhai Samaldas in the Council of State on the 15th March 1922 and accepted by the Government ?

(*b*) If the answer to (*a*) be in the affirmative, will Government be pleased to state the quantity of cargo for which inquiries were addressed to Indian shipping companies, (2) the quantity of such cargo actually carried by them, and (3) the amount of freight paid to them ?

The Honourable Sir Bhupendra Nath Mitra : The information is being collected and the High Commissioner for India has been addressed on the subject. It will be supplied to the Honourable Member in due course.

CARRIAGE OF GOVERNMENT STORES COASTWISE AND IN THE FOREIGN TRADE FROM AND TO AN INDIAN PORT.

785. ***Mr. Sarabhai Nemchand Haji** : Will Government be pleased to lay on the table a statement giving particulars of quantity of cargo and stores carried on their account as well as on account of the railways from one Indian port to another and from an Indian port to ports outside India and *vice versa* during the last three years and the amount of freight paid on the same to the shipping companies ?

The Honourable Sir George Rainy : I would refer the Honourable Member to Tables Nos. 10A, 16, 17 and 18 of the " Annual Statement of the Sea-borne Trade of British India with the British Empire and Foreign Countries " for the year ending the 31st March 1926, which contain information regarding the quantity and value of Government stores imported into and exported from British India. No information is, however, available regarding the quantity of cargo and stores carried on Government account and on account of the Railways coastwise, nor as regards freight paid to shipping companies for the carriage of Government and railway stores.

ACTION TAKEN ON THE RECOMMENDATIONS OF THE DECK PASSENGER COMMITTEE.

786. ***Mr. Sarabhai Nemchand Haji** : Will Government be pleased to state when they propose to take action on the recommendations of the Deck Passengers' Committee who submitted their report to the Government in 1921 ?

The Honourable Sir George Rainy : I would refer the Honourable Member to the answer given by me on the 22nd August to Mr. Gaya Prasad Singh's question on the same subject.

Mr. Serabhai Nemchand Haji : May I refer the Honourable Member to the fact that this Committee submitted its Report as early as 1921 and that no action has been taken since ?

The Honourable Sir George Rainy : The Honourable Member not only can do so but has done so.

STARTING OF THE INDIAN MERCANTILE MARINE TRAINING SHIP.

787. ***Mr. Sarabhai Nemchand Haji** : Will Government be pleased to give information on the following points :

(*a*) When will the proposed Indian mercantile training ship begin to work and take cadets for training ?

(*b*) What will be the age of admission ?

(*c*) What will be the period of training ?

(*d*) What will be the fees which each cadet will have to pay ?

(*e*) Will the cadets be placed on the same level as the cadets of the Training Ship "Conway" and "Worcester" as regards their entry into (1) the Bengal Pilot Service, and (2) the proposed Royal Indian Navy ?

The Honourable Sir George Rainy : (*a*) It is hoped that the first course of the training ship will begin in November next.

(*b*) Candidates must be between the ages of 13 and 16.

(*c*) The course will consist of two terms a year and will last for three years.

(*d*) Fees will be Rs. 50 for each month of residence on the training ship.

(*e*). (1) Cadets from the training ship will be in a more favourable position than cadets from the "Worcester" and "Conway" for employment in the Bengal Pilot Service, in that appointments to that service are only made in England by the High Commissioner when no suitable applications have been received in India.

(2) The question of entry into the Royal Indian Navy from the training ship is a matter for the Army Department.

Mr. Sarabhai Nemchand Haji : With reference to the recruitment of the Bengal Pilot Service through the High Commissioner in London, will the Government in future kindly invite applications first in this country and then in London ?

The Honourable Sir George Rainy : I do not know what the actual procedure is at present, but the procedure suggested by the Honourable Member seems to me to be in accordance with the rules.

EMPLOYMENT OF SUCCESSFUL CADETS OF THE TRAINING SHIP AS APPRENTICES BY THE PENINSULAR AND ORIENTAL COMPANY.

788. ***Mr. Sarabhai Nemchand Haji** : (*a*) Will Government be pleased to state if the P. and O. Company, which receives a mail subsidy from the Government of India, have given an undertaking to take as apprentices successful cadets coming out of the training ship ?

(*b*) If the answer to (*a*) be in the negative, will Government be pleased to state the steps that they have taken or propose to take in that connection ?

The Honourable Sir George Rainy : (*a*) The P. and O. Company are prepared to take cadets from the Indian training ship as apprentices on their steamers on the Bombay|China line.

(*b*) Does not arise.

Mr. Sarabhai Nemchand Haji : May I inquire if this undertaking was given when the Company was first approached in this connection ?

The Honourable Sir George Rainy : I am afraid I have not the information at the moment but I should be quite prepared to give the information to the Honourable Member privately.

Mr. Sarabhai Nemchand Haji : Is it a State secret, Sir ?

The Honourable Sir George Rainy : Apparently it is a secret from me at the present moment. That is why I have no information.

Pandit Hirday Nath Kunzru : Why do the P. and O. line agree to take an Indian cadet only on the Bombay-China line ?

The Honourable Sir George Rainy : My recollection is that the explanation given was that these were the only ships on which they had suitable accommodation, but I should really like notice of that question.

Lieut.-Colonel H. A. J. Gidney : Sir, is it or is it not a fact that the Directors of the P. and O. Company in England have issued distinct orders which are in operation to-day that, so far as their Engineering Department is concerned, unless the officer is recruited in England, he is not permitted to rise to the highest rank of Chief Engineer of any of their steamers ?

The Honourable Sir George Rainy : I do not think that arises from my answer, Sir, but in any case I should have to ask for notice.

COMPULSORY EMPLOYMENT BY STEAMSHIP COMPANIES ENGAGED IN THE COASTING TRADE OF SUCCESSFUL AND SUITABLE CADETS OF THE TRAINING SHIP.

789. ***Mr. Sarabhai Nemchand Haji** : Will Government be pleased to state when they propose to give legislative effect to the recommendations of the Indian Mercantile Marine Committee making it obligatory on the ships trading on the coast of India to give employment to the successful and suitable cadets of the training ship on their obtaining the necessary Board of Trade certificates of competency ?

The Honourable Sir George Rainy : Government do not consider that the need for such legislation has arisen.

Mr. Sarabhai Nemchand Haji : Should the necessity arise, will the Government undertake such legislation ?

The Honourable Sir George Rainy : Government will then be prepared to consider the matter.

Mr. Sarabhai Nemchand Haji : May we know the criterion by which it will be judged whether the necessity has arisen or not ?

The Honourable Sir George Rainy : I should think the Honourable Member would probably draw the attention of the Government of India to the matter if he thought the necessity had arisen.

APPOINTMENT OF AN INDIAN HEADMASTER AND OTHER NON-TECHNICAL INDIAN STAFF TO THE PROPOSED TRAINING SHIP.

790. ***Mr. Sarabhai Nemchand Haji** : Will Government be pleased to state what steps they have taken, in view of the fact that the technical staff will be European, to appoint an Indian Headmaster and other non-technical Indian staff to the proposed training ship ?

The Honourable Sir George Rainy : The selection of the Headmaster and other superior staff for the training ship is at present under the consideration of the Government in consultation with the members of the governing body.

Mr. Sarabhai Nemchand Haji : Will the Government see that racial discrimination is not exercised against Indians in connection with these appointments ?

The Honourable Sir George Rainy : I do not think there can be any question of racial discrimination arising in this matter. The sole question will be what is in the best interest of the training of the boys, especially when the training ship first starts.

Mr. Sarabhai Nemchand Haji : Is it a fact, Sir, that Mr. Sayer has recommended a European as Headmaster for the training ship though there are plenty of more than eligible Indians available for the post ?

The Honourable Sir George Rainy : I could not admit the assumption in the last words of the question. I do not think it is advisable that I should say more at present in this matter when it is under discussion.

EMPLOYMENT BY BRITISH SHIPOWNERS OF SUCCESSFUL CADETS OF THE TRAINING SHIP.

791. ***Mr. Sarabhai Nemchand Haji** : (*a*) Will Government be pleased to state if they have received any representation from the British shipowners trading with India to the effect that they were not prepared to give employment to the successful cadets of the training ship obtaining their certificates of competency ?

(*b*) If the answer to (*a*) be in the affirmative, will Government be pleased to state if they propose to arrange with such shipowners for giving employment as officers to the successful cadets of the training ship ?

The Honourable Sir George Rainy : (*a*) The answer is in the negative.

(*b*) Does not arise.

Mr. K. Ahmed : What steps do Government propose to take against shipowners not willing to take Indian cadets trained already ?

The Honourable Sir George Rainy : I think the Government will wait till that contingency arises before they decide what they will do.

Mr. K. Ahmed : Are the Government aware that the contingency has already arisen ?

The Honourable Sir George Rainy : No, Sir.

Mr. K. Ahmed : Are the Government aware that British ships or foreign ships plying on the Indian coast should be compelled to give facilities to Indian cadets ?

The Honourable Sir George Rainy : I think I have already answered that question, Sir, in one of the questions put by my Honourable friend Mr. Haji.

Mr. K. Ahmed : Have they given effect to the evidence I gave in that connection supported by many other witnesses ?

PREMIUM INCOME OF INSURANCE COMPANIES DOING BUSINESS IN INDIA.

792 ***Mr. Sarabhai Nemchand Haji** : Will Government be pleased to give particulars of the total amount of premium earned respectively by (*a*) the Life Department, (*b*) the Fire Department, and (*c*) the Marine Department of the Indian, the British and the other non-Indian Insurance Companies working in India ?

The Honourable Sir George Rainy : (*a*) The total amount of life assurance premium income last year of the Indian Companies exceeded 2½ crores. The total life assurance premium income of the Indian branches of British Companies in the same period is estimated to have been under 1 crore.

Government has no information of the corresponding amount received by other non-Indian insurance companies working in India.

(*b*) and (*c*). Government has no information regarding the fire and marine premium income in India of any of the insurance companies.

Sir Hari Singh Gour : Sir, the Government receive, I presume, income-tax upon foreign companies trading in India and receiving premium from Indian Insurance. Is that not so ? Do not the Government levy an income-tax from foreign companies trading in India ?

The Honourable Sir George Rainy : I think my Honourable friend the Finance Member is the proper person to answer that question.

Mr. Sarabhai Nemchand Haji : In view of the importance of the figures asked for in my question, will the Honourable the Commerce Member find out at a later stage the figures from the Department concerned and supply them to the House ?

The Honourable Sir George Rainy : The income-tax figures ?

Mr. Sarabhai Nemchand Haji : No : the figures of premia earned by non-Indian insurance companies. May I suggest that the question arises like this.....

Mr. President : Order, order. The Honourable Member will proceed to the next question.

Mr. Sarabhai Nemchand Haji : In view of the fact, Sir, that income-tax can be levied.....

Mr. President : The next question on the list.

AMOUNT OF SEA SERVICE REQUIRED OF CANDIDATES APPOINTED TO THE BENGAL PILOT SERVICE IN ENGLAND AND INDIA.

793. ***Mr. Sarabhai Nemchand Haji** : (*a*) Are Government aware that while no particular period of service at sea has been laid down for the candidates recruited in England for entry into the Bengal Pilot Service, a period of sea service for 4 years in a merchant vessel employed in foreign trade as a seaman or apprentice has been made obligatory on candidates recruited in India for the Bengal Pilot Service ?

(*b*) Are Government aware that some of the cadets from the " Conway " and the " Worcester " have received a direct entry into the Bengal Pilot Service without possessing any sea experience ?

(*c*) If the answer to (*a*) and (*b*) be in the affirmative, will Government be pleased to state the grounds of such a differential treatment ?

The Honourable Sir George Rainy : (*a*) Yes.

(*b*) Some relaxation of the requirements in respect of sea service was necessary during the War owing to the absence of candidates who possessed that qualification. Apart from this, so far as the Government of India are aware, no cadets from the " Conway " or " Worcester " have been received direct into the Bengal Pilot Service without possessing any sea service, but enquiries are being made and the Honourable Member will be informed of the result in due course.

(*c*) The differentiation of the rules as regards sea service is due to the fact that there has hitherto been no training ship in Indian waters, and a longer period of sea service has consequently been necessary for persons recruited in India. Government has under consideration the amendment of the rules so as to place cadets from the " Dufferin ", which will shortly be ready as a training ship in Bombay, on the same footing in respect of sea service as cadets from the " Conway " or " Worcester ".

REMISSION OR REDUCTION OF THE CHARGES FOR THE USE OF ARCHÆOLOGICAL MATERIAL BY VARIOUS CLASSES OF STUDENTS.

794. ***Mr. Sarabhai Nemchand Haji** : 1. Will Government be pleased to state the general policy regarding the use for public and educational purposes by serious students in India like university professors, of the photographs, maps, plans, &c., made in or by the Archæological Department of the Government of India, of the finds or monuments in charge of that Department ?

2. (*a*) Will Government be pleased to state whether any charge is levied for the use of any such material by (1) members of the Department of all ranks for purposes of illustrating their own publications, (2) by non-Indian students of research, (3) by Indian non-official students ; and if so (1) whether they have received any complaints from any quarters about the policy or heaviness of such a charge ; and (2) what are the principles on which Government fix those charges ?

(*b*) Will Government be pleased to state what was the income from such fees in the last financial year and what is estimated to be the income for the current year and whether in the interests of historical research they are prepared to dispense with those charges or substantially reduce them ?

Mr. A. R. Dalal : 1. The policy of the Government is to make archæological photographs, plans and maps, accessible to students by reproducing those which are of interest in the Archaeological reports and memoirs. Students are also allowed to purchase photographs from the departmental collections.

2. (*a*) (1). Members of the Archæological Department are not allowed to publish any archaeological material whatever without the sanction of the Government of India. If such sanction is given, charges for the material are not levied.

2. (*a*) (2) and (3). The charges levied on non-Indian and Indian non-official students are the same :

(1) Complaints have been received by the Archaeological Department regarding the heaviness of the charge for photographhs required for publication.

(2) The charges are made on the principles.

(*i*) that the expenditure incurred on the production of the prints should be recouped ;

(*ii*) that in the interest of the photographic trade, it is not desirable that the Government should supply photographs gratis to the public.

(*iii*) that if such charges were not made, the demands for photographs would become excessive and it would not be possible for the Archæological Department to meet them. Neither staff nor funds are provided at present for this purpose, and the Archæological Department has experienced difficulty in executing the orders placed.

(*b*) The income from such fees during the last financial year was Rs. 1,996-9-8 ; the estimated income for the current financial year is Rs. 2,000. It is not possible to remit or reduce the ordinary charges for photographic prints. The Government will, however, consider the question of remission of the extra charge for photographs required for publication in the case of books of scientific or educational value by authoritative writers.

Sir Hari Singh Gour : Sir, with reference to the Honourable Member's reply to part (2) of question No. 794, may I inquire, in the case of Government officials who receive free use of the photographs, plates and the rest, who receives the royalty or profit from such publications ? Is it credited to the Government or is it appropriated by the author himself ?

Mr. A. R. Dalal : If the officers are allowed to publish their books with the previous sanction of the Government, the remuneration, with the previous sanction of the Government, is received by the officers themselves.

Sir Hari Singh Gour : That is a repetition of the answer given by the Honourable Member. The point I wish to make is, when Government give previous sanction for the publication of a book, and supplies the officers with plates and other plans from the Archæological Department free of charge, who receives the profits from the book ?

Mr. A. R. Dalal : The profits of the book are received by the officers concerned.

Sir Hari Singh Gour : The point is that Government partially meets the expenses of the publication of the book, and the profits go to the author.

Mr. A. R. Dalal : The only distinction is that in the case of non-officials, they have to pay fees for photographs for publication, which range from Rs. 5 to Rs. 10, whereas in the case of officers of the Archæological Department, those fees are not levied ; and here, if my Honourable

friend will look at the concluding portion of the answer I gave, he will find that the question of remitting similar fees for publication from non-official writers of distinction is now under the consideration of the Government, in which case they will be put on exactly the same footing as the officers of the Department.

Mr. N. M. Joshi : Is the permission given by the Government or by the Director of Archæology ?

Mr. A. R. Dalal : By the Government, Sir.

NUMBER OF ASSISTANT TRAFFIC SUPERINTENDENTS ON THE STATE RAILWAYS, ETC.

795. ***Diwan Chaman Lall** : (*a*) What is the number of Assistant Traffic Superintendents (now called Assistant Transportation Officers) on the Indian State Railways ?

(*b*) How many of them are Hindus, Muhammadans, Sikhs, Indian Christians and Anglo-Indians ?

(*c*) How many of them, appointed by nomination before the recent competitive examination, are not graduates of any University ?

(*d*) Is it true that some time after 1921 or so a " Local Traffic " branch of this service on a provincial scale was started and six or seven Indian graduates were recruited on this basis with a promise of early promotion to the Imperial Service ?

(*e*) Is it true that :

(*i*) one of them, on confirmation, was drafted to the Imperial Service ;

(*ii*) in 1925 the Railway Board advertised two posts on the Local Traffic side and one in the Imperial grade for competitive examination but admitted all the three successful candidates to the latter grade ?

Mr. A. A. L. Parsons : (*a*) and (*b*). The information can be obtained from the Railway Board's Classified List, a copy of which is in the Library.

(*c*) Out of the officers recruited by the Railway Board by nomination 9 are not graduates.

(*d*) The answer to the first part of the question is in the affirmative, to the latter part in the negative.

(*e*), (*i*) and (*ii*). Yes.

DISSATISFACTION OF LOCAL TRAFFIC SERVICE OFFICERS WITH THEIR POSITION AND PROSPECTS.

796. ***Diwan Chaman Lall** : (*a*) Is it true that the starting pay and annual increment of the Local Traffic men mentioned in the preceding question is much smaller than those of E. A. Cs., Sub-Judges, Income-tax Officers and several other provincial services ; and even of some Railway Station Superintendents, Inspectors and Station Masters ?

(*b*) Is it a fact that the said Local Traffic Service men have to perform the same duties, bear the same official designation and keep up the same position as their Imperial Service colleagues ?

(*c*) Are Government aware that the emoluments of these Local Traffic Service men are not sufficient for keeping up their position ?

(*d*) Is it a fact that there is great discontent among these officers on account of the above facts ?

(*e*) Is it true that a proposal for abolition of the said " two year " Local Traffic Service and Imperialisation of the said Local Traffic men has long been in the air and under consideration of the Railway Board ?

(*f*) If the answer to part (*e*) is in the affirmative, when is the Government going to give practical effect to this proposal ?

Mr. A. A. L. Parsons : (*a*) The pay of officers of the Local Traffic Service is Rs. 250 rising by Rs. 20 to Rs. 750, which, I believe, is the same as in some of the provincial services. Station Superintendents, Inspectors of Traffic and Station Masters who are recruited by promotion from lower ranks sometimes draw a higher starting pay than Rs. 250.

(*b*) The Local Traffic Service officers generally perform the same duties as junior officers of Superior Service. On the North Western and East Indian Railways they have the same designation, on the Eastern Bengal Railway the designation is different. It is not incumbent on them to live in any particular style.

(*c*) No.

(*d*) to (*f*). Government believe that some of the Local Traffic Service officers are dissatisfied with their position and prospects and the question of abolishing the Service is under their consideration. They wish to settle it as quickly as they can but it involves intricate questions of the organisation of railway services as a whole and it must, therefore, take some time still to come to a decision.

Lieut.-Colonel H. A. J. Gidney : Sir, will the Honourable Member please state if it is a fact that promoted subordinate officers in the Local Service on many occasions lose money by being promoted and at times receive less than they get in their substantive appointments ? I understand these Local Service officers are definitely worse off than in their substantive appointments.

Mr. A. A. L. Parsons : Not to my knowledge, Sir.

Lieut.-Colonel H. A. J. Gidney : Will the Government then be pleased to state whether the continued entertainment of subordinate officers in the Local Service is a means of economising and getting good first class labour at cheap rates and at a far lower cost than the covenanted officials whose very duties they are performing at much lower rates ?

Mr. A. A. L. Parsons : No, Sir.

NOMINATIONS TO THE INDIAN CIVIL SERVICE IN INDIA SINCE 1922.

797. *Diwan Chaman Lall : (1) What is the number of Indians so far nominated to the I. C. S. in India since 1922 when the I. C. S. competitive examination was started in this country ?

(2) How many of them are Hindus, Muhammadans, Sikhs, Indian Christians, and Anglo-Indians and what is the nationality of each nominee, that is to say, whether British Indian subject or an Indian State subject ?

(3) In this principle of communal representation what matters are taken into consideration ?

(4) What is the population in India of Anglo-Indians, Indian Christians and Sikhs respectively and how many of each have been so far nominated to the I. C. S. since 1922 ?

(5) Is it true that the Government have reserved this year seven posts to be given by nomination ?

(6) Is it true that the rule hitherto has been to take the said I. C. S annual nominees from amongst the candidates who had sat in that examination ? Has any departure from it taken place hitherto ? If so, in how many cases out of the total number and why ?

(7) Are Government prepared to observe this year the rule referred to in part (6) ? If not, why not ?

The Honourable Mr. J. Crerar : I would refer the Honourable Member to the reply given by me to Sardar Kartar Singh's question No. 608 on the same subject.

DEMOBILISATION WITHOUT GRATUITY OR COMPENSATION OF INDIAN TEMPORARY INDIAN MEDICAL SERVICE OFFICERS IN 1926.

798. ***Diwan Chaman Lall** : (*a*) Is it a fact that the Government demobilised about 23 Indian temporary I. M. S. officers in 1926 (about the month of September) and that most of these had served the military for more than ten years (9 to 12 years) ?

(*b*) How is it that they were retained for such a long time (9 to 12 years) and then were not confirmed (barring those who were above 45) ?

(*c*) Is it a fact that these officers had taken part in the Great War and other field operations (Waziristan, Mesopotamia, Persia, Kurdistan. Egypt and France) ?

(*d*) Is it a fact that these demobilised officers were neither given gratuity (at the end of their service because of their serving under A. I. I. 284 of 1922) nor pension nor any recompense nor were provided with any jobs ?

(*e*) Could the Government give an example of similar treatment to the officers of any other branch of the service ?

Mr. G. M. Young : (*a*) Yes, Sir.

(*b*) Under the terms of their service, these officers renew their contracts from year to year. No promise of permanent employment is given them ; and permanent commissions in the Indian Medical Service can only be given as vacancies are opened. None of the officers whose contracts were terminated in 1926 was selected for a permanent commission.

(*c*) Yes, some of them.

(*d*) These officers were not demobilized : their contracts were merely terminated. None of the concessions mentioned in this part of the question is included in their terms of contract.

(*e*) I am not aware of any other service in which temporary officers are recruited on yearly contract terms.

Mr. K. C. Neogy : Is it not a fact that while these temporary Indian officers are turned out after long service, new temporary Indian officers are at the same time recruited to take their place ?

Mr. G. M. Young : If my Honourable friend will wait for the next question, he will get an answer to that.

TERMINATION OF CONTRACTS OF TEMPORARY INDIAN OFFICERS OF THE INDIAN MEDICAL SERVICE AFT R 9 YEARS SERVICE.

799. ***Diwan Chaman Lall** : (*a*) Is it a fact that the Government is demobilising every year temporary I. M. S. officers (Indians) who have completed 9 years and is recruiting Indians in their place ? Why are these officers being demobilised and new ones taken in their place ?

(*b*) How is it that these officers are fit to be retained in the military for 9 years but unfit to be taken into the permanent cadre of the service ?

Mr. G. M. Young : (*a*) As I explained in the statement which I made in this House on the 29th August, instructions are in force under which the contracts of temporary Indian officers of the I. M. S. are terminated when they complete 9 years' service. I also explained on that occasion that this question would be re-examined.

(*b*) Generally speaking, the efficiency and qualifications required of a temporary officer are considerably lower than those required of a permanent commissioned officer.

Lieut.-Colonel H. A. J. Gidney : Sir, are the duties performed by these temporary and permanent commissioned officers alike ?

Mr. G. M. Young : Yes, Sir.

Lieut.-Colonel H. A. J. Gidney : Then why retain presumably inefficient officers ?

Mr. G. M. Young : We retain them in their own interests. We had to recruit them at a time when we could not get others. It would be hard on them to get rid of them merely because they are less efficient than the officers whom we can now obtain.

SCALES OF PAY OF TEMPORARY INDIAN AND BRITISH I. M. S. OFFICERS.

800. ***Diwan Chaman Lall** : (*a*) Are Government aware that the Indian temporary I. M. S. officers are on different scales of pay from those British temporary I. M. S. officers who get the same pay and allowances as European regular I. M. S. officers (on promotion to captaincy) ? If the answer be in the affirmative would the Government throw some light why there is such a differentiation between the two ?

(*b*) Is it a fact that temporary I. M. S. officers (Indians) start with Rs. 500 as Lieutenants (Europeans on Rs. 700 as Lieut.) (A. I. I. Appendix 284 of 1922) and on promotion to captaincy draw Rs. 650 after which their pay becomes stationary even if they remain in service for 9 years or more ?

(*c*) Is it a fact that the European temporary I. M. S. officer starts with Rs. 700 as Lieutenant and on promotion to captaincy draws the same pay as regular European I. M. S. officers ?

(*d*) Is it a fact that there is only one European temporary I. M. S. officer and that for him alone even Government have got a different scale of pay and allowance ?

Rank.	Basic pay.	Oversea allowance. If drawn in sterling.	Oversea allowance. If drawn in Rs.	Service.
Lieutenant	500	*Nil.*	150	1
			150	2
			150	3
Captain during first three years .	650	..	150	4
		15£	150	5
		15£	150	6
With more than three less than six .	750	25£	250	7
		25£	250	8
		25£	250	9
With more than six as a captain	850	25£	250	10
		25£	250	11
		30£	300	12

A. I. I. 401 of 1925.

Mr. G. M. Young : (*a*) The answer is in the negative. There is only one class of temporary I. M. S. officers, which is the class recruited on annually renewable contracts. This class is open to Europeans as well as Indians, and some British temporary officers have been appointed in the past.

(*b*) The answer is in the affirmative, except that there is no difference between the pay of European and Indian temporary officers recruited on these terms.

(*c*) No, Sir ; the European temporary I. M. S. officers draw exactly the same scale of pay and allowances as temporary Indian I. M. S. officers under the same contract.

(*d*) I believe there is no European temporary officer now left who was recruited on the annual contract terms. There is one European officer who was recruited by the Secretary of State on special terms in 1920. He will be demobilised in about February 1928.

Sir Hari Singh Gour : In view of the fact that Government are recruiting temporary I. M. S. officers on short period contracts giving them as much as Rs. 36,000 a year, have the Government considered the scale of pay paid by the other Colonies, shipping companies, like the P. and O. and the British Indian Steam Navigation Company, and the tea companies who employ European qualified officers on much smaller salaries ?

Mr. G. M. Young : I must ask for notice of that question

RATE AT WHICH OVERSEAS ALLOWANCE AND SOME OTHER STAFF ALLOWANCES ARE CONVERTIBLE INTO STERLING.

801. ***Diwan Chaman Lall** : How is it that the overseas allowance and some other staff allowances are convertible into sterling at the rate of Rs. 10 to a £ while the official rate is different ?

Mr. G. M. Young : Overseas pay is convertible into sterling at the rate of Rs. 10 to the £, as recommended by the Lee Commission. So far as I am aware, no other allowances are converted at this rate.

OUTFIT ALLOWANCE OF TEMPORARY I. M. S. OFFICERS.

802. ***Diwan Chaman Lall** : Is it a fact that Indians when granted temporary commissions in the I. M. S. are given Rs. 600 as outfit allowance and that Europeans (temporary included) got or get 50£ which was equivalent to Rs. 750 before and Rs. 675 now ? Why is there such a differentiation ?

Mr. G. M. Young : Temporary commissioned officers of the I. M. S. are given Rs. 600 as outfit allowance. Any European officer engaged on these temporary terms gets the same amount of outfit allowance.

Diwan Chaman Lall : May I take it that the European recruit to the temporary service does not get £50 ?

Mr G. M. Young : Not the temporary officer. As I have already explained, we have none of these European temporary officers left.

STATUS OF A TEMPORARY OFFICER IN THE I. M. S. IN RELATION TO A PERMANENT OFFICER OF THE SAME RANK.

803. ***Diwan Chaman Lall** : Is it a fact that a regular I. M. S. officer is always senior to a temporary I. M. S. officer when holding the same rank though the temporary I. M. S. officer has got much more service, say, for example, a temporary I. M. S. Captain with 6 to 8 years' service (3 to 5 years as Captain) is junior to a regular the day he gets his captaincy (which he does after 3 years as Lieutenant). Why is it so ?

Mr. G. M. Young : Yes, Sir, this is in accordance with Regulations. A temporary officer's status is not equal to that of a permanent officer of the same rank.

STRENGTH OF THE I. M. S. ON THE 1ST APRIL 1927.

804. ***Diwan Chaman Lall** : Will the Government state whether the strength of the I. M. S. on 1st April 1927 (as given in Army List) was as follows (if incorrect could the Government give me the correct figures) ?

Total permanent I. M. S. officers	620
Permanent I. M. S. officers employed in civil ..	378
Permanent I. M. S. officers employed in military ..	242
Temporary I. M. S. officers employed in military ..	137

Mr. G. M. Young : The figures quoted by the Honourable Member may be taken as approximately correct.

GRANT TO INDIANS OF PERMANENT COMMISSIONS IN THE INDIAN MEDICAL SERVICE.

805. *Diwan Chaman Lall : (*a*) Could the Government state the number of permanent commissions granted in the Indian Medical Service in the last 5 years :

(1) to Indians with Indian qualifications,

(2) to Indians with European qualifications ?

(*b*) How is it that so many Indians are being taken into the temporary cadre and why cannot the Government fill the vacancies by giving more permanent commissions to Indians instead of demobilising old temporary I. M. S. officers and recruiting new ones in their place ?

(*c*) Is it a fact that so few commissions in the I. M. S. are given to Indians with Indian qualifications while they constitute nearly ⅞ths of the temporary cadre ? If so, what is the reason ?

(*d*) If the Indians with Indian qualifications are considered below standard why are they retained for 9 years (the limit up to which temporary officers can serve) ?

(*e*) Is it not a fact that these temporary I. M. S. officers are reported on yearly (confidential reports) by the various commanding officers as to their fitness to hold King's commissions and for retention in service ? If such is the case how do these officers become useless to the military after 9 years ?

Mr. G. M. Young : (*a*) (1) 12.

(2) 15.

(*b*) Under the orders of the Secretary of State, recruitment for the permanent cadre must be in the proportion of one Indian to two Europeans ; consequently the grant of permanent commissions to Indians is limited by the rate of European recruitment in England. That is the reason why the system of temporary contracts has to be continued.

(*c*) The proportion of Indians, with Indian qualifications only, appointed to permanent commissions in the I. M. S. during the last five years, is, as appears from the answer given to part (*a*) of this question, 44 per cent. Generally speaking, from the professional point of view, medical qualifications obtainable in the United Kingdom are rated higher than those obtainable in India.

(*d*) I have already replied to this in my answer to parts (*a*) and (*b*) of question No. 799.

(*e*) Annual confidential reports are submitted on these officers as on all other officers in the army. Those who are favourably reported on have always had their contracts renewed annually, up to the 9 years at any rate. Those who are unfavourably reported on have sometimes had their contracts renewed in spite of that fact.

Diwan Chaman Lall : May I ask the Honourable Member why Government will not restart the competitive examination for the I. M. S. ?

Mr. G. M. Young : I must ask for notice of that.

That is a very big question.

Mr. K. C. Neogy : Is it a fact that Government have made no distinction between officers against whom there were unfavourable reports and officers in whose favour there were good reports when they turned out the Indian temporary officers ?

Mr. G. M. Young : I presume my Honourable friend is referring to officers whose contracts were terminated at the end of 9 years' service ?

Mr. K. C. Neogy : Yes.

Mr. G. M. Young : They all went except those who were selected for permanent commissions.

SHORT SERVICE COMMISSIONS FOR EUROPEANS IN THE INDIAN MEDICAL SERVICE.

806. ***Diwan Chaman Lall** : (*a*) Is it a fact that the Government advertised short service commissions for Europeans in the I. M. S. Department on the basis of 5 and 12 years service ?

If so could the Government lay on the table a statement showing separately

(*i*) number of Europeans granted short service commissions for 5 years ?

(*ii*) number of Europeans granted short service commissions for 12 years ?

(*b*) Is it a fact that these Europeans who are (or had to be) granted short service commissions in the I. M. S. are (or were) to be treated just like regular I. M. S. European officers as far as pay and allowances are concerned ?

(*c*) Is it a fact that on completion of 5 years and 12 years service (in case they like or liked to be demobilised) they are given (or were offered) gratuities of £1,000 and £2,400 respectively, *i.e.*, £200 per annum ?

(*d*) How is it that Europeans granted short service commissions in the I. M. S. could be given such a handsome gratuity while the temporary Indian I. M. S. officers who have served and usually serve the military for 9 years or more do not get any gratuity ?

(*e*) Is it a fact that the short service commissioned (European) officers in the I. M. S. get the same privileges as far as leave (privilege, furlough and study leave) is concerned as the permanent ones ?

(*f*) If such be the case why are not the same privileges extended to Indian temporary I. M. S. officers ?

Mr. G. M. Young : (*a*) and (*b*). My Honourable friend is clearly alluding to the special recruitment terms offered to permanent candidates for the I. M. S. These officers are permanent commissioned officers, and are selected on exactly the same terms and qualifications as permanent officers in the past, but have in addition the option of retiring on a gratuity at the end of 6 or 12 years, instead of serving on for pension. I find that this option of retiring after 6 or 12 years with a gratuity is exercisable by Indians appointed to the permanent service equally with Europeans under the most recent terms of recruitment, *i.e.*, those of 1926. The gratuity terms of 1922-23 were not extended to Indians.

The number of European officers who may retire after 5 years, *i.e.*, under the terms of 1922-23, is 41 ; and the number of those who may retire after 6 or 12 years so far is 23.

(*c*) Yes, except that the figures are £1,000 after 6 years' service and £2,500 after 12 years' service.

(*d*) It is a question of the terms of contract. Officers who serve with temporary commissions renewable at their option from year to year are not offered gratuity or pension. Officers who serve with permanent commissions are offered gratuity if they do not serve on for pension.

(*e*) As I have already stated, the officers recruited on these special recruitment terms are permanent officers, and they receive exactly the same terms and conditions of service as permanent officers.

(*f*) I think I have now sufficiently explained, Sir, the difference in the conditions of service and qualifications between officers recruited on annual contracts and those recruited to the permanent service.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member state why Government refuse the same gratuity to the temporary recruited officer even after such a long period of service of 9 years ? Do Government consider this fair and equitable when compared with the generous gratuity given to I. M. S. officers recruited in England ?

Mr. G. M. Young : I did not catch the second question that my Honourable friend put. The reply to the first question is that gratuity is not included in the terms of the contract accepted by these officers, and that one of them has even asked for it.

Diwan Chaman Lall : May I ask the Honourable Member whether it is not for the Government to see that there is no discrimination in this matter ?

Mr. G. M. Young : If my Honourable friend means racial discrimination, there is none.

Diwan Chaman Lall : May I ask the Honourable Member whether it is not a fact that gratuity is given to European temporary officers recruited in England and not to Indian temporary recruited officers ?

Mr. G. M. Young : European officers granted permanent commissions in the I. M. S. have now the option of retiring with gratuity instead of serving on for pension, and Indian officers have exactly the same option.

SCALES OF PAY OF TEMPORARY BRITISH AND INDIAN OFFICERS OF THE INDIAN MEDICAL SERVICE.

807. ***Diwan Chaman Lall** : (*a*) Is it a fact that temporary Indian I. M. S. officers are on a different scale of pay from those of temporary British I. M. S. officers (whose services are renewed yearly). If so, why ?

(*b*) Is it a fact that British temporary I. M. S. officers get the same pay and three yearly increment as the permanent I. M. S. officers ? If so, why is this not the case with temporary Indian I. M. S. officers ?

Mr. G. M. Young : (*a*) The answer is in the negative.

(*b*) The answer to the first part of this question is in the negative. The second part does not, therefore, arise.

Diwan Chaman Lall : May I ask the Honourable Member to give us a clear indication as to whether it is not a fact that temporary Indian I. M. S. officers are on a different scale of pay from temporary British I. M. S. officers whose services are renewed from year to year ?

Mr. G. M. Young : I have already explained in my answer to a previous question that there are no temporary British I. M. S. officers left on these annual contract terms. There is one whose terms are special to himself. He was recruited by the Secretary of State in 1920 and is now serving in Iraq. He will be demobilised next February.

Lieut.-Colonel H. A. J. Gidney : Is that officer in Iraq, who was engaged as a temporary officer in the I. M. S., drawing the same salary as a permanent British recruited I. M. S. officer ? Has he or has he not applied for his gratuity and is not that application to-day before the Government ?

Mr. G. M. Young : I believe all those facts are correct.

OFFER OF SHORT SERVICE COMMISSIONS TO INDIANS IN THE INDIAN MEDICAL SERVICE

808. ***Diwan Chaman Lall** : Is it a fact that the Government of India have granted short service commissions in the I. M. S. for periods of six or twelve years to Britishers ? If so, why are such short service commissions not offered to Indians ?

Mr. G. M. Young : I have given the answer to this question in my answers to the previous questions.

APPLICATION OF THE ORDERS REGARDING EXAMINATION AND STUDY LEAVE TO ENGLAND AND FREE PASSAGES, ETC., TO TEMPORARY OFFICERS OF THE INDIAN MEDICAL SERVICE.

809. ***Diwan Chaman Lall** : Will the orders, regarding the examination and study leave to England, and free passage, etc., recently issued by the Secretary of State and which re-appeared in the *Tribune* of 23rd April 1927, page 5, apply to temporary I.M.S. officers ; if not, why ?

Mr. G. M. Young : No, because the conditions of service accepted by temporary officers on annual contracts do not include these concessions. It is not considered desirable to offer these concessions to officers who have the option of terminating their contracts every year.

REPLACEMENT OF A PROPORTION OF THE BRITISH MILITARY STAFF OF STOREHOLDERS BY CIVILIAN STAFF.

810. ***Diwan Chaman Lall** : (*a*) Will the Government please state as to what has so far been done to confirm the scheme of civilianization of the I. A. O. C., introduced in 1924 in accordance with the Inchcape Committee's recommendations and by which 20 candidates were entertained as Assistant Storeholders on probation for one year, subsequently extended to two years and which period expired on 31st October 1926 ?

(*b*) If nothing has yet been decided, will the Government please state the reasons which have been the cause of delay in arriving at a definite decision ?

(*c*) Do the Government intend to drop this scheme and substitute for it the scheme of " Godown Keepers " at present under trial in Ferozepore and Kirkee Arsenal in accordance with the Sturrock Committee's recommendations and if so, will the Government please state as to how far it will be a step towards the civilianization of the Corps and whether or not these " Godown Keepers " will be employed in the same capacity and on similar terms as the British military staff is at present employed ?

(*d*) If answer to the latter part of (*c*) is in the negative will the Government please state how do they intend to carry out the Inchcape Committee's recommendations, *viz.*, the civilianization of the various departments under the Army Department, especially the I. A. O. C. ?

(*e*) If the answer to the first part of (*c*) is in the affirmative and to the latter part in the negative, will the Government please state what appointments, if any, do they intend to offer candidates who would become unemployed on account of the withdrawal of this scheme, and have in several cases become over age for entry into any other Government service ?

Mr. G. M. Young : (*a*) I would invite the attention of the Honourable Member to the reply I gave in this House to starred question No. 476 on February 18th, 1927.

(*b*) and (*c*). It has been decided to continue the scheme, but Government are considering modifications in the method of recruitment so as to secure candidates of a better educated class by suitable terms of pay, promotion and pension. The scheme has no connection with the scheme of " Godown Keepers " recommended by the Sturrock Committee. The proposals to which this answer refers aim at the replacement of a proportion of the British military staff of Storeholders by civilian staff. The proposals of the Sturrock Committee are intended to improve the existing class of Indian " Storemen " or " Godown Keepers ". Civilian " Storeholders " will be employed in the same capacity, though not precisely on the same terms, as military " Storeholders ".

(*d*) Does not arise.

(*e*) The scheme is not being withdrawn, but candidates who are not up to the requisite standard of " Storeholders " will, if they are suitable, be offered employment in the clerical cadres of the Indian Army Ordnance Corps.

WITHHOLDING OF THE PAYMENT OF GRATUITY TO INDER SAIN, A CIVILIAN OVERSEER RETRENCHED FROM THE MILITARY GRASS FARM, 4TH CIRCLE, QUETTA.

811. ***Diwan Chaman Lall** : (*a*) Is it a fact that a certain civilian Indian overseer, Inder Sain, was retrenched from the Military Grass Farm, 4th Circle, Quetta, in September 1924 ?

(*b*) Is it a fact that many persons junior to said Inder Sain were allowed to remain in service ? Was there anything special against him

which impelled the Government to mark him out for dispensing with his services ?

(*c*) Is it a fact that he was promised the payment of the gratuity for his temporary service from 1st April 1907 to 20th August 1915 only if his services for this period were verified according to rules ?

(*d*) Is it not a fact that his services were verified according to the rules and the verification was considered correct by the authorities ?

(*e*) Is it a fact that despite the admission of this correct verification, the payment of the gratuity for his temporary service has been withheld without assigning any reason ?

(*f*) Is it a fact that despite his repeated demands for the reasons that obliged the authorities to withhold his gratuity, he has not been supplied with them ?

(*g*) Will the Government now lay on the table the correspondence that took place between the A. C. G. F., 4th Circle, Quetta, and the Director of Military Grass Farms, Simla, regarding the withholding of the payment of gratuity to the said Inder Sain for his temporary services ?

(*h*) Are Government prepared to consider the advisability of cancelling orders dispensing with his services and in any case of reconsidering their decision of withholding the payment of gratuity ?

Mr. G. M. Young : (*a*) Yes.

(*b*) The answer to the first part is in the affirmative. As to the second part, the clerk was selected for retrenchment because he was held to be one of the most inefficient in the department.

(*c*) No, Sir, no promise was made. He was told that if his temporary service was approved, and his claim established the gratuity would be paid. Civilian Indian overseers were allowed under the rules to count for gratuity all services rendered by them in the Military Grass Farms subject to the proviso that the concession was not claimable as a right, but depended upon whether their services were reported as satisfactory or not.

(*d*) Yes, Sir.

(*e*) and (*f*). No. Sir. The reason was that the officers' services were not considered satisfactory : and he was so informed.

(*g*) and (*h*). The answer is in the negative.

Inclusion of the Expenditure on Electrical and Sanitary Installations in the Capital Cost of Residential Quarters for Government Servants.

812. ***Diwan Chaman Lall** : (*a*) Will the Government be pleased to state if the expenditure incurred on electric installations and sanitary installations is included in the capital cost of residential quarters for Government servants ?

(*b*) If so, whether rents are calculated on the capital cost of the building, less installation charges ?

(*c*) If the answer at (*a*) is in the affirmative are the Government aware that an extra installation tax is being levied on a certain class of Government officials whose condition of service entitle them to furnished rent free quarters ? What is the reason for this ?

(*d*) Will the Government be pleased to state if all classes of Government servants receive equal treatment in so far as residential quarters are provided and is it a fact that a certain class of Government servants are exempt from payment of rental on capital cost on account of sanitary and electric installation ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) and (*b*). Under the provisions of paragraphs 328-330 of the Public Works Department Code, and Rule 45 of the Fundamental Rules, as it stood before the recent revision, the expenditure on electric and sanitary installations was not included in the capital cost of Government residential buildings, and the tenants (unless specially exempted by the Local Government in particular cases) had to pay adequate rent on the outlay incurred on such installations, in addition to the rent payable for the residences.

In accordance, however, with the revised Fundamental Rule 45 to which the Secretary of State's sanction was received a few days ago, the expenditure incurred on electric and sanitary installations is :

(*i*) included in the capital cost of Government residences occupied by officers of All-India and Central Services, who are entitled to the benefit of the rent concessions sanctioned on the recommendation of the Lee Commission, and

(*ii*) excluded from the capital cost of Government residences occupied by other officers.

In the former cases, rents have to be calculated on the total capital cost of the residences, including the installations referred to, and are subject to the maximum limit of 6 per cent. per annum of such capital cost. In the latter cases, rents have to be calculated separately on the outlay incurred on the special services, and are payable in addition to the rents of the residences.

(*c*) Government do not recognise the necessity for providing these special services in *all* Government residences. Under paragraph 328 of the Public Works Department Code, Local Governments were authorised to sanction the provision of sanitary and electric installations in Government buildings (including those occupied by Government servants entitled to residences free of ordinary rent) provided that there was no doubt that the full prescribed rent on the outlay incurred on such installations could be continuously recovered. Local Governments were, however, empowered to sanction the entire or partial remission of rent for these extra services in very special circumstances.

The revised Fundamental Rule 45 now sanctioned by the Secretary of State also provides that Local Governments may make rules authorising, in very special circumstances and for reasons which should be recorded, the remission or reduction of the rents for the special services in residences occupied by those Government servants who are ordinarly required to pay such rents in full, in addition to the rents of the residences.

POLICY OF GOVERNMENT IN REGARD TO THE INDIANISATION OF THE IMPERIAL SECRETARIAT SERVICE.

813. ***Diwan Chaman Lall** : (*a*) Will the Government be pleased to state their policy regarding the Indianisation of the Imperial Secretariat Service ?

(*b*) Are the Government aware that in certain departments of the Government of India there is still a growing tendency to appoint Europeans or Anglo-Indians in the grades of Assistants, Superintendents and Assistant Secretaries in preference to Indians in spite of the latter being senior in service ?

(*c*) If the reply to (*b*) above be in the affirmative, what steps do Government propose to take in the matter ? If the reply is in the negative, are Government prepared to enquire into the grievances of the men affected ?

The Honourable Mr. J. Crerar : (*a*) No question arises of a policy of Indianisation so far as the Imperial Secretariat Service is concerned, because the Service is already composed almost entirely of Indians and statutory natives of India.

(*b*) No, Sir.

(*c*) No such grievance has been brought to my notice.

Mr. K. C. Neogy : Is it a fact that a practice has recently been started under which Anglo-Indian clerks when newly appointed are posted above the lowest grade ?

The Honourable Mr. J. Crerar : I am not aware of any such practice.

Mr. K. C. Neogy : Will the Honourable Member inquire ?

The Honourable Mr. J. Crerar : I should be perfectly willing to inquire if any specific grievance of that character were brought to my notice.

Mr. K. C. Neogy : Will the Honourable Member kindly look at the proceedings of this House of the last winter Session ?

The Honourable Mr. J. Crerar : As I have already said, I am prepared to inquire into any specific grievance, but no case has come to my notice.

PROMOTION OF UNPASSED MEN TO THE UPPER DIVISION OF THE GOVERNMENT OF INDIA SECRETARIAT.

814. ***Diwan Chaman Lall** : (*a*) Is it a fact that in some offices of the Government of India men are promoted from a lower to the Upper Division subject to passing the requisite test, while in other offices men who have passed the Upper Division test are awaiting their chances of promotion from year to year ?

(*b*) If the reply to (*a*) above be in the affirmative are the Government prepared to take steps to arrange for the *inter transfers* of men between different departments of the Government of India Secretariat ?

The Honourable Mr. J. Crerar : (*a*) It is no doubt the fact that promotion, which depends on actual vacancies, is more rapid in some

offices than in others at particular times, but cases in which men are conditionally promoted in anticipation of passing the test must be rare.

(*b*) It is open to a clerk who is dissatisfied with his position in his own department to apply for employment for which he is qualified in another department. Government do not propose to take any further steps in the matter.

GRANT OF COMPENSATORY ALLOWANCES TO OFFICIALS OF THE POST OFFICE EMPLOYED IN UNHEALTHY LOCALITIES IN THE MADRAS CIRCLE.

815. ***Diwan Chaman Lall** : (*a*) Will the Government be pleased to state if it is a fact that the rates of compensatory allowances sanctioned for postal officials of the clerical cadre in the specially unhealthy localities of Wynaads and the Anaimalais in the Madras Circle are the same as those sanctioned for such officials stationed in the healthy localities on the Nilgiris ?

(*b*) Are Government aware that the Madras Government have sanctioned higher rates of compensatory allowances for their subordinates stationed in the unhealthy localities than those paid for the Post Office officials ?

(*c*) Are the Government prepared to sanction compensatory allowances to Post Office officials in unhealthy localities on a par with the Local Government rates ? If so, when ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : (*a*), (*b*) and (*c*). The Honourable Member is referred to the replies given on the 25th August, last to parts (*a*), (*b*) and (*c*) of Mr. Abdul Latif Saheb Farookhi's question No. 456.

NUMBER OF OFFICIALS ADVERSELY AFFECTED BY THE 50 PER CENT. LIMIT AMONG THE RAILWAY MAIL SERVICE SORTERS, ETC.

816. ***Diwan Chaman Lall** : (*a*) Will the Government be pleased to state the number of officials affected adversely by the 50 per cent. limit :

(1) division by division among the Railway Mail Service sorters,

(2) among the Dead Letter Office clerks,

(3) among sorters of the Calcutta Railway Mail Service,

and

(4) among postal clerks stationed in the Bombay city ?

(*b*) Is it a fact that the percentage of sorters in the Railway Mail Service, and clerks of the Dead Letter Offices and the Calcutta Railway Mail Service adversely affected by the 5 0per cent. limit is higher than in the Post Office ?

(*c*) Is it not a fact that there was a general revision of pay of Post Office clerks in February 1920 ?

(*d*) Is it not a fact that for want of a similar revision of pay in the Railway Mail Service and Dead Letter Offices, the average pay of sorters and clerks was much lower than that of the clerks in the Post Office ?

(*e*) Will the Government be pleased to state whether for the above cause a large percentage of men were adversely affected by the 50 per cent. limit in the Railway Mail Service and Dead Letter Offices ?

(*f*) Do the Government propose to consider the question of relaxing the 50 per cent. limit in the case of the Railway Mail Service, the Calcutta Railway Mail Service and the Dead Letter Offices ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) and (*b*). The Government of India do not possess the information, nor do they propose to call for it, as its compilation from the old records of a large number of offices would entail an expenditure of labour and money wholly incommensurate with the public advantage to be gained therefrom. The Honourable Member is no doubt aware that the 50 per cent. limit referred to by him was applied in connection with a scheme of revision of pay which was introduced in 1920 with effect from 1st December, 1919.

(*c*) Yes.

(*d*) The answer is in the negative. According to the tables given in the Report of the Postal Committee of 1920, the average monthly pay of Railway Mail Service sorters and Dead Letter Office clerks, on Rs. 100 and less, in 1920 was about Rs. 47 and Rs. 49 respectively against Rs. 49 for postal clerks of the same category after the revision referred to in (*c*). There was a revision of pay of Railway Mail Service sorters in 1919.

(*e*) Government have no precise information on the point whether a larger percentage of men in the Railway Mail Service and Dead Letter Office were adversely affected than in the rest of the Post Office by the operation of the 50 per cent. limit applied in connection with the scheme of revision of pay on the time-scale basis sanctioned in 1920. But even if the fact is as stated by the Honourable Member, it is obvious from the answer to (*d*) that the reason is not as has been assumed by him.

(*f*) The answer is in the negative.

LEAVE OF INFERIOR SERVANTS OF THE CENTRAL GOVERNMENT.

817. ***Diwan Chaman Lall** : (*a*) Is it a fact that under the Fundamental Rules introduced by the Secretary of State for India with effect from the 1st January 1922, servants of the Central Government in inferior service were entitled to the same leave concessions as those in the superior service ?

(*b*) Is it a fact that the Government of India in the year 1923 restricted this concession on grounds of expenditure in such a way that extra expenditure to the State should not be more than half the minimum pay of the appointment the absentee holds ?

(*c*) Is it a fact that even the restricted concession was subject to the discretion of the authority sanctioning the leave ?

LEAVE OF INFERIOR SERVANTS OF THE CENTRAL GOVERNMENT.

818. ***Diwan Chaman Lall** : Will the Government be pleased to state if they have framed any rules according to which the sanctioning

authority is to sanction leave allowances to inferior servants availing themselves of leave ?

The Honourable Sir Basil Blackett : I propose to reply to the Honourable Member's questions Nos. 817 and 818 together.

12 NOON. The Honourable Member is not quite right in saying that under the Fundamental Rules servants of the Central Government in inferior service are entitled to the same leave concessions as those in the superior service. Fundamental Rule 2 confers powers on the Government of India to make rules subject to certain restrictions, modifying or replacing any of the fundamental rules, in relation to services under their administrative control other than all-India Services. Having regard to the nature of the duties performed by Government servants in the inferior grades as compared with those performed by the superior services, the Government of India, in exercise of their power under Fundamental Rule 2, have sanctioned less liberal leave terms for their inferior servants.

Diwan Chaman Lall : Is it not a fact that the inferior services perform more arduous work than the superior services ?

The Honourable Sir Basil Blackett : Sir, I know my own work is arduous. I do not know about theirs.

COUNTING FOR INCREMENTS OF PERIODS OF SERVICE SPENT ON LEAVE WITHOUT PAY.

819. ***Diwan Chaman Lall** : (*a*) Is it a fact that periods of service spent on leave without pay do not count for increments ?

(*b*) Does this apply to inferior servants ?

(*c*) Has the Auditor General ruled that even though inferior servants do not get allowances while on leave the nomenclature of the leave should be according to the kind of leave they are eligible for ?

(*d*) Has the ruling of the Auditor General been acted upon by the authorities sanctioning leave and permitting increments ?

(*e*) Is it a fact that the Deputy Accountant-General of Posts and Telegraphs, Madras, remarked in his inspection for 1925 that the ruling of the Auditor General has not been acted upon ?

The Honourable Sir Basil Blackett : (*a*) No, but under Fundamental Rule 26 extraordinary leave, that is to say, leave without pay granted when other leave is not due does not ordinarily count for increments.

(*b*) and (*c*). The answer is in the affirmative.

(*d*) The Government have no information to the contrary.

(*e*) Enquiry will be made in regard to part (*e*).

EXPENDITURE ON NEW OFFICES, BARRACKS AND HOUSES FOR THE ARMY.

820. ***Diwan Chaman Lall** : Will the Government be pleased to state the amount of money spent by the Army Headquarters since 1920 on new offices, barracks and houses for the Army ?

(*b*) Was this money spent in the ordinary course of normal wear and tear of buildings or for any other purpose ?

Mr. G. M. Young : (*a*) The total amount spent by the Military Engineering Services from 1920 to 1926 was about 28 crores. The figures for 1926-27 are not yet available.

(*b*) The money was spent on the erection, repair, reconstruction and improvement of military buildings of all kinds, on electrification and water supplies and on the provision of better roads and bridges. It has not been possible in the time at my disposal to separate this total from the expenditure on the particular items mentioned by the Honourable Member, nor am I quite sure what information exactly he requires. If he would kindly give me further particulars, I will endeavour to answer his question more fully.

NUMBER OF HINDUS AND MUHAMMADANS EMPLOYED IN THE LOWER CLERICAL GRADE OF THE PUNJAB POSTAL DEPARTMENT SINCE THE 1ST MARCH, 1927.

821. ***Diwan Chaman Lall** : With reference to the reply given to starred question No. 972 on 16th March 1927, will the Government be pleased to state the number of Hindus and Muhammadans enrolled in the service of the Punjab Postal Department since 1st March 1927 in the lower clerical grades ? And what are their academical qualifications ?

Mr. H. A. Sams : The information is being collected and will be furnished to the Honourable Member in due course.

PURCHASE OF STORES.

822. ***Diwan Chaman Lall** : With reference to the answer given on 13th June 1927 to my starred question No. 414, dated the 15th February 1927, *re* purchase of stores, will the Government be pleased to state the full particulars of the 13 cases and the amounts involved in respect to the cases mentioned in the reply ?

The Honourable Sir Bhupendra Nath Mitra : A statement giving the information is being supplied to the Honourable Member.

HOUSE RENT ALLOWANCE OF TELEGRAPH PEONS IN NEW DELHI.

823. ***Diwan Chaman Lall** : Is it a fact that the telegraph peons at New Delhi are paid Rs. 2 per mensem as house rent since their arrival at Raisina, while the sanctioned rate is Rs. 2 to Rs. 8-8-0 per mensem ? If so, why, when the accommodation is inadequate ?

Mr. H. A. Sams : No. The sanctioned rate of house rent allowance for all telegraph peons in Delhi and New Delhi is Rs. 2 a month.

RE-EMPLOYMENT OF STRIKERS BY THE NORTH WESTERN RAILWAY.

824. ***Diwan Chaman Lall** : (*a*) Are Government aware that since the North Western Railway strike of 1925, in spite of the promise held out by the Agent, North Western Railway, that the strikers will be provided for, no sooner vacancies occur, the strikers in spite of repeatedly applying for jobs have been refused the same on the plea that their services are not required even though the vacancies for which they applied did exist and were filled by either new men or by promoting junior hands ?

(*b*) Are Government also aware that a good number of senior drivers who went on strike are still out of work and their posts have been filled by promoting shunters as drivers. If so, do Government propose to ask the Agent, North Western Railway, to fulfill his words regarding the appointment of strikers in preference to outsiders and by stopping promotions to junior hands and issue clear instructions to Divisional officers to carry out his instructions strictly ?

Mr. A. A. L. Parsons : (*a*) No promise in these terms was ever given by the Agent, North Western Railway, but in filling vacancies he is giving consideration to men who lost their posts in the strike and who have applied for re-employment. The Agent must, however, naturally exercise his discretion in individual cases.

(*b*) No case has yet come to the Agent's notice in which in filling vacancies new men have been taken on in preference to *ex*-strikers who were good and efficient employees and who applied for appointment.

Diwan Chaman Lall : Do I take it, Sir, that it is the policy of the Railway Board to give re-employment to those strikers if they happen to be efficient ?

Mr. A. A. L. Parsons : So far as the North Western Railway is concerned, I can say that the action of the Agent is in accordance with the policy of the Railway Board.

LONG HOURS OF WORK OF THE CARRIAGE AND WAGON STAFF AT LYALLPUR AND SOME OTHER STATIONS OF THE NORTH WESTERN RAILWAY.

825. ***Diwan Chaman Lall** : Are Government aware that the Carriage and Wagon staff at Lyallpur and some other stations of the North Western Railway is still performing 12 hours continuous duty against the conventions of the Geneva Conference accepted by the Government of India ? Do Government propose to see that the staff on the North Western Railway is not made to work more than 8 hours a day as per convention of the Geneva Conference ?

Mr. A. A. L. Parsons : I would refer the Honourable Member to the reply given to an identical question asked by Khan Bahadur W. M. Hussanally on the 24th of August 1926, and with regard to the action taken for the purpose of the Geneva Convention to the reply given to Mr. Joshi's question No. 150, on the 23rd August 1927.

DATE OF THE COMING INTO FORCE OF THE INDIAN TRADE UNIONS ACT.

826. ***Diwan Chaman Lall** : Since the assent has been given by His Excellency the Viceroy to the Trade Unions Act, will the Government let the House know why its operation is being delayed and when do the Government propose to bring it into operation ?

The Honourable Sir Bhupendra Nath Mitra : The Indian Trade Unions Act came into force on the 1st June 1927.

Diwan Chaman Lall : May I ask the Honourable Member whether he is aware that when applications are made in certain provinces for the registration of unions the office says they have no documents or forms with which to register these unions ?

The Honourable Sir Bhupendra Nath Mitra : I am not aware of that. If that was my Honourable friend's point and he had put down that question on paper, I would by this time have made inquiries on the subject.

GRIEVANCES OF THE EUROPEAN GUARDS OF THE NORTH WESTERN RAILWAY STATIONED AT RAWALPINDI.

827. ***Diwan Chaman Lall :** Are Government aware that the European guards at Rawalpindi submitted a memorial to the Agent, North Western Railway, which has not been attended to as yet ? When will the Agent, North Western Railway, go into the grievances of the memorialists ? Is it a fact that Mr. Barlow, guard, Rawalpindi, was transferred from Rawalpindi because he was considered to be the ringleader of the Rawalpindi guards in this case ?

Mr. A. A. L. Parsons : A memorial has been received and acknowledged by the Agent, North Western Railway, and the grievances are receiving attention. The reply to the last portion of the question is in the negative.

Diwan Chaman Lall : May I take it, Sir, that it is not correct that Mr. Barlow, guard, was transferred from Rawalpindi because he was considered a ringleader in the strike ?

Mr. A. A. L. Parsons : I said the reply was in the negative.

Diwan Chaman Lall : Do I take it, the Railway Board are considering the memorial sent up by those European guards ?

Mr. A. A. L. Parsons : So far as I am aware, we have not yet been consulted ; I shall have to ask for notice. I am not at all sure that the alleged grievances are not such as can be remedied by the Agent himself.

GRANT OF GRATUITIES BY THE NORTH WESTERN RAILWAY TO STRIKERS WHO OFFERED FOR DUTY AND WERE NOT RE-EMPLOYED.

828. ***Diwan Chaman Lall :** Are Government aware that the North Western Railway strikers offered for duty and many of them were not taken back for want of vacancies and were discharged from service ; that such strikers who are under 15 years of service have been refused gratuity while the gratuity rules provide that it will be paid to men who are not wanted by the Railway ? Do Government intend to consider the question of paying gratuity to such employees as it was paid during retrenchment ?

Mr. A. A. L. Parsons : I would invite the Honourable Member's attention to the reply given to the question No. 219, dated the 27th August 1926 in identical terms asked by Khan Bahadur W. M. Hussanally.

SHADOWING OF MEMBERS OF THE LEGISLATIVE ASSEMBLY AND INTERCEPTION AND CENSORSHIP OF THEIR CORRESPONDENCES.

829. ***Diwan Chaman Lall :** (1) Will the Government be pleased to state the names of the Honourable Members of the Legislative Assembly whose (*a*) correspondence is in some cases or in all cases opened and

read under instructions of the C. I. D. before delivery, (*b*) whose movements always from time to time are watched under the instructions of the C. I. D. ?

(2) Will Government kindly obtain the necessary information from the C. I. D. in regard to these matters ?

(3) Will Government state the grounds for the action taken by the C. I. D. in regard to these matters ?

The Honourable Mr. J. Crerar : I would refer the Honourable Member to the answers on the subject given by my predecessor to his questions of the 25th January 1926 and the 9th June 1924.

Diwan Chaman Lall : May I ask the Honourable Member whether he has read those answers ? They are absolutely unsatisfactory and do not give a reply to my question.

The Honourable Mr. J. Crerar : I certainly have read the answers and I cannot admit that they were unsatisfactory. I may remind the Honourable Member that my predecessor said that if any Honourable Member suffered any inconvenience of the character referred to in the question he would, on the Honourable Member bringing the facts to his notice, make inquiries in the matter. I myself am quite prepared to do the same.

Diwan Chaman Lall : May I ask the Honourable Member whether, in view of the question which I have put down, he has not been in a position to make inquiries already in regard to this matter ?

(No answer.)

Diwan Chaman Lall : May I ask the Honourable Member whether it is not a fact that the correspondence of certain Members of this House is being opened by the C. I. D. ?

The Honourable Mr. J. Crerar : I have no information on that subject.

Diwan Chaman Lall : Will the Honourable Member kindly make inquiries ?

The Honourable Mr. J. Crerar : I think I substantially replied to that question. I said that if any Honourable Member suffering inconvenience of the character referred to will bring the facts personally to my notice I will inquire into the matter.

Diwan Chaman Lall : May I ask the Honourable Member whether it is not a fact that my question is whether the Government will make inquiries in regard to this matter and let Honourable Members know, and that it is not a question of Honourable Members placing their grievances before the Government ?

The Honourable Mr. J. Crerar : I am afraid I cannot add to the reply I have already read to the Honourable Member.

APPOINTMENT AND TERMS OF REFERENCE AND PERSONNEL OF THE STATUTORY COMMISSION.

830. ***Diwan Chaman Lall** : Will Government state whether any decision has been arrived at in regard to the time of appointment and the terms of reference and personnel of the Statutory Commission ?

The Honourable Mr. J. Crerar : Governmnet are unable to make any statement on the subject.

Diwan Chaman Lall : With your permission, Sir, I beg to withdraw question No. 831 and will not put it.

TRIAL OF INDIANS IN CHINA FOR POLITICAL OFFENCES.

832. ***Diwan Chaman Lall** : Will Government state the names, numbers and description of Indians tried by the British authorities in China for political offences and the sentence awarded in each case or cases and place the copies of the proceedings in each case or cases on the table ?

The Honourable Mr. J. Crerar : I would refer the Honourable Member to the answer that I gave on the 22nd August last to Mr. Gaya Prasad Singh. The names of those who pleaded guilty and were sentenced are Dasaundha Singh, Gajjan Singh and Gainda Singh. The names of the other two men referred to are not known.

Government do not propose to lay copies of the proceedings on the table.

SUBJECTION TO POLICE SURVEILLANCE OF GAUHAR RAHMAN SINCE HIS RELEASE FROM THE PESHAWAR JAIL.

833. ***Diwan Chaman Lall** : Is it a fact that one Gauhar Rahman was sentenced to two years' rigorous imprisonment in 1923 at Peshawar under section 121-A and was released from the Peshawar Jail on the 3rd January 1925 ? Is it a fact that since his release he is under police surveillance ? If so, why and under whose orders ?

The Honourable Mr. J. Crerar : The answer to the two first parts of the question is in the affirmative. The action was taken by the District authorities on account of his association with local criminals.

Diwan Chaman Lall : May I ask the Honourable Member whether he will give us the correct facts about the association of this gentleman with local criminals ?

The Honourable Mr. J. Crerar : I am afraid I cannot add to the reply I have already given.

Diwan Chaman Lall : By local criminals does he mean people sentenced for political offences ?

(No answer.)

Diwan Chaman Lall : May I ask the Honourable Member whether action has been taken against this gentleman under section 110 ?

The Honourable Mr. J. Crerar : I am afraid I must have notice of that question.

INTERNMENT OF MOHAMMAD SAFIQ IN AKORA VILLAGE.

834. ***Diwan Chaman Lall** : Is it a fact that the Chief Commissioner, North-West Frontier Province on 28th August 1926 commanded the internment of one Mohammad Safiq in Akora village ? If so, will the Government state (*a*) the reasons of such an order being passed to take effect on the day following his release from the Jail on expiry of his sentence, (*b*) the means

of his livelihood in the said village, and (*c*) why the orders do not indicate the period of internment, and will the Government lay on the table the correspondence on the subject ?

Sir Denys Bray : Enquiry is being made from the local Administration and a reply will be sent to the Honourable Member in due course.

TRAVELLING TICKET EXAMINERS ON THE NORTH-WESTERN RAILWAY.

835. ***Diwan Chaman Lall** : (*a*) Is it a fact that the T. T. Examiners who sat in the examination have not been told so far whether they passed the examination or failed ? Is it also a fact that marks were allotted to the questions and, if so, whether the examiners have been informed of the number of the marks obtained by them. If not why ?

(*b*) Is it a fact that the superseded T. T. Es. who were not appointed as special T. T. Es. on the result of the examination had all failed in the said examination, and was it that only those promoted had passed the examination ?

(*c*) Will the Government state the reasons why this information should be withheld in the case of T. T. Es. ?

(*d*) Has the attention of the Government been also drawn to the articles which appeared in the *Railway Weekly Herald*, Lahore, dated 16th and 24th March, 1927, respectively, and in the *Tribune*, dated 13th May, 1927 in which some serious disclosures have been made regarding the administration of I. C. Gs. and T. T. Es. of the North-Western Railway Audit Department and what steps do they propose to take to eradicate the evil and improve the present state of affairs ?

(*e*) Will Government say whether Nazir Ahmad Khan and Mohamad Husain, T. T. Es. who were supposed to be headquartered at Rawalpindi in 1923 and at Mooltan 1921 and 1922 respectively, have actually performed their duties from these headquarters or do their travelling allowance bills show that they had been actually working from and taking their rest in Lahore.

(*f*) If the reply to the above is in the negative will the Government state how many times these men have stayed for more than six hours in a day as per their travelling allowance bills at Rawalpindi and Mooltan in each year to show whether these headquarters were actual or paper ones ?

TRAVELLING TICKET EXAMINERS ON THE NORTH-WESTERN RAILWAY.

836. ***Diwan Chaman Lall** : (*a*) With reference to the list of names supplied in reply to question No. 1250-A is it a fact that the Europeans, Anglo-Indians and most of the Hindus mentioned therein simply happened to be working the trains carrying Mr. G. Z. Khan, the sectional officer, by a mere coincidence ? If so, will the Government give the names of those T. T. Es. only who were usually with him on tour eliminating those of the above nature and those who were casually utilized for special check within their own district limit ?

(*b*) Will the Government give the names of the T. T. Es. who accompanied the sectional officer outside their district limit on the pretence of special checking and if these gentlemen are mostly Muhammadans, will Government state the reasons for eliminating Europeans, Anglo-Indians, Parsees, Hindus, and Sikhs, etc. ?

LOSS INCURRED BY GOVERNMENT OWING TO THE VISIT PAID TO LAHORE BY CERTAIN TRAVELLING TICKET EXAMINERS OF THE NORTH-WESTERN RAILWAY IN JUNE 1925.

837. ***Diwan Chaman Lall** : (*a*) Will the Government place on the table for the information of the House a statement giving names of the T. T. Es. and I. C. Gs. stationed outside of Lahore who came to Lahore and were present there on 5th, 6th and 7th June, 1925 and the purport of their visits as recorded on their travelling allowance bills ?

(*b*) Is it a fact that the T. T. Es. coming to Lahore on official business are issued certificates of office attendance with the business files No. recorded thereon and whether these certificates are required to be submitted with the travelling allowance bills to enable the allowance being passed ? If so, were the T. T. Es. stationed outside of Lahore and present in Lahore on 5th, 6th and 7th June, 1925 issued any certificates of office attendance ? If not, how was their travelling allowance passed for these dates ?

(*c*) Is it a fact that the T. T. Es. and I. C. Gs. are not supposed to depart from their programmes and forecasts with good reasons in the interest of the Railway, and if so, were these men who left their districts to reach Lahore called by official telegrams or did they come of their own accord ? In the latter case what reasons were given by them for departing from their allotted duties and what other action was taken against them ? Were they allowed to draw their allowances in the absence of certificates referred to in the question above ?

(*d*) Is it a fact that staff coming from outside the station for the party on the 5th, 6th June, 1925 also remained behind on 7th June, 1925 for the photo group and were allowed to draw their allowances for doing no official work when the office was closed on Sunday, the 7th June, 1925 ?

(*e*) Will Government state how many T. T. Es. received their card passes stationery, and excess fare books on Sunday, the 7th June, 1925 as per office record ?

(*f*) Is it a fact that a special man was appointed in the T. T. E. Branch to distribute the stationery forms, etc., and there was a rule to the effect that no member of the staff should come to Lahore for receiving these things and average mileage allowance is not admissible for such visits ? If so, did any T. T. E. attend office on the 5th, 6th or 7th June, 1925 to receive stationery card passes, uniform, etc., and was he allowed to draw average mileage and if so under what rules ? Will Government state whether the T. T. Es.' office was opened on Sunday the 7th June, 1925 and if any T. T. E. received his excess fare books, etc., on that day and was granted average allowance ? If so, will the Government state the necessity for entailing the double financial loss on account of their average allowances when these T. T. Es. were present on the previous day the 6th June, 1925 ?

(*g*) Will Government place on the table a statement showing the earnings of the T. T. Es. who came to Lahore on 5th, 6th and 7th June, 1925 as compared to their earnings on these dates in the previous month (May 1925) and succeeding month (July 1925) and state the financial loss incurred by the Government on account of this function ?

Mr. A. A. L. Parsons : I propose, Sir, with your permission, to reply to questions Nos. 835, 836 and 837 together.

Government are not in possession of information to enable them to reply to the Honourable Member, and as they are convinced that an inordinate amount of time and labour would be spent in collecting information in regard to matters of very small, if of any importance, they do not propose to issue instructions for the collection of the information.

Diwan Chaman Lall : May I ask the Honourable Member whether he is not aware that this question was asked in a previous Session also and that it is a matter of very great public importance ?

Mr. A. A. L. Parsons : I am aware that I was asked a question about one of the gentlemen mentioned in this question last Session and gave a reply ; as I have said, I do not consider the matter of any public importance. In regard to certain allegations against one gentleman mentioned in the Honourable Member's question I may say that the Accountant General, under whom and the Chief Auditor these men are employed, has looked into the matter and has assured me that there is no truth in the allegations.

MANUFACTURE OF ENGINES AT THE WORKSHOPS OWNED BY THE BOMBAY, BARODA AND CENTRAL INDIA AND RAJPUTANA MALWA RAILWAYS IN AJMER.

838. ***Rai Sahib Harbilas Sarda** : (*a*) Are Government aware that the Bombay, Baroda and Central India Railway and Rajputana Malwa Railway own large workshops at Ajmer ?

(*b*) Is it a fact that the locomotive shops are the only workshops in India where railway engines are manufactured, and is it not a fact that the engines made at Ajmer cost less than those imported from England, while they are as good as the latter ?

(*c*) Is it a fact that the Railway Board are taking steps to put a stop to the making of these engines at Ajmer ? If so, will Government state the reasons for doing so ?

Mr. A. A. L. Parsons : (*a*) The Bombay, Baroda and Central India Railway have workshops at Ajmer.

(*b*) The answer to the first part of the question is in the affirmative. It is not at present possible to say whether the locomotives manufactured at Ajmer are more or less expensive than those of similar design imported from England.

(*c*) The question whether the manufacture of locomotives should be continued at Ajmer will be considered when we have received the report of Sir Arthur Dickinson who was asked to go into the question of the cost of manufacture there.

MILITARY SERVICES RENDERED BY THE MERS (RAWATS) AND MERATS OF AJMER-MERWARA.

839. ***Rai Sahib Harbilas Sarda** : (1) Are Government aware that Merwara, a hilly sub-district of the province of Ajmer is inhabited by a hardy and warlike people known as Mers (Rawats) and Merats ?

(2) Are Government aware that a battalion of this hardy people, called the Merwara Battalion was first raised in 1822, A. D., by Colonel Hall at Beawar ?

(3) Are Government aware that this force of Mers and Merats of Ajmer-Merwara has loyally served the British Government for over a century and has rendered useful military service and fought in :

(*a*) the Sepoy Rebellion of 1857, when it marched 33 miles in 6 hours and saved the Ajmer Magazine from falling into the hands of the rebels, and later, won the battles of Sambhalia and Allwa (Marwar) ;

(*b*) the Afghan War of 1878-79 when the good work it did was publicly recognized and the Victoria Cross was conferred on its Commander, Colonel O'Moore Creagh, who later rose to be Commander-in-Chief of the Indian Army ;

(*c*) the battle of Bidasar in 1883-84 ;

(*d*) the Chitral Campaign of 1901-02 ;

(*e*) the war with China in 1902 ; and

(*f*) the world war in various places in Mesopotamia ?

Mr. G. M. Young : The information contained in my Honourable friend's question is substantially correct.

STOPPAGE OF RECRUITMENT OF THE MERS AND MERATS OF AJMER-MERWARA FOR THE INDIAN ARMY.

840. ***Rai Sahib Harbilas Sarda** : (1) Are Government also aware that a part of the 44th Merwara Infantry into which the original Merwara Battalion was converted, the Mers and Merats of Ajmer-Merwara fought in the world war in :

the 28th Punjabees,

the 2nd|42nd Deoli Regiment,

the 43rd, 2nd|43rd Erinpura Regiment.

the 72nd Punjabees,

the 122nd Infantry,

the 2nd|119th Infantry,

the 3|150th Infantry,

the J. and K. Companies of 122nd Infantry and served in the Transport and Hospital Corps, and

Garrison Companies stationed at Meiktila (Burma) and Sumerpur for duty with the Turkish prisoners of war ;

and in 1921, A. D., took part in the operations in North Persia against the Bolsheviks in the 122nd Regiment and furnished large numbers of fighting men in the Third Afghan War of 1919-21 ?

(2) Are Government aware that the Mers and Merats have earned a name in musketry ?

(3) Are Government aware that Merwara furnished the highest percentage of recruits in India for the world war and that the Commissioner

of Ajmer declared in a public meeting in 1917, A. D., that in his tour in Merwara wherever he went he only found old men and children, all men capable of bearing arms having gone to the front ?

(4) Are Government aware that great dissatisfaction prevails in Merwara owing to the disbanding of the 44th Merwara Infantry and the issue of the Army Order No. 728, dated the 11th of October 1926 which directs that " the Class Composition of the 4th Bombay Grenadiers as laid down in annexure of the India Army Order No. 846 of 1924 is altered ", " Eastern Punjabi Jats being recruited as vacancies occur among Mers and Merats "?

(5) Are Government aware that this order means the total elimination of the Mers and Merats from the Indian Army in spite of the fact that these people have rendered useful military service for over a century in various battlefields in India and outside it ?

(6) Will Government be pleased to state its reasons for barring the Mers and Merats from military service ?

Mr. G. M. Young : The information contained in paragraphs 1—5 of my Honourable friend's question is substantially correct.

(6) In recent years the fighting material furnished by these classes has been considered inferior to that furnished by others : and with the reduction of the army since the Great War it has no longer been possible to find a place for them.

MUSLIM REPRESENTATION IN THE ROYAL AIR FORCE HEADQUARTERS.

841. ***Mr. Muhammad Yamin Khan** : 1. What is the total number of Indian clerks in the Royal Air Force units in India, and how many of them are Muslims ?

2. What is the total number of Indian clerks in the Royal Air Force Headquarters Office and how many of them are Muslims ?

3. Is it a fact that in 1924, two Muslim and five non-Muslim clerks were retrenched from the Royal Air Force Headquarters Office and that all these men were provided with appointments in the Royal Air Force units ?

4. Is it a fact that of the five non-Muslim clerks, three have since been retransferred to the Royal Air Force Headquarters Office and restored to their *status quo ante* without passing the necessary examinations of the Public Service Commission ?

5. Is it a fact that of the remaining two non-Muslim retrenched clerks, one asked for employment in the Army or the Royal Air Force Headquarters Offices because he was unwilling to go out of Simla and having failed to secure such employment the clerk resigned his appointment in the Royal Air Force unit ?

6. Is it a fact that the Royal Air Force Headquarters have, after three years of the clerk's resignation now recommended his re-employment in those Headquarters without passing the necessary examinations of the Public Service Commission ?

7. Is it a fact that all the four clerks referred to above who have been accorded special consideration, have not passed even the Matriculation Examination of the Indian Universities, the lowest examination prescribed for the tests of the Public Service Commission ?

8. Is it a fact that neither of the two Muslim clerks retrenched in 1924, has been given any consideration for retransfer to the Royal Air Force Headquarters ?

9. Will Government please state the reasons which have led to preferential treatment being accorded to the non-Muslim clerks of the Royal Air Force Headquarters ?

10. Is it a fact that *eight* permanent vacancies recently occurred in the Royal Air Force Headquarters, and that out of these only *one* has been given to a Muslim clerk, the remaining seven having been filled by non-Muslims ?

11. Is it a fact that one Muslim candidate served in the Royal Air Force Headquarters for fourteen months in the hope of getting one of the eight appointments refered to above, but was declared inefficient after 14 months and the vacancy held by him was given to a non-Muslim ?

12. Is it a fact that a Muslim candidate was offered an appointment in the Royal Air Force Headquarters for a period of six months in the first instance, but had to make room for a non-Muslim clerk after he had been in that office for only three months ?

13. Is it a fact that the non-Muslim clerk brought in replacement of the Muslim candidate, is a relative of the Superintendent of the Establishment Branch in the Royal Air Force Headquarters ?

14. Is it a fact that the non-Muslim clerk under reference has been given a definite promise of being given preference over his seniors on the occurrence of a permanent vacancy, thus creating dissatisfaction and discontent among the temporary clerks already working in those Headquarters ?

15. If so, will Government very kindly say what steps they propose to take to safeguard the interests, and ensure proper representation, of the Muslim community in the Royal Air Force Headquarters ?

Mr. G. M. Young : 1. 88 (including 7 munshis and 3 draughtsmen). Of this number 30 are Muslims.

2. 38 as on 27th August 1927 (including 1 draughtsman). Of this number 8 are Muslims.

3. Yes.

4. Yes. They were exempted by the Home Department from passing the necessary examination of the Public Service Commission on the ground that they would not have been required to do so had they not been retrenched.

5. Yes.

6. Yes. The grounds for the recommendation are the same as those stated in my answer to part 4.

7. One is a matriculate, and the other three are not.

8. One of these 2 clerks secured employment in the office of the Judge Advocate General and is now understood to be serving in the Home Department. The other is not considered to be up to the standard required for the Royal Air Force Headquarters and has therefore not been re-employed at those headquarters.

9. No preferential treatment has been accorded.

10. Yes. 2 vacancies were however originally given to Muslims but one was subsequently found unsuitable and his services were dispensed with. His appointment was then filled by a non-Muslim retrenched clerk.

11. Yes. This is the clerk to whom I have just referred in my answer to part 10.

12. I understand that the non-Muslim clerk referred to was holding at the time an appointment in the office of the Master General of Supply. In view of the fact he had 6 years' clerical experience with Royal Air Force units, and a very efficient record, an exchange was effected, at the instance of the Royal Air Force Headquarters, between this clerk and the Muslim clerk holding a temporary appointment at Royal Air Force Headquarters.

13. I understand that the clerk in question is married to the daughter of the Superintendent's wife's maternal uncle, (Laughter), but this circumstance was not the reason of his appointment. I have given the reasons in my answer to part 12.

14. No such promise has been given.

15. Full consideration is given to the interests of the Muslim community in the Royal Air Force Headquarters. The Indian establishment of those Headquarters is at present composed as follows—majority community 60 per cent. : and minority communities about 40 per cent.

Mr. Muhammad Yamin Khan : May I inquire how many of these minority communities are Mussalmans out of this 40 per cent. ?

Mr G. M. Young : If my Honourable friend will refer to my reply to part 2 of the 15 parts of his question, he will find the answer to that supplementary question.

DISTRIBUTION BY THE MILITARY AUTHORITIES OF LAND IN THE NILI BAR COLONY.

842. ***Mr. Muhammad Yamin Khan** : 1. Is it a fact that land on Nili Bar Colony has been distributed by the military authorities among the clerks serving at Army Headquarters ?

2. If so, what is the total number of grantees and how many of them are Muslims ?

3. Is it a fact that non-Muslim clerks, who are not agriculturists, have been liberally granted land on the said Colony, while Muslims clerks, who are generally agriculturists by profession, have been ignored ?

4. What is the total number of non-agriculturist non-Muslim clerks who have been granted land ?

5. Are Government prepared to consider the advisability of granting land on the basis of (agricultural) efficiency and competency ?

6. What reasons had the Government to grant land to non-agriculturist non-Muslim clerks in preference to agriculturist Muslims serving at Army Headquarters ?

7. What is the total area granted to non-Muslims and Muslims respectively ?

8. Will the Government be pleased to state the reasons which led the Government to make these grants to the non-combatant class in preference to the combatant class ?

9. Are there any disabled soldiers who have not been granted any land ?

10. How many families are there who lost their bread earner in the war and to whom no land has been granted ?

Mr. G. M. Young : 1—8. I propose, Sir, to reply to the first eight parts of this question together. The distribution of land in the Nili Bar Military Colony is carried out under the personal direction of His Excellency the Commander-in-Chief, who has taken the greatest care to see that it is equitably done. Out of a total of 2,300 grants made so far, about 1,000 have been made to Muslims, and out of 3,000 squares available in the Nili Bar Colony 2,750 have been allotted so far to combatants and only 110 to non-combatants. As a special favour, a very few grants were made to deserving clerks at Army Headquarters. 17 grants were made in all : of the recipients, 16 happened to be non-Muslims, and one a Muslim. Another large area of Colony land has been placed at the disposal of His Excellency the Commander-in-Chief for military grants. In considering whether it is desirable to offer any grants in this area as a special concession to Muslim clerks, this question and answer will be borne in mind.

9 and 10. I cannot give a categorical reply to these parts of the question : but the claims of disabled soldiers and of the families of those who fell in the War have always been given special consideration not only in the Nili Bar Colony grants but in any other scheme for the grant of land that has been sanctioned by the Government of India or by a Local Government since the War.

Mr. Muhammad Yamin Khan : Will Government be pleased to make an inquiry if there are any such disabled soldiers as I have asked about in part 9 of my question, and let the House know, and also if any consideration is going to be shown to these disabled soldiers or not ?

Mr. G. M. Young : I have already explained, Sir, that disabled soldiers have always been given special consideration ; they are now being given special consideration. Applications from disabled soldiers are being invited for these grants.

UNSTARRED QUESTIONS AND ANSWERS.

PENSION OF MR. BHAGWAN DASS SURI, LATE ACCOUNTANT, MILITARY ACCOUNTS DEPARTMENT.

94. **Diwan Chaman Lall** : (*a*) Are Government aware that Mr. Bhagwan Dass Suri, late accountant, Military Accounts Department (Rawalpindi), who proceeded on field service overseas in October 1914 in connection with the last Great War, was invalided out of service on account of diseases contracted on field service ?

(*b*) Is it a fact that he was not allowed to avail himself of the full amount of leave (privilege, medical and furlough), due to him and at his credit, before being invalided ?

(*c*) Is it a fact that he has been a loser in service pension in comparison with his juniors who did not proceed on field service but remained in India, as he was deprived of his acting and *sub-protem* promotions in India and the field and deputation allowances drawn by him in the field were not counted towards pension ?

(*d*) If so, what action was taken, or what action do Government now propose to take, in the matter ?

COUNTING TOWARDS PENSION OF THE DEPUTATION ALLOWANCES DRAWN BY MR. BHAGWAN DASS SURI.

95. **Diwan Chaman Lall** : (*a*) Are Government aware that the civilian clerks deputed to the Military Accounts Department during the last Great War were allowed to count their deputation allowances towards pension under Finance Department letter No. 1231, dated 27th July 1917 ?

(*b*) If so, are Government prepared to extend this concession in the case of Mr. Suri who was deputed to field service and the Field Controller's Office at Poona, in order to increase his pension ?

PENSION OF MR. BHAGWAN DASS SURI, LATE ACCOUNTANT, MILITARY ACCOUNTS DEPARTMENT.

96. **Diwan Chaman Lall** : (*a*) Will Government please state whether any special pensions were sanctioned by them since 1914 under the authority of Article 924 (*b*), Civil Service Regulations (Edition 1918) ?

(*b*) Were any applications for pensions in excess of the amounts admissible under the Civil Service Regulations or involving any relaxation of the rules submitted for the sanction of the Secretary of State for India since 1914 under Article 924 (*a*)-C.S.R. (Edition 1918) ?

(*c*) If so, under what circumstances were they sanctioned and submitted ?

(*d*) Are Government prepared to deal with the case of Mr. Suri under these rules ?

The Honourable Sir Basil Blackett : The full particulars of the case of Mr. Bhagwan Dass Suri are not yet available. Replies to the Honourable Member's questions will be given as early as possible.

DISCHARGE OF JAI CHAND, SUB WAY INSPECTOR, NORTH WESTERN RAILWAY.

97. **Diwan Chaman Lall** : 1. Is it a fact that one Jai Chand, Sub Way Inspector, after having two years' approved service with the I. E. F. " D " in Mesopotamia was engaged by the North Western Railway and after having served there for 9 years was discharged by the Divisional Superintendent, Ferozepore, in April 1926 ?

2. Is it a fact that no charge sheet was ever served on him nor any defence taken and a certificate without entry of abilities or character granted ?

3. Is it a fact that the Railway Administration intended to debar him from further service by granting such a certificate which amounts to dismissal ?

4. Is it a fact that in answer to a question put by Khan Bahadur W. M. Hassanally in the Legislative Assembly last November, Jai Chand was advised by the Government Member to appeal to the Railway Board ?

5. Is it a fact that the Railway Board refused to consider his case on his representation, saying that the Agent of the Railway was solely empowered to deal with it ?

6. Is it a fact that on his representation to the Agent of the Railway no attention was paid to his grievances ?

7. Is it a fact that the man has thus been deprived of his right to appeal to British justice on dismissal by an officer of the Division for no fault of his ?

8. If so, do Government propose to take steps to have the case inquired into, and ask the railway authorities to serve him with a charge sheet and obtain his defence before discharging him if necessary ?

Mr A. A. L. Parsons : (1) Yes.

(2) Yes ; no charge sheet was necessary as Jai Chand was discharged in terms of his agreement.

(3) There was no such intention on the part of the North Western Railway Administration.

(4) No. The question was not put in November last but in August 1926 and I would invite the Honourable Member's attention to the exact terms of my reply to question No. 213 to Khan Bahadur W. M. Hassanally on the 24th August 1926.

(5) As Jai Chand was discharged in accordance with the terms of his agreement no appeal lies to the Railway Board against such discharge.

(6) On representation to the Agent full consideration was given to his grievances and replies were given to him on two occasions, namely, on 30th May 1926 and 11th September 1926.

(7) and (8). As already stated Jai Chand was not dismissed and his grievances were considered.

Extension of the Lee Concessions to Covenanted Subordinates in Railways.

98. **Diwan Chaman Lall** : (1) When were the Lee concessions granted to the covenanted officers in Railways and why were they not extended to the covenanted subordinates ?

(2) Why have the repeated appeals for recognition for the Lee concessions from the covenanted subordinates been evaded ?

(3) Are Government aware that there are several of the covenanted subordinates who, due to their financial position, are unable to proceed to England for periods of ten to twelve years ?

(4) For what reason was the overseas allowance granted to the Superior Services and not to the subordinates where officers of both branches are recruited from the same country ?

(5) Why were the free passages granted to the Superior Services and not to the non-gazetted officials ?

(6) Are Government aware that a large percentage of the covenanted subordinates are compelled to borrow money when they wish to visit England ?

Mr. A. A. L. Parsons : (1) and (2). I presume the Honourable Member is referring to certain concessions granted by Government to the Superior Railway Services on the recommendation of Lord Lee's Commission. The conditions of service of covenanted subordinates rest on a different basis from those of the Superior Services in that they are generally determined by individual contracts made for a period of years at the time of appointment. It has not been considered necessary, therefore, to grant concessions of the nature given to the Superior Services.

(3) Government have no information to this effect.

(4) and (5). I would refer the Honourable Member to the answer I have given to parts (1) and (2) of his question.

(6) Government have no information to this effect.

THE CHILDREN'S PROTECTION BILL.

PRESENTATION OF THE REPORT OF THE COMMITTEE ON PETITIONS.

Mr. Deputy President : Sir, I beg to lay on the table the Report of the Committee on Petitions relating to the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898.

STATEMENT OF BUSINESS.

The Honourable Sir Basil Blackett (Leader of the House) : With your permission, Sir, I desire to make a statement regarding Government business for the forthcoming week. The House will sit for the disposal of Government business on Monday, the 5th, Tuesday, the 6th, Wednesday, the 7th, and Thursday, the 8th. It is proposed to put down on the list of business the continued consideration of the Gold Standard and the Reserve Bank of India Bill and motions for the taking into consideration and passing of the Imperial Bank of India (Amendment) Bill. This business will be placed last in the List but, in certain circumstances, Government may decide not to make the other motions but to proceed with this business first. The other business which we propose to put down on the paper is as follows :

(1) a Resolution to be moved regarding the Draft Convention and Recommendation of the International Labour Conference relating to inspection of emigrants on board ship and, if that Resolution is carried, a motion for leave to introduce a Bill to amend the Indian Emigration Act, 1922, to give effect to the Convention ;

(2) a motion to refer the Criminal Law Amendment Bill to a Select Committee ;

(3) a motion suggesting the appointment of a Committee to consider the question of the residence and accommodation of Members in New Delhi (Hear, hear) ;

(4) a motion for leave to introduce a Bill to amend section 59 of the Indian Income-tax Act, 1922 ;

(5) motions to take into consideration and, if these motions are passed, to pass the Indian Tariff (Cotton Yarn Amendment) Bill and the other two Indian Tariff (Amendment) Bills, as reported by their Select Committees ;

(6) a motion to refer to a Select Committee the Indian Income-tax (Amendment) Bill which was introduced during the Delhi Session ;

(7) if time permits, motions for Supplementary Demands for 1927-1928 ; and, finally,

(8) a motion to refer the Volunteer Police Bill to a Select Committee, the discussion of which was adjourned on the 18th August.

THE GOLD STANDARD AND RESERVE BANK OF INDIA BILL—*contd.*

Mr. President : The House will now resume further consideration of the clauses of the Bill to establish a Gold Standard for British India, and constitute a Reserve Bank of India.

The Honourable Sir Basil Blackett (Finance Member) : Sir, with your permission I should like to submit a proposal to you that the debate should be adjourned for to-day. We have got into a rather difficult position in regard to this Bill. When on Wednesday the Government agreed not to press further their " shareholders " plan, it was in the belief that a solution of the difficult problem of an elected directorate without shareholders was very nearly, if not quite, attained. It was in the belief that an agreement had been attained that an amendment was put down in the name of my Honourable friend, Mr. Srinivasa Iyengar, for a directorate elected by electoral colleges. Unfortunately it has not proved that we can see any agreement as we thought. There seems to be a danger of the Reserve Bank of India Bill, a purely business measure, foundering in the whirlpool of communal trouble. I said that the Government were unwilling to include any clause in this Bill on racial or communal lines. An amendment is down to Mr. Srinivasa Iyengar's amendment which raises a difficult problem of that nature. I think that it will be very much better in the interests of all that the Government and the leaders of the Parties should have a period over the week-end to consider whether this seemingly threatening cloud can be dispersed without an undue storm. If so, the Government will hope to continue with this business on Monday, that is, if there is a real prospect of a settlement being reached which will satisfy a large majority of the Members of the House. When the Government agreed not to proceed with their shareholders' scheme they stated that they withdrew it because they did not desire to put this Bill on the Statute-book against the wishes of any large section of the House. The same position seems to be arising in regard to

[Sir Basil Blackett.]

the alternative, but I hope that between now and Monday the opportunity of a Sabbath rest may give us occasion to find means to solve this difficulty so that the Bill may be proceeded with in an atmosphere that really does promise general agreement all round. I would, therefore, Sir, ask you in these circumstances to adjourn the debate for to-day, and if that is agreed to by you, Sir, the Government do not propose to-day to proceed with the other business that is put down on the list.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I gladly support this motion for the adjournment of the debate. It is a matter of supreme importance that we should be able to come to an agreement on the question of the Directorate, which would be acceptable to the great bulk of this House, and in the hope that we will be able to arrive at such a conclusion I support the motion before the House.

***Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban) : Sir, I really cannot understand the Leader of the House suggesting that communal trouble has arisen in any particular quarter of the House. Communal trouble has arisen because of the proposal contained in the amendment of Mr. Srinivasa Iyengar. Therefore, if that proposal is to be considered, the other question must necessarily crop up. But, Sir, I do not wish to say anything more for the moment, and I entirely agree that the House should adjourn, and I hope that we shall be able to find a solution.

The Honourable Sir Basil Blackett : May I say that I did not suggest that communal trouble has arisen in any particular quarter of the House ? I quite recognise that the question of electoral colleges must necessarily raise difficult questions.

Mr. S. Srinivasa Iyengar (Madras City : Non-Muhammadan Urban) : I have no objection, Sir, to this course. I think it is on the whole the most convenient course to adopt because it is not a question of obliging the Government ; it is a question of discovering unity among the non-official Members of the House—a unity which I should very much like to see on such a constructive proposal as the Reserve Bank Bill ; and if such a Bill as this is to be passed by this House, I quite agree that it must have the largest possible majority and as great a consensus of opinion as it is possible to attain. In these circumstances I certainly support the motion for adjournment.

Sir Alexander Murray (Associated Chambers of Commerce : Nominated Non-Official) : Sir, speaking for myself I heartily support the motion of the Leader of the House that we should adjourn consideration of this Bill till Monday to enable an agreement to be arrived at, if possible.

Mr. President : I thank the House for giving me a holiday.

The Assembly then adjourned till Eleven of the Clock on Monday, the 5th September, 1927.

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* Speech not corrected by the Honourable Member.

LEGISLATIVE ASSEMBLY.

Monday, 5th September, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

PROHIBITION AGAINST GOVERNMENT SERVANTS WEARING KHADDAR, ETC.

843. ***Mr. Sarabhai Nemchand Haji** : Will Government be pleased to state if they have in any way prohibited Government servants from wearing Khaddar or subscribing to the Funds of the All-India Spinners Association ?

The Honourable Mr. J. Crerar : I would refer the Honourable Member to the answer given on the 8th September 1924, by Sir Alexander Muddiman to a question by Mr. Harkaran Misra. The Government of India have issued no orders regarding subscription to the All-India Spinners' Association, this being a matter within the discretion of the Local Governments concerned.

RULES FOR THE APPOINTMENT OF CANDIDATES TO THE BENGAL PILOT SERVICE.

844. ***Mr. Sarabhai Nemchand Haji** : (*a*) Will Government be pleased to state what is exactly the intention of the expression " Served at sea for four years in a Merchant Vessel employed in foreign trade " as a seaman or apprentice referred to in the rules for the appointment of candidates to the Bengal Pilot Service under Notification of the Bengal Government Marine Department, No. 8-T. of the 7th May, 1927 ?

(*b*) Will Government be pleased to state if a foreign-going ship trading between any port in India and Ceylon would be classified as a ship employed in foreign trade ?

The Honourable Sir George Rainy : (*a*) The expression referred to means service in a foreign-going ship as defined in section 2 (2) of the Indian Merchant Shipping Act, 1923.

(*b*) A ship trading between a port in India and a port in Ceylon would be within home-trade limits as defined in section 2 (3) of the Indian Merchant Shipping Act, 1923.

ADMISSION OF MASTERS OF HOME-TRADING SHIPS WITH THE PILOT SERVICE AT MADRAS, CHITTAGONG, BOMBAY, KARACHI, ADEN AND RANGOON.

845. ***Mr. Sarabhai Nemchand Haji** : Is it a fact that Masters of home-trading ships are debarred from entering the Pilot Service at Madras, Chittagong, Bombay, Karachi, Aden and Rangoon ? If so, why ?

QUALIFICATIONS OF CANDIDATES FOR THE PILOT SERVICE AT MADRAS, CHITTAGONG, BOMBAY, KARACHI, ADEN AND RANGOON.

846. ***Mr. Sarabhai Nemchand Haji** : Is it obligatory on those who desire to enter the Pilot Service at Madras, Chittagong, Bombay, Karachi, Aden and Rangoon that they should hold certificates as Masters of foreign-going ships ? If so, why ?

The Honourable Sir George Rainy : With your permission, Sir, I will reply to questions Nos. 845 and 846 together.

The Pilot Services at Madras, Chittagong, Bombay, Karachi, Aden and Rangoon are under the control of Port Trusts. The information asked for is being obtained from the Local Governments and will be supplied to the Honourable Member on receipt. The Honourable Member is doubtless aware that a foreign-going certificate denotes a higher standard of competency.

MUSLIM TEACHERS OF THE GOVERNMENT HIGH SCHOOL, AJMER.

847. ***Maulvi Muhammad Yakub** : (*a*) Will the Government be pleased to furnish the information as to how many Muhammadan teachers, other than Persian and Urdu Maulvis and the Drill Instructor, were on the staff of the Government High School, Ajmer, on 1st April 1917 and on 1st April 1927 ?

(*b*) Is it a fact that there has been no permanent Muhammadan teacher other than the Maulvis and the Drill Instructor on the staff of the Government High School, Ajmer, since September 1925 ?

(*c*) Is it a fact that ever since the appointment of the present Assistant Head Master of the Government High School, Ajmer, the number of Muslim teachers, other than Maulvis and the Drill Instructor, has been gradually decreasing till it has been reduced to nil, and the number of Mahratta teachers has been steadily increasing till it has risen to five ?

Mr. A. R. Dalal : Information has been called for and will be supplied when received.

STAFF OF THE GOVERNMENT HIGH SCHOOL, AJMER.

848. ***Maulvi Muhammad Yakub** : Is it a fact that the present Assistant Headmaster of the Government High School, Ajmer, has his own son-in-law under him as teacher of Commerce, and that another Mahratta Assistant Drawing Master of the same school has his son-in-law over him as Head Drawing Master? Is it also a fact that none of the Mahratta teachers belong to Ajmer-Merwara and three of them came on the staff after the appointment of the present Assistant Headmaster of the same community ? If the reply be in the affirmative, do Government propose to consider the desirability of not keeping so many of such close relations in a Government institution of about 17 assistant masters ?

Mr. A. R. Dalal : Information has been called for and will be supplied when received.

OPENING OF PRIMARY SCHOOLS FOR MUSLIMS IN AJMER-MERWARA.

849. ***Maulvi Muhammad Yakub** : (*a*) Is it a fact that in view of the comparative fall in the number of Muslim pupils in the primary

schools of Ajmer-Merwara the Provincial Muslim League, Rajputana submitted a memorandum to the Government of India in 1925 in which among other suggestions certain centres of Muslim population were pointed out as fit places where primary schools for Muslims could be opened ?

(*b*) If the answer be in the affirmative, will the Government be pleased to state if any Schools have since been opened in any of those centres ?

Mr. A. R. Dalal : (*a*) Yes.

(*b*) The majority of large villages in Ajmer-Merwara with a Muslim population are already supplied with Government primary schools. For want of funds no new Government schools have been opened in Ajmer-Merwara since 1925-26, but provision has been made for the opening of new schools in connection with the five years' programme of educational expansion.

SUPERVISING STAFF OF THE BOARDING HOUSE OF THE GOVERNMENT HIGH SCHOOL, AJMER.

850. ***Maulvi Muhammad Yakub** : Is it a fact that the boarding house of the Government High School, Ajmer, has a Head Superintendent as well as an Assistant Superintendent and that none of them is a Muhammadan ? Is it a fact that the Assistant Headmaster is the Head Superintendent of the Boarding House ?

Mr. A. R. Dalal : The boarding house has a Superintendent as well as an Assistant Superintendent, both of whom are Hindus. The Assistant Headmaster is Superintendent.

EMPLOYMENT OF MORE MUSLIMS IN THE CLERICAL CADRE OF THE EDUCATION DEPARTMENT, AJMER-MERWARA.

851. ***Maulvi Muhammad Yakub** : (*a*) Is it a fact that the percentage of the Hindus in the clerical cadre of Ajmer-Merwara is about 86 per cent. while that of Muhammadans is nearly 14 per cent. ? Will Government kindly state the number of clerks borne on the clerical cadre of the Ajmer-Merwara Education Department, how many of them are Hindus and how many Muslims ?

(*b*) Is it a fact that 40 per cent. of the population in Ajmer is Muhammadan ?

(*c*) Are Government prepared to increase the number of Muhammadans in the clerical cadre when filling the newly created posts under the 5-year programme ?

Mr. A. R. Dalal : (*a*) No, the percentage of Hindus and Muhammadans in the clerical cadre of Ajmer-Merwara is 72.2 and 27.8, respectively. The number of clerks borne on the clerical cadre of the Ajmer-Merwara Education Department is 7 out of whom 6 are Hindus and 1 Muhammadan.

(*b*) According to the Census Report of 1921, the percentage of Muhammadans in Ajmer city is 47.1, in Ajmer sub-division 27.5, and in Ajmer-Merwara 21.

(*e*) The three new posts of clerks, which have been created under the five-year programme, have been advertised, and the claims of suitable Muhammadan candidates will be considered.

Rai Sahib Harbilas Sarda : Does the Census Report of 1921 A. D. say that the high percentage of Mussalmans in Ajmer-Merwara, that is, 20.5 compared with 16.2 in 1911, is due very largely to the Urs Fair pilgrim population, and does the Administration Report for 1925-26 not say that 50,000 pilgrims attended the Urs Fair that year ?

Mr. A. R. Dalal : Yes, Sir. That is correct.

NUMBER OF HINDU AND MUHAMMADAN GRADUATE TEACHERS IN GOVERNMENT SERVICE IN AJMER-MERWARA.

852. ***Maulvi Muhammad Yakub** : (*a*) Will the Government be pleased to furnish the number of graduate teachers in Government service in Ajmer-Merwara in the following form :

——	Trained.	Untrained.
Muhamadans		
Hindus		

(*b*) How many of the above graduate teachers without training degrees draw more than Rs. 150 per month and how many of these are Hindus ? How many of the trained graduate teachers draw less than Rs. 100 per month and how many of these are Muhammadans ?

Mr. A. R. Dalal : (*a*) A statement showing the number of Hindu and Muhammadan graduate teachers in Government Schools in Ajmer-Merwara is laid on the table.

(*b*) Three untrained graduate teachers draw above Rs. 150 per mensem, and they are all Hindus. Most of the untrained graduate Hindu teachers were appointed over 12 years ago at a time when trained men were not available. Three trained graduate teachers draw less than Rs. 100 per mensem of whom two are Muhammadans.

Statement showing the number of Hindu and Muhammadan graduate teachers in Government schools in Ajmer-Merwara.

Muhammadans	5	1	6
Hindus	6	5	11
TOTAL ..	11	6	17

QUALIFICATION OF THE HEADMASTER OF THE WALTER ANGLO-VERNACULAR SCHOOL AT MOUNT ABU.

853. ***Maulvi Muhammad Yakub** : Will the Government be pleased to state the salary of the post of Headmaster, Mount Abu Middle School ?

Is it a fact that the man appointed to the post (*a*) has no training degree (*b*) is not a retired Headmaster or teacher (*c*) has been in Ajmer only for a few months ? How many years has he been a teacher and where ?

Mr. A. R. Dalal : The salary of the post of Headmaster, Walter Anglo-Vernacular School, Mount Abu, is Rs. 125 a month. He is a B.A., but has no professional degree. He is not a retired Headmaster or teacher. Government have no information as to the time he spent in Ajmer before his appointment. He has had seven years' teaching experience at the City High School, Hyderabad, Deccan, the Anjuman Islam High School, Bombay, and the New High School, Bombay

PAY OF THE PROFESSOR OF SANSKRIT AND THE PROFESSOR OF PERSIAN IN THE GOVERNMENT COLLEGE, AJMER.

854. ***Maulvi Muhammad Yakub** : (*a*) Is it a fact that in the Government College, Ajmer, a Professor with no University degrees but having Oriental Diplomas only holds the same grade as an English University graduate of about 12 years' service ?

(*b*) Is it a fact that in 1925, four boys appeared for their B. A. with Sanskrit from the Government College, Ajmer, and none passed in Sanskrit ? What was the pay of the Sanskrit Professor in March 1925, and what was his pay in July 1926, after the result was out ?

Mr. A. R. Dalal : (*a*) Yes. The posts of Professor of Sanskrit and Professor of Persian are on the same scale of pay as other posts of professors in the College. These two posts are held by officers on whom the University of the Punjab granted, after examination, diplomas conferring on their recipients the Oriental Literary Title of Shastri and Maulvi Fazil. They are on the same scale of pay as one of the professors who holds the degree of an English University and has nearly 12 years' service as compared with 25 years' service of the Professor of Sanskrit and 14 years' service of the Professor of Persian.

(*b*) No ; in 1925 three boys appeared for the B.A. examination in Sanskrit and two passed.

The pay of the Professor of Sanskrit was Rs. 250 per mensem in March 1925, and Rs. 300 in July 1926, after reorganisation, when increase of pay had been given to the whole staff of the College.

BOARD OF HIGH SCHOOL AND INTERMEDIATE EDUCATION FOR AJMER-MERWARA, ETC.

855. ***Maulvi Muhammad Yakub** : (*a*) Do Government propose to allow Ajmer-Merwara to have a Board of its own for the High School and the Intermediate Examination ?

(*b*) Does the following represent the situation there ?

College Education.—European Principal to retire within 4 years.

Vice Principal and lately officiating Principal.....Hindu.

Secondary Education.—Government School Headmaster to retire within 4|3 years. ..Not a single Muhammadan on staff except Maulvis.

Primary Education.—The Assistant Superintendent of Education .....Hindu.

(*c*) Are Government prepared to safeguard the interest of the Muhammadan community by appointing more Muhammadans ?

Mr. A. R. Dalal : (*a*) No.

(*b*) No. It does not present the whole situation in a proper perspective.

(*c*) When vacancies arise the claims of suitable candidates of all communities including Muhammadans will be considered. Government repudiate the implication, if there is any, that the claims of the Muhammadan community are not being safeguarded.

SEPARATE INSPECTING AGENCY FOR AJMER-MERWARA, ETC.

856. ***Maulvi Muhammad Yakub** : (*a*) Is it a fact that Provincial Muslim League, Rajputana, in its memorandum addressed to the Government of India, Education Department, in 1926, prayed for a separate Inspecting Agency directly responsible to the Superintendent of Education ? Is it a fact that the Ajmer-Merwara Education Department in the matter of recognition and administrative regulations generally depends upon the United Provinces and subject to the approval of the Superintendent of Education, Ajmer-Merwara largely follows that Province ?

(*b*) Is it a fact that in Ajmer-Merwara the newly appointed Muhammadan Deputy Inspector is the only Muhammadan in the Inspecting Agency, and that he is under the Hindu Assistant Superintendent of Education and is not directly responsible to the Superintendent of Education in organising Muhammadan primary education ?

Mr. A. R. Dalal : (*a*) No memorandum from the Provincial Muslim League, Rajputana, was received by Government in 1926. In a memorandum received in 1925, the League prayed that the newly created post of Assistant Superintendent of Education, who is directly responsible to the Superintendent of Education, should be filled by a Muslim. It made no specific prayer for a separate inspecting agency directly responsible to the Superintendent of Education.

The Educational Code of the United Provinces of Agra and Oudh is adopted, as far as possible, in Ajmer-Merwara.

(*b*) The inspecting agency of Ajmer-Merwara consists of one Superintendent (a European), one Assistant Superintendent (a Hindu) and two Deputy Inspectors (one Hindu and one Muhammadan). Government cannot agree to an arrangement by which the Muhammadan Deputy Inspector would go over the head of the Assistant Superintendent direct to the Superintendent.

†Nos. 857—859.

EMPLOYMENT IN THE ENGINEER-IN-CHIEF'S BRANCH OF A PERMANENT NON-MUSLIM CLERK IN THE PUNJAB GOVERNMENT.

860. ***Maulvi Muhammad Yakub** : (*a*) Is it a fact that the Engineer-in-Chief's Branch recently recommended that the services of a permanent non-Muslim clerk in the Punjab Government may be obtained for employment under that Branch ?

† Not put at the meeting, but the questions with their answers will be found at pages 3921—22 of these proceedings.

(*b*) Is it a fact that this clerk is related to the Cashier of the Engineer-in-Chief's Branch and has been promised to be given the first permanent vacancy in that Branch in preference to all the temporary employees of the Branch ?

(*c*) Will Government please state how many Muslims have been given similar treatment by the Engineer-in-Chief's Branch ?

Mr. G. M. Young : (*a*) Yes.

(*b*) No, Sir, they are not related, and I am informed that until last May they were unacquainted with each other. No promise of permanent employment has been given to the clerk.

(*c*) I am not aware of any similar cases.

INABILITY OF THE PUBLIC SERVICE COMMISSION TO NOMINATE MUSLIM CANDIDATES FOR EMPLOYMENT IN THE ARMY DEPARTMENT.

861. ***Maulvi Muhammad Yakub** : (*a*) Is it a fact that according to the existing system of recruitment, all vacancies in the Army Department must be filled by candidates nominated by the Public Service Commission and that they have instructions to nominate candidates when required by the Army Department ?

(*b*) Is it a fact that the Army Department recently asked the Commission to nominate some Muslim candidates but the Commission expressed their inability to do this on the ground that passed Muslim candidates were not available ?

(*c*) Is it a fact that in announcing the result of the last examination of their ministerial branch in the Gazette of India, the Public Service Commission declared that the list of passed candidates could be added to if Departments of the Government of India asked the Commission to nominate candidates from communities not represented or not adequately represented ?

(*d*) Will Government be pleased to state why action was not taken by the Commission on the lines indicated in the Government of India Gazette when they were asked to nominate Muslim candidates for employment in the Army Department ?

ISSUE BY THE PUBLIC SERVICE COMMISSION OF A SUPPLEMENTARY LIST OF PASSED MUSLIM CANDIDATES.

862. ***Maulvi Muhammad Yakub** : (*a*) Is it a fact that out of 4 candidates passed by the Public Service Commission on a communal basis, only one is a Muslim ?

(*b*) Are Government now prepared to consider the advisability of issuing a supplementary list of passed Muslim candidates in order to ensure their adequate representation ?

The Honourable Mr. J. Crerar : I propose, Sir, with your permission, to reply to questions Nos. 861 and 862 together. My enquiries into the matter are not yet complete but I shall communicate the result to the Honourable Member.

ABSENCE OF MUSLIM CLERKS IN THE OFFICE OF THE DIRECTOR OF CIVIL AVIATION.

863. ***Maulvi Muhammad Yakub** : (*a*) How many clerks are employed in the office of the Director, Civil Aviation, and how many of them are Muslims ?

(*b*) Will Government please give reasons for the total absence of Muslims in this newly created office, when definite instructions exist for the representation of each community in Government service ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) One Superintendent, two assistants, two clerks and a stenographer. None of them are Muslims.

(*b*) The Superintendent and one assistant were transferred with the work from the Department of Industries and Labour (Public Works Branch) when the Civil Aviation Office was constituted ; the stenographer was transferred later. The rest of the staff, three in number, were selected as being the most suitable from among applicants for the appointments.

EMPLOYMENT OF MUSLIMS IN THE PUBLIC WORKS BRANCH OF THE INDUSTRIES DEPARTMENT.

864. ***Maulvi Muhammad Yakub** : How many fresh candidates have been employed in the Public Works Branch of the Industries Department in 1927 and how many of them are Muslims ?

The Honourable Sir Bhupendra Nath Mitra : Two. Neither of them is a Muslim.

ALLEGED IRREGULARITIES IN THE ALLOTMENT OF RESIDENTIAL QUARTERS TO CLERKS IN SIMLA.

865. ***Maulvi Muhammad Yakub** : (*a*) Is it a fact that the Under Secretary to the Government of India, Industries and Labour Department, holds dual charge of the office of the Superintending Engineer, Simla, also charge of the supervision and inspection of roads and other works in the Punjab and other parts of India ?

(*b*) Is it a fact that owing to these multifarious duties, the Superintending Engineer is unable to attend to all the duties and that work such as the allotment of residential quarters to clerks in Simla is left entirely in the hands of the Superintendent of the office of the Superintending Engineer ?

(*c*) Have the Government considered the question of the amalgamation of the office of the Superintending Engineer, Simla, with the Public Works Department, New Delhi ?

(*d*) Is it a fact that certain irregularities have occurred in the allotment of "C" class quarters in Kaithu ? If so, to what are these irregularities due ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) No.

(*b*) No. The allotments are made personally by the Superintending Engineer himself.

(*c*) Yes.

(*d*) Government are not aware that any irregularities have occurred in regard to the allotment of quarters referred to.

ALLOTMENT OF A "C" CLASS QUARTER IN SIMLA TO THE HEAD ASSISTANT, WIRELESS BRANCH OF THE OFFICE OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

866. ***Maulvi Muhammad Yakub** : (*a*) Are the Government aware that the Head Assistant, Wireless Branch of the Director General, Posts and Telegraphs Department, is in occupation of a "C" class quarter ?

(*b*) Are the Government aware that the Head Assistant, Wireless Branch, is not entitled under the rules to a "C" class quarter as his pay and allowances amount to more than the maximum laid down for this class of quarter ?

(*c*) Is it a fact that the Head Assistant is in receipt of Simla allowance of Rs. 70 per mensem and that he draws it throughout the year even when he is in Delhi for the winter ?

(*d*) Will the Government please state whether this allowance was taken into account for the purpose of allotment of quarters to him ? If not, why not ?

(*e*) Is it not a fact that this allowance should have been taken into account as part of the pay under the Public Works Department Code for the purposes of allotment of quarters ?

(*f*) Are the Government aware that on account of this allotment, certain other lower paid clerks have been deprived of their rightful claim to these quarters ?

(*g*) Is the Honourable Member for the Industries and Labour Department prepared to enquire into this case personally and issue such orders as he thinks fit ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) The allotment of this quarter to the Head Assistant was made in accordance with the orders issued by the Government of India in July 1925, to the effect that as a result of the revision of the classification of European clerks' quarters in Simla in that year no existing tenant would be required to vacate his quarters unless he became ineligible for the same under the old classification or he himself wished to do so.

(*c*) The Head Assistant is in receipt of a local allowance of Rs 75 per mensem throughout the year. Government servants eligible for it draw it even when they go to Delhi.

(*d*) Yes.

(*e*), (*f*) & (*g*). Do not arise.

ADDITIONAL EXPENDITURE INCURRED BY THE MOVE OF THE WIRELESS BRANCH OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS TO SIMLA.

867. ***Maulvi Muhammad Yakub** : (*a*) Under what orders are the staff of the Wireless Branch of the Director General, Posts and Telegraphs Department, receiving the Simla allowances in addition to their pay ?

(*b*) Have the Government considered the position in the light of the changed circumstances now that the office has been located at Delhi permanently ? If not, do they propose to do so ?

(*c*) What is the justification for bringing the Wireless Branch up to Simla instead of locating it permanently in Delhi throughout the year ?

(*d*) Will the Government be pleased to lay a statement on the table showing the actual cost of bringing up the establishment to Simla and the additional cost of expenditure incurred by the move of this Branch to the hills and on account of the Simla allowances granted to the staff of this Branch ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Under the orders contained in Government of India letter No. 661-P.W., dated the 20th March 1922.

(*b*) The question of the future location of the Wireless Branch is now under examination by the Director-General.

(*c*) The Wireless Branch has been located at Simla since its formation in 1920.

(*d*) The Wireless Branch remains in Simla throughout the year and consequently no expenditure is incurred in bringing up the establishment to Simla or on the move of this Branch to the hills The allowances total Rs. 10,668 per annum, namely, Simla allowance Rs. 6,783, house rent allowance Rs. 2,560 and winter allowance Rs 1,325.

RACIAL DISCRIMINATION ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

868. ***Rai Sahib Harbilas Sarda** : Will Government be pleased to supply to me now the information *re* racial discrimination on the Bombay, Baroda and Central India Railway promised to me on 31st January 1927 in reply to my unstarred question No. 63 put on that date ?

Mr. A. A. L. Parsons : I am obtaining the information for the Honourable Member.

GRANT OF FURLOUGH TO THE INDIAN EMPLOYEES OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

869. ***Rai Sahib Harbilas Sarda** : (*a*) Is it a fact that no Indian officer in the employ of the Bombay, Baroda and Central India and Rajputana Malwa Railway Companies is entitled to get furlough on any account, while all European employees drawing Rs. 150 and over, with ten years' service, are entitled to get furlough, whether ordinary, on medical certificate or on urgent private affairs, with allowances, up to 6 years ?

(*b*) Is it a fact that the furlough on half pay which may be granted to an European employee may be commuted into furlough on full substantive pay, so that after 24 or 25 years' active service, he can get furlough on half pay for six years or furlough on full pay for three years ?

(*c*) Are such liberal furlough rules in force on any of the State Railways in India ?

(*d*) Is there any reason why in the face of these rules, furlough should be denied to Indians on any account ?

(*e*) Are Government prepared to move the Bombay, Baroda and Central India Railway Company to consider the question of granting furlough to its Indian employees even on restricted terms ?

Mr. A. A. L. Parsons : I am obtaining the information for the Honourable Member.

Export Duty on Hides and Skins.

870. ***Mr. H. G. Cocke** : Will Government please state their intentions with regard to the export duty on hides and skins ?

The Honourable Sir George Rainy : The Government of India are considering whether the conflicting interests might not be satisfied, if the export duty were replaced by a cess for the benefit of the industry as a whole, which would be administered by a Committee similar to the Indian Central Cotton Committee. I lay on the table a copy of a letter which has been addressed to Local Governments on the subject.

Letter No. 75-T. (17), dated the 17th August, 1927, from the Honourable Sir Geoffrey Corbett, K.B.E., C.I.E., I.C.S., Secretary to the Government of India, Department of Commerce, to all Local Governments.

I am directed to address you on the subject of the export duty on raw hides. As the Government of ..... is aware, the last Indian Finance Bill provided for the removal of the existing duty of 5 per cent.; but the voting on an amendment to continue the duty resulted in a tie, and the President, in accordance with the usual Parliamentary procedure, gave his casting vote in favour of the *status quo*.

2. The Government of India have carefully reconsidered the question, and they recognise that the voting in the Assembly reflected a definite and well-balanced conflict of interests. After examination of the most recent figures available, they are of opinion that the advantage to the exporter of raw hides from the removal of the duty would to some extent be counterbalanced by the disadvantage to the tanning industry, and they doubt whether there would be any appreciable benefit, at any rate in many parts of India, to the primary producer. In these circumstances they might hesitate again to press upon the Indian legislature a proposal to remove the duty.

3. On the other hand, the Government of India are opposed in principle to export duties except as a revenue necessity, which can no longer be regarded as justifying an export duty on hides. Moreover, the World Economic Conference recently convened by the League of Nations considered that " export duties should only be resorted to to meet the essential needs of revenue or some exceptional economic situation or to safeguard the vital interests of the country ". And it recommended that " in any case, export duties on raw materials should never be imposed for the special purpose of subjecting foreign countries using such materials to an increased burden which will place them in a position of unfair inferiority as regards the production of the finished article ". These recommendations had the unanimous support of the delegates of all countries, including India. The delegates to this Conference were appointed for their personal qualifications. They did not in any way bind their Governments nor were they qualified to act as spokesmen of an official policy. The Government of India, therefore, are not in any way bound by those recommendations or committed to accept them. Nevertheless it must be recognised that the unanimous recommendations of so authoritative a Conference cannot lightly be disregarded.

4. The Government of India think that it might be regarded as a satisfactory solution of the difficulty, if the export duty were replaced by a cess, which would be administered by a Committee representing all interests concerned and would be expended for the benefit of the industry as a whole. It is generally recognised that cesses of this nature have been of great advantage to the cotton industry, to the tea industry and to the lac industry. And in his speech to the Associated Chambers of

Commerce at Cawnpore in December last, His Excellency the Viceroy announced that the Government of India would favourably consider proposals to impose similar cesses for the development and organisation of other industries.

5. The Government of India recognise that such a proposal should ordinarily be initiated by the trades concerned, and that without their support and co-operation it would be useless to proceed with it. In this case, however, when the Bill which first imposed an export duty on hides and skins was before the Indian Legislative Council, the Honourable Mr. W. E. (Sir Erskine) Crum, speaking on behalf of the Bengal Chamber of Commerce, strongly urged that part of the duty should be set aside for such a purpose. Since then the proposal has been discused more than once. And now that the Government of India no longer find it necessary to claim the whole proceeds of the export duties on hides and skins for revenue purposes, it seems opportune to consider whether the balance could not be profitably utilised in the manner first indicated by Mr. Crum.

6. The objects on which the proceeds of a cess might usefully be spent, would include :

(1) Improvement in the methods of flaying and preserving raw hides, and the prevention of adulteration;

(2) Improvement in the methods of tanning, including:

(*a*) the training of tanners,

(*b*) the supply of tanstuffs, and

(*c*) technological investigation;

(3) Organisation of marketing, grading, etc.

It will be seen that these objects touch very closely the economic life of the people, in the villages as well in the towns, and it seems clear that they are not likely to be fully attained by the activities of the trade alone. The co-operation of the Local Governments and their Departments of Industries appears to the Government of India to be an essential condition of success.

7. In the view of the Government of India, therefore, it would be necessary to constitute a Committee for the administration of the proposed cess on the lines of the Indian Central Cotton Committee, that is, including representatives of the Local Governments. The Indian Central Cotton Committee was constituted on the recommendations of the Indian Cotton Committee of 1919. And it does not seem desirable to set up a similar organisation for the leather industry without some preliminary investigation. In the opinion of the Government of India, there is no necessity in this case for any elaborate or prolonged survey. What they would suggest is a small *ad hoc* Committee, including representatives of the export trade, the tanning industry and the Local Governments, which would report on the following points :

(1) The articles on which a cess might suitably be imposed, and the rate of cess on each article ;

(2) The constitution and personnel of the Committee which would administer such a cess ; and

(3) The functions of the Committee, and the objects on which the cess might be expended.

In regard to the first point of reference, if the cess is to be utilised for the benefit of the industry as a whole, it would have to be considered whether it should be levied on skins as well as on hides, on the tanning industry as well as on the export trade.

It is thought that an *ad hoc* Committee with these restricted terms of reference, should be able to submit a report on which a Cess Bill could be based without undue delay.

8. I am now to request that the Government of ..... after consulting the commercial and other interests concerned, will give the Government of India their views on those proposals, and in particular on the proposed appointment of an *ad hoc* Committee and on the terms of reference.

Mr. B. Das : May I enquire whether Government have received any representation from the Madras tanning industries and shoe manufacturing industries all over India for protection of these industries ?

The Honourable Sir George Rainy : I must ask for notice.

PAY AND YEARLY PROMOTIONS OF PREVENTIVE OFFICERS AND WHARFINGERS.

871. *Mr. N. M. Joshi : Will Government be pleased to state :

(a) Whether there are Wharfingers and Assistant Wharfingers in the Customs Preventive Service in Calcutta ?

(b) Whether the Wharfingers and Assistant Wharfingers in Bombay are not doing similar work as that done by the Preventive Officers ?

(c) If so, why is much difference made in the pay and the yearly promotions of the Preventive Officers and the Wharfingers ?

GRANT OF HOUSE-RENT TO WHARFINGERS AND ASSISTANT WHARFINGERS IN BOMBAY.

872. *Mr. N. M. Joshi : Will Government be pleased to state :

(a) Whether it is not a fact that a grant has been sanctioned for providing the Preventive Officers in Bombay with residential quarters ?

(b) Whether provision has not been made for Wharfingers and Assistant Wharfingers ?

(c) If so, why they are not given house-rent ?

RESULT OF THE ENQUIRY INTO THE GRIEVANCES OF WHARFINGERS AND ASSISTANT WHARFINGERS.

873. *Mr. N. M. Joshi : Will Government be pleased to state the result of the inquiry into the grievances of the Wharfingers and Assistant Wharfingers made by Sir Basil Blackett personally at Calcutta towards the end of the year 1925 ?

GRANT OF INCREASED PAY AND HOUSE-RENT TO WHARFINGERS AND ASSISTANT WHARFINGERS IN BOMBAY.

874. *Mr. N. M. Joshi : Will Government be pleased to state, whether Government have decided to give Wharfingers and Assistant Wharfingers in Bombay a higher scale of pay bearing a reasonable proportion to the salary drawn by the Preventive Officers and also house rent ?

The Honourable Sir Basil Blackett : I shall answer questions Nos. 871-74 together with your permission.

The Honourable Member is referred to the reply already given to question No. 859.

FINAL REPORT OF THE WORLD ECONOMIC CONFERENCE HELD IN GENEVA, DURING MAY 1927.

875. *Mr. N. M. Joshi: (a) Will Government be pleased to state whether the Government of India have received the Final Report of the World Economic Conference held in Geneva during May 1927 ?

(b) Have Government issued any Resolution or formulated any opinion on the said Report ?

(*c*) If the answer to (*a*) and (*b*), is in the affirmative, will Government kindly state whether they have any objection to supplying Members of this House with copies of the two documents in question ?

The Honourable Sir George Rainy : (*a*) Yes, Sir.

(*b*) It is satisfactory to find that many of the recommendations of the Conference are in general conformity with the principles and practice already followed by India. In particular, as the Indian delegation has said, the section of the Report dealing with tariff levels, when examined in detail, will be found to justify in a stricking manner the policy pursued in India in accordance with the Resolution adopted by the Legislative Assembly on the 16th February 1923.

It is expected that the Report of the Conference will be discussed at the session of the Assembly of the League of Nations which meets at Geneva to-day, and the Government do not propose to deal with the Report of the Conference until the Report of the Indian delegation to the Assembly has been received. Meanwhile our delegation has been informed that the Government are not at present prepared to commit themselves in regard to any particular recommendations of the Conference.

(*c*) The Government are reprinting the Report of the Conference, and also the Report of the Indian delegation to the Conference, and copies will be supplied to Members of the Legislature as soon as possible. Meanwhile copies of both Reports have been placed in the Library.

SHORT NOTICE QUESTION AND ANSWER.

ATTACK BY THE AFRIDIS ON SHIAH MUSLIMS IN TIRAH.

Mr. Abdul Haye : Sir, with your permission I want to put a short notice question of which I have given private notice.

(*a*) Has the attention of Government been drawn to the news published under the heading " Frontier Barbarism, Shia Muslims' Woes ", on page 4 of the *Hindustan Times*, dated the 2nd September, 1927 ?

(*b*) Will Government please state if the facts stated therein, namely, that a fanatical Mullah, with the help of Afridis, on August 21st, attacked two small Shia tribes, killing and wounding one thousand Shias and burning and plundering their houses and that eight hundred Shia families have taken refuge in British borders are correct ?

(*c*) If Government are in possession of further and more complete information regarding this will they please state it for the information of the House ?

(*d*) What action have Government taken or do they propose to take in the matter ?

Sir Denys Bray : I have not had the opportunity of reading the article in question. But the facts are briefly these. Towards the middle of last month a well-known Mullah of Tirah raised a large Afridi *lashkar* against the Shiah Orakzais. Joined by many Sunni Orakzais, the *lashkar* overran nearly the whole of the Muhammad Khel Orakzai country by the 23rd August, burnt several villages and drove most of the clan out of

tribal territory into the Kohat district. The casualties in this tribal fighting were very heavy, the Muhammad Khel alone admitting to 125 killed. The Chief Commissioner has lost no time in taking up the role of peacemaker and throwing his influence on the side of the restoration of normal conditions in Tirah. One of the gravest features of this heavy inter-tribal fighting is, of course, the danger of the trouble spreading to the tribal inhabitants of the administered districts.

Mr. Ram Narayan Singh : I want to ask my question. Sir.

(The question was skipped over as the Honourable Member was absent.)

Mr. President : The Honourable Member is too late.

Mr. Ram Narayan Singh : Sir. I was late only by a few minutes.

QUESTIONS NOT ASKED, OWING TO THE ABSENCE OF THE QUESTIONER, WITH ANSWERS TO THE SAME.

Jolting of Carriages on the Tarakeswar Line.

857. ***Mr. Amar Nath Dutt** : (*a*) Is it a fact that the carriages on the Tarakeswar line shake too much, while there is no such shaking of carriages of the same train, when passing on the main line ? If so, what is it due to ?

(*b*) Do the Government propose to take steps to prevent the shaking of the carriages on the line ?

Mr. A. A. L. Parsons : (*a*) Government have no information to this effect. The line is administered by the Local Government with whom any necessary action rests.

(*b*) Does not arise.

Discharge of Babu Kali Das Mukherjee, Assistant Station Master of Kunri, East Indian Railway.

858. ***Mr. Ram Narayan Singh** : (*a*) Will the Government be pleased to state in full the reasons for the discharge of Babu Kali Dass Mukerjee, the late assistant station master of Kunri, East Indian Railway (Birbhum District) by the letter No. Es.-741, dated 28th October 1925, from the Divisional Inspector of Asansol ?

(*b*) Are the Government aware of the fact that the said B. Kali Das Mukerjee was once assaulted by B. Durga Dass Bhattacharjee, the station master of the said Kunri station, and that the said B. Durga Dass the station master was consequently prosecuted under section 323-I.P.C., and only convicted with a nominal fine of Rs. 5 ?

(*c*) Are Government fruther aware of the fact that B. Durga Dass, the station master, made a report against B. Kali Dass, got the matter reported and enquired into by a European Inspector in the absence of B. Kali Dass while he was ailing in the local hospital owing to the injuries received from the said assault and had him discharged ?

(*d*) Is it not a fact (*i*) that B. Kali Dass had already put in service for a period of 18 years and also served the Government during the last

European War in German East Africa and Bushire for 4 years and (ii) that B. Durga Dass was, once previous to this, punished and discharged for a similar offence against a European guard and only reinstated to a lower post owing to the war exigencies ?

(*e*) Is it not also a fact that the said European Inspector who investigated this case, was only immediately after, found to be incompetent as an Inspector and degraded ?

(*f*) Will the Government be pleased to lay on the table the following :

(1) A copy of the judgment of the said criminal case.

(2) The whole record dealing with the discharge of B. Kali Dass.

(3) The detailed service records of the said B. Kali Dass, the said B. Durga Dass, and the said European Inspector ?

Mr. A. A. L. Parsons : Government have no information with regard to the matter which is entirely within the competence of the Agent to whom a copy of the question has been sent.

PAY OF WHARFINGERS AND ASSISTANT WHARFINGERS IN BOMBAY.

859. ***Mr. Jamnadas M. Mehta** : Will the Government answer the following :

(*a*) Are there Wharfingers and Assistant Wharfingers in the Customs Preventive Service in Calcutta ?

(*b*) Are not Wharfingers and Assistant Wharfingers in the Bombay Customs Service doing similar work as that done by the Preventive Officers ?

(*c*) If so, why is much difference made in the pay and the yearly promotions of the Preventive Officers and the Wharfingers ?

(*d*) Is it a fact that a grant has been sanctioned for providing the Preventive Officers in Bombay with residential quarters and, if so, why no provision is made for Wharfingers and Assistant Wharfingers and why are they not given house rent ?

(*e*) What was the result of the inquiry into the grievances of Wharfingers and Assistant Wharfingers made by Sir Basil Blackett personally at Calcutta towards the end of the year 1925 ?

(*f*) Have Government decided to give Wharfingers and Assistant Wharfingers in Bombay a higher scale of pay bearing a reasonable proportion to the salary drawn by the Preventive Officers and also house rent ?

The Honourable Sir Basil Blackett : (*a*) The answer is in the negative.

(*b*) and (*c*). The work done by Wharfingers and Assistant Wharfingers in Bombay is similar to the work done by Preventive Officers, but less difficult and responsible ; hence the difference in the rates of pay.

(*d*). The answer to the first part is in the affirmative as regards the second part, no proposals for building quarters for Wharfingers and

Assistant Wharfingers have been submitted to the Government. The Government do not see any necessity for granting house rents to these officers whose pay has been fixed with reference to local conditions.

(*e*) It was found on further investigation that there was no case for increase in the pay of Wharfingers and Assistant Wharfingers.

(*f*) The Government consider that the present rates of pay bear a reasonable proportion to the rates of pay of Preventive Officers.

MOTION FOR ADJOURNMENT.

Mr. President : I have received the following notice of a motion for adjournment of the House from Kumar Ganganand Sinha :

"I intend to move the adjournment of the business of the Assembly for discussing a definite matter of urgent importance

I suppose the Honourable Member means urgent public importance :

"namely, the feeling of great apprehension regarding the safety of person created by the successive cold-blooded murders of eight prominent Hindus during the course of the last eight months, the last of which occurred on the 27th August, 1927."

Perhaps the Honourable Member will explain how the matter which he intends to discuss by this motion, is a matter of recent occurrence. It is not any question connected with the recent murder that he proposes to discuss. What he wants to discuss is the feeling of great apprehension regarding the safety of person created by the successive cold-blooded murders. Will the Honourable Member explain how that feeling is a matter of recent occurrence so as to justify the Chair in permitting the Honourable Member to interrupt the ordinary business of the House.

Kumar Ganganand Sinha (Bhagalpur, Purnea and the Santhal Parganas : Non-Muhammadan) : Isolated cases of murder, Sir, may not have had that effect, but the cumulative effect of all the murders occurring in such quick succession has produced a tense feeling in the country. It is now at the breaking point. Nobody knows what will happen tomorrow.

Mr. President : Why not wait till the ninth murder ? What is the object of the Honourable Member raising this question after the eight murder. The Honourable Member wishes to raise the question of the feeling of great apprehension. It is a growing thing. It is a continuous thing. It is not a matter of sudden occurrence. It has been there for the last eight months. If Honourable Members really thought that the matter was of such great public importance that it should be discussed in this Assembly, they could have given notice of a Resolution. I cannot allow this motion as one relating to a matter of recent occurrence. If the Honourable Member had restricted his motion to some question, connected with the last murder perhaps the Chair would have been disposed to consider the matter, but, as the Honourable Member wishes to raise and discuss the question of the feeling in the Hindu mind regarding the safety of person created by murders that have taken place for eight months past, I cannot treat the motion as one on a matter of recent occurrence.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : Would the fiftieth murder make it serious ?

Mr. President : Order, order.

Mr. Jamnadas M. Mehta : Am I not entitled to.....

Mr. President : The Chair has given the ruling.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Secretary of the Council of State :

"I am directed to inform you that the Council of State at their meeting held on the 2nd September, 1927, agreed without any amendment to the Bill to repeal certain enactments, which was passed by the Legislative Assembly on the 24th August, 1927."

BILLS PASSED BY THE COUNCIL OF STATE LAID ON THE TABLE.

Secretary of the Assembly : Sir, in accordance with rule 25 of the Indian Legislative Rules I lay on the table the following three Bills which were passed by the Council of State at its meeting of the 2nd September, 1927, a Bill further to amend the Indian Succession Act, 1925, and Married Women's Property Act, 1874 ; a Bill to consolidate and amend the law relating to the provision, maintenance and control of light-houses in British India ; a Bill further to amend the Presidency Towns Insolvency Act, 1925, for certain purposes.

STATEMENT LAID ON THE TABLE.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I lay on the table the Agreement* between the United Kingdom and the Latvian Republic relating to Tonnage Measurement Certificates which affects India.

THE CRIMINAL LAW AMENDMENT BILL.

The Honourable Mr. J. Crerar (Home Member) : Sir, I move that the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose, be referred to a Select Committee consisting of Mr. S. Srinivasa Iyengar, Mr. Nirmal Chunder Chunder, Maulvi Muhammad Shafee, Mr. A. Rangaswami Iyengar, Mr. M. A. Jinnah, Mr. Ismail Khan, Mr. Abdul Haye, Mr. Arthur Moore, Mr. A. H. Ghuznavi, Mr. N. C. Kelkar, Mr. M. R. Jayakar, Mr. J. Coatman, Mr. K. C. Roy, Sir Abdul Qaiyum, Sir Denys Bray, Lala Lajpat Rai and the Mover, with instructions to report within seven days, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be nine.

Sir, though this Bill deals with important matters, matters immediately related to what is perhaps the most urgent and insistent issue which confronts us in India to-day, it is a short and simple measure. My original intention was to move that it be taken into consideration.

* Not printed in these proceedings.

I understood however that in several quarters it was thought desirable that its provisions should be considered and examined in Select Committee, and I have accordingly substituted the motion which I have just made. I think, Sir, that I have every ground for confidence that the principle of the Bill will receive general support and the House will agree to its being referred to the large and influential Committee for which the motion provides. If my hope is well-founded it is unnecessary for me at this stage to deal with it at any great length. The intention of the Bill may be stated in the words of the Indian Law Commissioners in their commentary on the original draft of Chapter XVI of the Indian Penal Code. They said :

> " The principle on which this Chapter is being framed is this, that every man should be suffered to profess his own religion and that no man should be suffered to insult the religion of another. Discussion indeed tends to elicit truth, but insults have no such tendency; instead of eliciting truth they only inflame fanaticism."

The measures which on these views the Commissioners proposed are substantially the provisions of Chapter XVI of the Code as it now stands. Many of the apprehensions expressed 80 years ago by the Commissioners of the consequences that would ensue if undue license in these matters were permitted are equally applicable, indeed there is only too much reason to believe that they are still more applicable, to the times in which we live. Religious animosities and differences have not abated, and their worst products, with a vastly greater development of the means of uttering and disseminating them, have a still more speedy and extended capacity for mischief. We live in almost daily contact with the dangers referred to by the Commissioners ; dangers, as they said, which can only be averted by a firm adherence to the true principles of toleration. Our best hope of the mitigation and removal of these dangers, the gravity and the tragic consequences of which are now with such deplorable frequency impressed upon us, still lies and must continue to lie in an effective appeal to and a more general practice of those principles of toleration. But it is necessary that the spirit of toleration should have an effective protection and support in the law by the restraint and punishment of malicious and aggressive intolerance. Recent experience has rendered it desirable that the law should be clarified and more directly adapted to this purpose.

But, Sir, in legislating for these ends we have to be careful that in prescribing punishments for deliberate and unwarranted aggression on the beliefs of others we do not run the risk of restraining or penalising the freedom of legitimate discussion. In the analogous English law great emphasis is laid on the elements of " scoffing or irreverent ridicule," " uttering or publishing contumelious reproaches," " profane scoffing," exposing religious beliefs to " contempt or ridicule," and the like. On the other hand, it has been held that it is not blasphemy with due gravity and propriety to examine and comment upon religious beliefs and doctrines even to the extent of contesting their truth. That, Sir, is the English law. The most important provisions of the existing law in India, which either deal specifically with offences relating to religion or may be found applicable to them, are contained in Chapter XV of the Indian Penal Code and in section 153-A of the Code. Section 295 of Chapter XV, it will be observed, deals with what is in effect a particular though a flagrant case of the offence of mischief, the destruction, damage or defilement of a place of worship or a sacred object.

[Mr. J. Crerar.]

The remaining sections 296, 297 and 298 contemplate offences against particular persons or particular assemblies of persons actually engaged in religious worship or ceremonies, and on some particular occasion. These provisions therefore would not be ordinarily applicable or appropriate to the case of contumelious speeches or writings against a religion or against religious sentiments. Then we come to section 153-A of the Indian Penal Code. The fundamental ingredient in this offence is the promotion or the attempt to promote feelings of enmity and hatred between different classes of His Majesty's subjects. Now it is evident, and it has been shown by experience, that in the great majority of cases this ingredient will in fact be present when a scurrilous attack is made upon religion ; nothing indeed could be more calculated to promote hatred or enmity between classes. But if we are to regard a scurrilous attack upon religion as the substantive matter, this ingredient of promoting envy and hatred between classes becomes in point of law extraneous, though, in point of fact, it could hardly fail to be a circumstance of great relevance and importance. The principal effect of the Bill, then, will be precisely this, to make intentional insults to religion or intentional outrages on religious feelings the substantive matter and to make the promotion of feelings of hatred and enmity between classes extraneous at any rate to the requisite legal element and to the definition of the offence.

Another important point arising out of section 153-A is this. If a scandalous attack on the religion or religious feelings of one class were so framed, as is possible, as to make it difficult to hold that enmity and hatred were thereby promoted against another class ; if, for example, it could not be held as clearly established by the evidence or the circumstances that the author of the attack could himself be reasonably regarded as representative of some other class, or otherwise attracting to it the enmity or hatred of those whose sentiments were immediately assailed, the application of the section would be at least doubtful. This difficulty will be removed by the Bill, as it will be sufficient to establish an intention to insult the religion or outrage the religious feelings of any one class of His Majesty's subjects.

Much attention has been directed to the particular case of scurrilous attacks or calumnies on the founders of religious creeds or personages deemed sacred or divine by the adherents of such creeds. Whether a valid distinction could be drawn between such cases and insults to religion of a more general or a different character seems to me doubtful, but the Bill will remove any doubt there may be, as an intentional and scurrilous attack on a person regarded as sacred or divine could not fail to be at least an attempt to outrage the religious feelings of those holding that belief. But in applying a remedy for one evil, we must beware of setting up another and perhaps a worse evil. To curb and restrain scurrilous and aggressive intolerance is one thing, but we must beware of imposing unnecessary and dangerous impediments on the free movement of thought and speech in legitimate enquiry and discussion, which do not encroach on the rights and liberties of others, and which are themselves the best instruments of progress towards the spirit of reconciliation and toleration. This spirit of reconciliation and toleration is indeed far more to our present

purpose than the expedients of punishment and restraint which are certainly necessary, but which can never penetrate so deeply to the root of the malady or touch the profounder causes underlying it. It is therefore important to note that the Bill lays great emphasis on intention. There must be an intentional insult or attempt to insult or an intentional outrage or attempt to outrage. Hence an enquiry or discussion, conducted and expressed, in the words of the English law, "with due gravity and propriety", in good faith and without any evil intention, will not come within the danger of the Bill. The nature of the intention may of course have to be collected or inferred from the internal evidence of any speech or writing which may come into question, or from the circumstances in which it is delivered or published, or both. But it is, I think, alike reasonable and necessary to require that anyone who undertakes the responsibility, or as he may conceive it the duty, of entering upon a religious enquiry, discussion or controversy, shall so temper and moderate his language and arguments as to establish unimpeachably the integrity of his intention. We can restrain no one in any true liberty of thought or speech by merely denying him the license to insult or outrage.

The only other point in the Bill which I think I need notice is the provision that no prosecution can be undertaken without the authority of Government under section 196 of the Criminal Procedure Code. It will, I think, be generally agreed that such a safeguard is necessary against frivolous, malicious or misguided prosecutions. Without this safeguard, indeed the Bill, especially in times or places in which religious animosities run high, would be more calculated to inflame than allay the dangers of the evils against which it is directed.

Sir, in this brief and somewhat summary explanation of the necessity and the objects of this measure I have deliberately refrained from entering in detail into controversial matters, especially those which are technically controversial. I have not discussed the precise effects of recent judgments in particular cases, as my endeavour has been to limit myself to what I hope are grounds of common consent and to the essential issues raised by the law as it stands in the Statute and the requirements of the situation. But I believe that the Bill will incidentally be effective in determining the lesser controversies and will at the same time approach the larger and more important issue. Because, Sir, the Bill is intended to be, though it cannot be regarded as more than, a practical endeavour to contribute to one aspect, itself a very limited aspect, of a graver and more comprehensive problem, for any complete solution of which, as I have already urged, legislation can only serve, great as is the authority of the law, to support and reinforce the higher authority and the greater powers of good conscience, enlightenment and toleration. (Applause.)

I ask the House to affirm that the support and reinforcement in this manner due from the law is in like manner reciprocally due to the law. I ask Honourable Members to consider this measure and the motion which I have moved in the spirit which animates and pervades the message so recently delivered to us by His Excellency the Viceroy. (Cheers.).

Mr. Abdul Haye (East Punjab : Muhammadan) : Sir, I rise to support the motion of my Honourable friend, the Home Member. I first of all congratulate the Government of India.....

Mr. D. V. Belvi (Bombay Southern Division : Non-Muhammadan Rural) : Sir, on a point of order, I have given notice of an amendment to the effect that this Bill be circulated for the purpose of eliciting opinions thereon.....

Mr. President : The Honourable Member should not be impatient. Mr. Abdul Haye.

Mr. Abdul Haye : Sir, I rise to support the motion of my Honourable friend, the Home Member, and in doing so, I first of all congratulate the Government of India on having lost no time in bringing forward this Bill before this Assembly. To me, Sir, it is a matter of extreme regret that it should have been necessary for us to legislate along the lines indicated in the provisions of this Bill. We have passed through circumstances, Sir, which are deplorable. I have no desire to make a speech which will worsen the situation, which is already deplorable, in view of certain attempts that are being made by the leaders of the various communities outside this Assembly. But I want to avail myself of this opportunity of declaring from my place in the Assembly that I most emphatically and unequivocally condemn all scurrilous attacks, no matter whether the person who indulges in them is a Mussalman or a Hindu. (Applause.) Sir, so far as my religion is concerned, there is a definite injunction in the Holy Koran that no Mussalman should indulge in any abusive language or in any scurrilous attack upon the religion or the religious founder of any other community ; and if there have been persons in the past who have been indulging in these attacks or who have written pamphlets or books like " *Unnisween Saddi kâ Maharishi* ", I have no hesitation in saying that those Mussalmans have acted in a most unIslamic manner. (Applause.)

Sir, I accept the principle of the legislation, but my own opinion is that the provisions of this Bill are rather wide and indefinite. When we come to the clauses of the Bill, the very first question that we have got to ask is what is the immediate cause of this legislation. As you all know it was a scurrilous attack upon the Prophet of Islam, on whom be peace, which created so much agitation among the Mussalmans of India and which created a situation that was fast growing menacing. Now, the first question that I have to ask my Honourable friend the Home Member is, " Does your Bill provide for such cases ? " In his speech he has said that it does, but to me it looks, Sir, that the Bill is very indefinite as it does not say in so many words that any dishonest or scurrilous attack upon the Prophet or the founder of a religion would come within the purview of the law. In view, Sir, of what has happened in the past, I have no desire to leave it to the idiosyncrasy of a Judge who will have to administer this law. My first point in this connection is that we shall have to mention specifically that any scurrilous attack or any insult offered to a Prophet, to an Avatar, to a Guru or to the founder of a religion, would come within the purview of this law. (Hear, hear.)

My next point is that the punishment that has been provided is not sufficient. The Bill says that such person shall be punished with imprisonment of either description which may extend to two years, or with fine, or with both. In my humble opinion, this is entirely insufficient. I have no desire to ask you to legislate upon the lines of the " Shariat " of Islam, but you must realise before you provide for punishment that there is an important section of the people, the Mussalmans of India, who hold

very strong views on this subject. My next argument is that this insult to a Prophet or to a founder of a religion, or this insult to a religion or outraging the religious feelings of any class of His Majesty's subjects is going to be made a new and specific offence, but this offence, as you have already acknowledged, would amount to more than one offence. It would necessarily come within the purview of section 153A also. In view of these facts, Sir, I would strongly urge that the punishment should be adequate and substantial.

Then, Sir, my third point is, as the Honourable the Mover of this Bill has said, that honest and candid and *bonâ fide* criticism of a religion or its founder should not fall within the purview of this law. But if that is so, would it not be more advisable to make it clear by adding an Explanation to the clauses of this Bill ? In view of the fact that the Bill is being referred to a Select Committee, I reserve my further comments on the subject. I support the motion of my Honourable friend the Home Member. (Applause.)

Mr. D. V. Belvi : Sir, I rise not to discuss the principles of the Bill but to move the amendment which stands in my name. My amendment runs to the effect that this Bill should be referred to the different provinces to elicit public opinion. I do admit that this is a piece of very important legislation, but to me it seems that it is absolutely necessary to give the masses of the country sufficient time to consider this legislative measure. The measure was published only the other day. It was introduced into this Assembly not even a fortnight ago ; I doubt very much if copies of this legislative measure have been received in the remote ends of the country. The Bill to my knowledge has not been published in the local Gazettes of the various Local Governments. The Bill has not been translated into the principal vernaculars of the country and this is a legislative measure which undoubtedly will affect a very large number of people, in fact the whole country, because I have no doubt that as soon as this legislation is passed, it will become an Act. The measure will come into force not only in British India but also within the territories of the Princes in subordinate alliance with His Majesty in this country. Is it right that a measure of this importance should be considered without the knowledge and without the approval of the country at large ? Who is to blame for this panicky piece of legislation ? It is not surely the Members of this Legislature. Government sat quiet with folded arms for a number of years without doing anything. Now that Government see that there is a good deal of public feeling in Northern India provoked by the scurrilous attacks made by one newspaper upon another and the followers of one religion upon the followers of another, they, all of a sudden, bring forward this measure and ask this House to consider it and if possible to pass it into an Act. I do not believe that we should give our consent to a procedure like this. I have always protested in this House, at any rate more than once, against the manner in which legislation is rushed through in this Assembly. A Bill is introduced into the Assembly ; next week it is brought up for consideration of its principle and next week we are asked to pass it finally. I do submit that this is not fair to the people who are to be affected by the proposed legislation. I want to ascertain the opinions of the Press and the people of this country on this legislative measure. There are religious Gurus of the Hindu community, there are religious Gurus of the Mussalmans ; there are also Christian priests whose

[Mr. D. V. Belvi.]

opinions will have to be taken into account. Sufficient time must be given to the various classes of the people to consider this measure. It may perhaps be urged that it is necessary to pass this measure as soon as possible to allay the public feeling that has been evoked in the country. I do not believe that public discontent or public feeling will be allayed simply by passing this measure. I do not think that we shall lose anything by trying to elicit the opinion of the country, and I do submit to the House that they should agree to my motion.

As I said at the outset, I do not want to discuss the principle of the measure at this stage. I agree with a good many points that were sought to be made by my friend Mr. Abdul Haye in his speech. If it be necessary for me to say anything on the point, I reserve my right to say it afterwards. For the present I am content to move my motion, and I do so.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : Sir, I regret I cannot support the Honourable Mr. Belvi in the motion which he has made. (Hear, hear.) I do not admit that this is a panicky legislation, though I do hold that this is a legislation which has arisen out of an emergency. If a measure like this had been introduced into this House in ordinary times, I would have considered it my duty to oppose it. In my judgment considered on its merits it is a retrograde measure ; but considering the special circumstances in which we are placed at the present moment I think the proposed measure is a necessity and I therefore support its principle. In doing so I want to make my position clear. I want to submit that as soon as I heard of the decision of the High Court of the Punjab in the *Rangila Rasul* case, I lost no time in saying that, although, technically, the writer of the *Rangila Rasul* had been acquitted and the judgment was right in law, yet morally he was guilty. With your permission, Sir, I wish to read to the House what I wrote and what was published in *The People,* of Lahore, dated the 29th May 1927 :

" Technically the decision of the learned judge is correct. The judgment is a triumph for freedom of religious propaganda. But I have no doubt in my mind that morally the publication was a mistake. In these days of intensive communal tension it is nothing short of a moral crime to publish books of this kind. I am not quite sure if it is not bad to publish books of this kind at any time..... But general moralising apart, this is pre-eminently a time when the followers of different religions in India should avoid all provocative propaganda. Of all religious propaganda, disrespectful criticism of the founders of religious systems is the most offensive and objectionable. That the statements are true or authoritative is no defence. May I appeal to Mahashe Rajpal to withdraw the publication from circulation and may I also appeal to the leaders of the Arya Samaj to see that publications of this kind are not encouraged ? "

I go further, Sir, and am prepared to use strong language against the writers of books of the kind of *Rangila Rasul* and " *Unnisween Saddi kâ Maharishi* ". I realise the dangerous character of books of that kind in the present circumstances of the country. I do not defend their publication at any time, and under any circumstances, but particularly at this time when we are confronted with a terrible situation, I consider that all persons who indulge in this kind of propaganda are nothing but, enemies of the country. I wish to make no excuse for them and I do not want to qualify my remarks in any way. I think publications and books of this kind ought to be discouraged and suppressed by all possible means, moral or legal, or both inclusive. Having said that, Sir, I am not quite sure if

the language of the clause as drafted is not wide enough to cover, unless properly explained, even legitimate criticism or historical research. I do not agree with the interpretation of section 153 which the Honourable the Home Member has put on it. To my mind, that section is absolutely clear and it does not cover the cases which are provided for by this clause by any stress of language or interpretation. Take, for example, the case of those people who criticise their own religion, I mean the religion in which they have been born and the religious society in which they move. No progress is possible unless legitimate criticism is freely allowed and fully protected. The Honourable the Home Member in his speech gave a long explanation of the measure now under consideration and quoted the analogous provisions of the English law. But in this country we have to be a little more careful because it cannot but be recognised that social reform is very much tied down with religious reform, and, with the interpretation of religious texts. Therefore, the law should not be so worded as to make it impossible for those who want social reform, and who want to carry on social reform propaganda. It should be, as has been suggested by my Honourable friend Mr. Abdul Haye, made clear either by an explanation added or by any change of language in the proposed clause, that *bona fide* criticism, historical research, and all that leads to the interpretation of religious texts in such a way as to lead to progressive reform in social matters will not be affected by the provisions of this clause. I do not agree with my friend Mr. Abdul Haye in saying that insults to religious founders do not come within the purview of this clause. Insults against religious founders are not directed against their personality. If the intention is to outrage the feelings of the followers of these religious founders, then the clause covers it. But if he or anybody else in the Select Committee wishes to provide anything further to stop scurrilous criticism of religious personalities, he will have my entire support. I may go a step further and say boldly that the Hindu community will welcome this measure most of all, in fact in preference to all other communities. I have many reasons for saying this, but I do not want to go into them. For a long time the Hindus had absolutely no intention of going in for any proselytizing propaganda. If at the present moment some sections of the Hindu community are engaged in proselytizing propaganda, as I understand it, it is more as defensive measure than an active propaganda for conversions. However, I do not want to go into that question, but I do want to assert on the floor of this House that the Hindu community as such will not object to any provision being made in the criminal law of the land which would make the intentional insult of religion or the intentional insult of high religious personages an offence. Therefore, to me there does not appear to be any necessity of circulating this measure for opinions. It is a measure which has arisen out of certain special circumstances and I think it ought to be passed as speedily as may be possible.

While I give my entire and whole-hearted support to this measure considering the circumstances of the times, I just want to repeat that care should be taken in the Select Committee to so word the law as to make it safe for those people who indulge in *bona fide* criticism or who make historical research about religious matters. That ought to be clearly understood.

Sir, after having said this, I just want to suggest to the Honourable the Home Member that the name of Pandit Madan Mohan Malaviya might

[Lala Lajpat Rai.]

be substituted in place of mine, because I may not be able to attend the meetings of the Select Committee. I have his permission to say so.

The Honourable Mr. J. Crerar : May I say one word, Sir, on the point mentioned by Lala Lajpat Rai. If you and the House will permit, I should be very glad to make the substitution he suggests.

Mr. President : The question is :

"That the name of Pandit Madan Mohan Malaviya be substituted for the name of Lala Lajpat Rai on the Select Committee."

The motion was adopted.

***Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban) : Sir, I also regret that I cannot possibly support the motion moved by my friend Mr. Belvi that this Bill be circulated. I think this House must realise that there can be no difference of opinion on the fundamental principle, namely, that any vilification or wanton attack upon any religion or upon any individual which is likely to outrage the religious feelings of any particular class of His Majesty's subjects should be condemned. There can be no question that that is a state of things which ought not to be tolerated, particularly at this moment, as was well described by Lala Lajpat Rai. When that is so, I would like to ask the Honourable Member, what is the object of his motion that the Bill be circulated, except that it will mean that probably it will be several months before we can get back this Bill for discussion in the Assembly. If this is circulated, it is quite certain that it may not be possible to pass this Bill in this Session. It must wait till the cold weather Session. Is there any object in bringing about this delay ? I should like to understand from the Honourable Member what is the object that he gains by postponing this Bill. He says this Bill ought to be circulated so that the masses may understand it. Sir, if this House is unanimous—and I take it there can be no question that we in this House wish to make it clear that in future no wanton vilification or attack on any religion shall be permitted—then let us proceed with this Bill. Let us enact a measure which will give us security against these scurrilous writers of the character now described. As to how this measure should be modelled, and as to how it should be altered in the Select Committee, various suggestions have been thrown out, but I have my own ideas on the subject ; but that is entirely a matter for the Select Committee. Therefore, I do urge upon the Honourable the Mover of the amendment, Mr. Belvi, not to press his motion that the Bill be circulated because it is a dilatory motion. If he withdraws his motion, then we are only concerned with the motion that the Bill be referred to the Select Committee. Sir, on this subject, as I am on the Select Committee, I do not wish to take up the time of the House. A few suggestions have already been made and, as I said before, I have also got some ideas with regard to this Bill. The Honourable the Home Member made it very clear, and I thoroughly endorse the principle, that while this measure should aim at those undesirable persons who indulge in wanton vilification or attack upon the religion of any particular class or upon the founders and prophets of a religion, we must also secure this

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*Speech not corrected by the Honourable Member.

very important and fundamental principle that those who are engaged in historical works, those who are engaged in the ascertainment of truth and those who are engaged in *bona fide* and honest criticisms of a religion shall be protected. Sir, there is, therefore, really no difference of opinion between the Honourable the Home Member who represents the Government and this side of the House. The only question is how to shape and model this Bill so as to secure those fundamental principles upon which we are all agreed. Sir, I would only suggest one more thing and that is this. I understand my Honourable friend Nawab Sir Zulfiqar Ali Khan desires to serve on the Select Committee, and I hope the Honourable the Home Member will kindly accept his name also for membership of the Select Committee.

Mr. President : The question is :

"That the name of Nawab Sir Zulfiqar Ali Khan be added to the Select Committee".

The motion was adopted.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : Sir, I rise to support the motion of my Honourable friend Mr. Belvi that this Bill be circulated for eliciting public opinion. I desire, Sir, to make it perfectly clear that I am not for a moment in favour of permitting intentional or scurrilous attacks upon the religion of anybody. Here, I may parenthetically add that I claim to be a student of religion. To religion I have given the best years of my study and I claim to this day to be more intensely and more passionately attached to my religion, the universal religion of my forefathers, than anybody, probably, who claim to be attached to his religion. But that apart, with all that, Sir, I do not see why I should be so much taken out of my equilibrium or out of my thought-balance because, as it always happens, a few people with more zeal than discretion indulge in what they consider to be a kind of great propaganda for the enlightenment of the world. Very often these attacks are due to superficial knowledge of religion , and if anybody has to resent, Sir, if any community has been subjected to the most intentional, most scurrilous and most vilifying attacks at the hands of all persons in the world. We, the Hindus, are the greatest sufferers in that respect. Every dear aspect of our religion has been criticised, every sacred text has been torn to pieces by men who know only to scoff, who do not know the elements of true religion nor of true spirituality. For many hundred years, the Christian missionaries who have come to India by cartloads have been attacking the most supremely beautiful, the most supremely rapturous revelations of spiritual life contained in the Hindu scriptures. Has the Hindu religion been thereby shattered to pieces ? On the other hand the Hindu religion is spreading everyday by leaps and bounds. The universal religion of the Supreme is spreading every day, not necessarily with a single name, but the same supreme spirit with various names. What is after all Christianity, but a faint shadow of the Hindu religion. What is Muhammadanism ? The Great Prophet whom I revere as much as any Mussalman friend of mine and the religion that he established are but reflections of the one Light. "The One remains, the many change and pass". What are these changes but the passing glimmers of the Eternal Light ? Some misguided people, out of zeal, take it into their heads to attack the founders of other religions. If fanatics lose their balance,

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there is no reason why we, sober and saner people, should also lose our balance. Sir, I am sorry to bring it to the notice of this House that the religion to which I have the honour to belong has been ruthlessly vilified by hundreds of Christian missionaries. Coming nearer home, the Arya Samajists have in their ignorance been condemning us who follow the Sanathan Dharma as idolators. But who in this world are not idolators ? And of what are the majority in the world idolators ? Idolators of Lucre, of Lust, of the wine bottle ! Surely our idolatry has not been so bare as theirs. Whom do we worship through our idols ? The all-merciful, all-benevolent Lord Sri Krishna who in his infinite Love incarnated on the banks of the Jumna, fascinating all hearts with his magic beauty casting on all around His bewitching glances and helping all to free themselves from the fetters forged on themselves by ignorance, and lust, and greed and vanity. And yet is there any non-Hindu man or woman who has not attacked Sri Krishna ? These silly attacks, we simply pass by. We treat them with the contempt they deserve. These attacks have not belittled Him in our eyes. Surely we who are legislators should show a larger measure of level-headedness in enacting penal measures in this House. Why should we be scared and why should we lose our mental balance at the silly doings of these fanatics ? Fanatics there will always be in the world. These misguided fanatics have merely a very superficial knowledge of religion ; and owing to their half knowledge, which is worse than ignorance, they attack other religions. Are we therefore to lose our heads and cry out : " Oh, religion is in danger ". Even if all the rest of the world should attack my religion, I do not see why I should lose faith in myself and raise any alarm. The supreme religion in which I believe is bound to flourish in spite of the scurrilous and vilifying attacks by others. Those who attack my religion do not know its real truth that all are brothers, so far as the Spirit is concerned, the one Spirit that pervades the whole world and is God. He is inseparably close to us ; he is the bond that cements us all together ; and makes us brothers. If this you grasp, why do you allow the writings of the fanatics to disturb your equanimity ? Very often those fanatics prove to be not learned in any religion. They are over-emotional and often change suddenly. Some, when they come to scoff, very often remain to pray. It is our duty, it is the duty of every truly religious man, to take these things in their true light. Let all the world attack Sri Krishna. He is none the less the Sri Krishna of unbounded mercy whom I adore. I will treat all His detractors with the contempt they deserve. How many hundreds of people have not attacked Christ ? How many hundreds of people have not attacked the divinely-inspired Law Giver of the world, the Great Manu, during the past six or seven years in my own Presidency of Madras. Not a day passes in the Madras Presidency without the Brahmin community and the Law Giver Manu not coming in for a fair share of ridicule and attack from certain people. All our temples, all our rituals and all our ceremonials have all been ruthlessly attacked. Yet, Sir, the great Law Giver Manu has not disappeared. The greater the attacks made upon Manu, the more resplendant does he shine. I am surprised in this connection that such a level-headed gentleman like my Honourable friend Mr. Jinnah should be so alarmed at the doings of the fanatics. He cannot understand why the Prophets should be attacked. He wants that this Bill

should be rushed through at once. Why should we not wait for three months more to elicit public opinion on this Bill ? For hundreds of years the Hindu Avatars have been attacked. I am not a lawyer, and I hope my lawyer friends will correct me if I am wrong, I think the Indian Penal Code has been in existence for nearly 60 years ; in spite of the existence of the Indian Penal Code these irresponsible attacks have been going on and will go on. I do not see why the leaders of parties and the front bench leaders in this House should be so disturbed in their equanimity as to rush this Bill through without giving sufficient opportunity to the public to know what the contents of the Bill are. Are we to lose our heads because a fanatic has written in the most scurrilous manner against the founder of another religion ? I wish that we are cool-headed in all matters, especially in legislation. The other day, a fanatic lectured to other fanatics that he wanted not Swaraj but only Muslim Raj. Are we on that ground to lose our heads ? Fanatics there have been and fanatics there will always be in this world. In this world, there are always good men and bad men. Human nature is complex. It is impossible to separate the chaff from the grain through mere legislation. I should therefore appeal to the House that they should calmly consider this matter. As I have already said, it is not that I am lacking in fanaticism of my own kind. I love my religion most ardently, but I also revere other religions. It was the Christian religion that I learnt first. I love the Christian religion. I love the Christian religion because I believe it is part and parcel of my own religion. The Christian religion I learnt from preachers of Christianity who were most qualified to preach it. In this connection, I would refer only to one name, the name of Dr. William Miller, at whose feet I sat and learnt the New Testament, and I can claim that I know the New Testament fairly well. It has been my privilege to come in contact not only with preachers of religions but also with great men who have lived in blissful communion with the Supreme Existence. Just three days ago, I got a letter from one of whom the world knows nothing, from one who is a Christ, a Muhammad, almost a Sri Krishna, telling me ; " Be true to yourself, be a true Brahman ". (Applause.) If there is one single true Brahman left, the whole world will be saved. (Laughter.) Now, Sir, am I going to be disturbed in my mental equilibrium because the Arya Samajists vilify Sri Krishna, and denounce me as an idolator ? The Arya Samajists vilify Sri Krishna as one who lived in the midst of thousands of *Gopis* and as one who performed the *rasakrida*. These ignorant men, grown-up babies revelling in dirt, cannot understand the mystery and the rapture, the unspeakable beatitude of the union of the human with divine Love, of the Eternal *Rasakrida* which the pure in spirit alone can in spirit comprehend ! The Arya Samajists like ordinary Christian missionaries are mere children who believe in big words. As to those who vilify, let me ask how many of them know the true meaning of the Spirit ? Can they so much as think of the Spirit ? " *Yato vacho nivartantê aprâpya manasâ saha* "—Whence all thought and world alike fall back without reaching it. Yes ; God is Spirit ; and can be realised only by the spirit in us cleansed of all dross. But everybody is not a saint in this world. Everybody cannot visualise God in the nameless, formless. Men's minds want some Word, some Figure. *Nâma* and *Rupa,* Sound and Form, are the very basis of this world. What is *nâma* and *rupa,* but idolatry. The man that transcends *nâma* and *rupa,* that ancient wise man, he does not come out

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and complain that the Spirit has been destroyed. He does not complain against any one or anything in this world. He takes up all things smilingly, with Love in his heart and blessings on his lips ; for in all verily he perceives the blissful Krishna, the Supreme Soul ! The true Sikh, the true Christian, the true Muhammadan is also the true Hindu, is also a true devotee of the Lord Krishna, the One merciful Lord of beatitude and grace. And I do not see why because some people have said certain stupid things, therefore the sedate Legislatures of India are to be *rushed* into legislation. Do you think this legislation is going to bring about the millenium ? Will it set all disputes at rest ? It will not. This therefore is my first objection to the passing of this legislation at once, in a manner which is not warranted for people who have to carry very cool heads on their shoulders.

Secondly, what about the scurrilous things against our culture and religion that are written and said outside India ? What are you going to do about that ? Very recently there has been an instance where an American lady after a short visit to our land has written and published a book which severely scurrilously criticises Hinduism. What is going to be done with that book ? In the papers there has been much agitation about that book. Will this legislation reach that book ? If anybody has been an offender I suppose that lady has been. Personally I should simply read that book and smile over it, half in sorrow, half in contempt. There are some few things in it that are true, but a great many things that are absolutely imaginary, the product of a too fertile brain, of the obsessed imagination. Remember the book is written by a lady who has no husband, no home, no children of her own ; yet she longs to set right other's children ! Of course, bachelors' wives and maiden's children are always well taught ! I pity the good-intentioned lady, she seems to have had some very sad experiences in India which have led her to the conclusion that 8 out of 10 Hindu male adults are impotent, and Hinduism is responsible for it all ! And she rushes into the public gaze and wants the whole world to agree with her in her denunciation and blasphemy of things too holy for her American brain to fancy even ! Now, Sir, is this how India can be reformed ? Who is the man that can reform other people ? Surely he that has first reformed himself, that has himself overcome the temptations of the flesh. And he will reform others not through foul words, nor through foul propaganda, nor through foul books, but by smiles and gracious words of brotherly love. Yes, as the great Ram Tirtha has said beautifully : " Wanted reformers not of others but of themselves ! " We want the reformer that can stand up in his naked purity even as the *Gopikas* stood before the eye of the Supreme Lord Krishna. We want one that can purify and ennoble everything that he comes into contact with. That is the sort of reformer we need.

I want to be true to my religion ; and I wish to plead for tolerance. By all means let us see how we should deal with mischief-makers and those who hurt other men's religious feelings. But, as I said, most of the things said about India is absolute trash when it is not pure vilification ; and how are you going to deal with that ? There is Mr. Pilcher, for instance,—I suppose he is Right Honourable (*Honourable Members*: "No, no.") Well, I am glad he is not a Right Honourable gentleman. He or somebody else says something deliberately wicked in England, and it is

flashed across the wires, a huge fuss is made about it in the papers, the *Statesman* has got it one day ; next day apologies and explanations are made ; and so on.

Now, Sir, I think that the best thing for us to do is to find out what the best brains of the country think. We cannot of course arrogate to ourselves all monopoly of the best brains of the country, although I do not claim that we are quite representative of the people. But there are those outside this House who can be expected to be better exponents of religion, better guardians of their own religion. And why should we not know what these say ? But, if we do not pass this legislation next week, says somebody on the opposite Benches, the Heavens will tumble down. I for one should not be sorry for that. All the wickedness and sin of this world will then be washed away and we may have a newer and a better world. It is true there has been some correspondence going on in the papers. I remember Sir Sivaswamy Aiyer writing in the *Hindu* suggesting some kind of legislation. Some were for it and others were not. I say, why should this House arrogate to itself all wisdom and what is the necessity for this breathless haste ? Mr. Jinnah does not say what the necessity of it is. It is not for Mr. Belvi to prove the non-urgency. It is for Mr. Jinnah to prove the urgency and he has not shown the absolute and urgent necessity of immediate legislation. I know somebody wrote something bad in the Punjab ; and I suppose the man has been booked. (*An Honourable Member* : " No.") Such a man can be booked, and the best way of booking him is to treat him with the contempt that he deserves. I therefore think that there is very good reason why we should consult all the various religions in India,—the leaders, the Sankaracharyas and the great Maulanas—we should consult them all, some Buddhist leaders, and some good Christian missionaries also who live according to the word of Christ and not only preach it. We should do well to consult them ; I do not know why we should throw away what these people have to say. And if after consulting the sedate, the thoughtful, calm, considered opinion of the country, we still find that certain mischievous people should be seriously dealt with, then, of course, there will be time enough to do it. Who is to judge—and already my Honourable friend, Mr. Abdul Haye, has said that he is not going to trust to the idiosyncrasies of any official Judge—who is to say whether there has been an intentional insult or not ? Not certainly Mr. Abdul Haye in every case, nor I either. Who is to decide ? The poor Judge has to say whether it has been intentional or not. But it is a very difficult thing to do that. The accused may claim all along that he is not really blaspheming but only propagating the supreme religion of Truth. Miss Catherine Mayo may claim that she is—and who can say that no, she is not, lunatic as she is—sincere. All lunatics are very sincere. Therefore, it is rather asking the House to take a huge plunge to penalise all such things with severity. It is just because the matter is agitating our minds, I say let us have some time during which our feelings may cool and our ideas assume proper proportions. Therefore, I strongly support the motion that this Bill be circulated for opinion, and I give my word as a religious man that the Heavens will not tumble, the Himalayas will not rush down the valleys, the oceans will not swell and the earth will not disappear if we take this measure at the next Delhi Session. I strongly recommend to the good sense, calm consideration and sedate judgment of every Honourable Member of this House that he do give his support to the amendment of my Honourable friend, Mr. Belvi.

Mr. S. Srinivasa Iyengar (Madras City: Non-Muhammadan Urban): After the speech of my Honourable friend, Lala Lajpat Rai, it is not really necessary for me to elaborate the points which he has made. I am in entire agreement with the general principle and spirit of the Bill. So far as the details are concerned, we must examine them very carefully, and such exceptions or explanations as may be necessary to put in, for instance, explanations corresponding to that which is found in section 153-A. or the exceptions to the defamation section, will have to be examined and corresponding safeguards may have to be provided. While I do think that tolerance is far more important and that the liberty of the Press cannot be held to be sacrosanct in this direction, still the Press and its liberty ought also to be safeguarded. Equally, you must see that there is a difference between publication and authorship, and you must not, as in the case of the sedition section, make authorship and publication identical and say that even mere innocent publisher of an insult becomes liable. These are things which have to be examined and I hope the Select Committee will examine them. There are many other observations which strike me, but I think they are more pertinent to a later stage, when the Bill is discussed in Select Committee and afterwards when it emerges from it and is taken up for consideration. I refrain, therefore, from alluding to many technical and substantial points. But I would only say that this Bill has been long overdue. It is by no means a day too soon. It is not simply for the Muhammadans, not simply for the Hindus, not simply for the Christians, but for every community and for every religion in the land. Simply because it has been necessitated by the *Rangila Rasul* case, let us not imagine that the evil was not there or it is merely for the purpose of one religion being safeguarded. It is for the purpose of protecting the religions in India from deliberate, intentional insults and gross and wanton outrages. I would prefer, of course, not the word "intentional" by itself—I would say that it should be "deliberate." I like the word "outrage" and not the word "wound", because it is a much stronger word and it is necessary to have a stronger word than the weaker word which is used in some of the sections dealing with offences relating to religion in Chapter XV of the Penal Code. Speaking for myself, I do think that tolerance has been the law of the land—certainly in ancient times and in mediæval times. I do not wish to deal with the age of religious persecutions, but taking the great age of Asoka there is not the slightest doubt that tolerance was really technically the law of the land,—and no one was permitted in the guise of either proselytizing or championing the cause of his religion to wound other religions. Respect for the religion of another is the essence of the matter, as Asoka's edict puts it, and without it you cannot be truly religious and you cannot defend your own religion. Therefore, I think this was the law of the land whatever may have been the fluctuations of opinion in mediæval times. The Chapter in the Penal Code was, I suppose, thought sufficient when it was enacted. It is a great pity that during recent years there has been a large recrudescence of religious feuds which has made the introduction of this Bill, though it is highly regrettable, necessary. We must look at it not from the point of view of pure religion, but from that of secular considerations. The considerations of a united nation, the considerations of peace and good will

between the two great communities which inhabit this land, and the opportunity that we are denied for doing other things when people break each other's heads, make it imperative that this Bill, made word-perfect and brought up according to the latest patterns and consistent with reasonable liberty of the Press, the people and all sections of the House, should certainly be passed. I have myself felt that this is only one of the measures which by legislation should be undertaken by this House for the purpose of settling the communal trouble. There are other far more important measures than this which in another place, I suppose, will be discussed, and when the time comes, those measures also, if the Government agrees, will have to be put on the Statute-book. If, as His Excellency the Viceroy said the other day, Government is prepared to take all those steps which may be necessary for the purpose of bringing about communal harmony in this land, I say legislation is inevitable, and legislation of the type that is going to be suggested, of course, subject to such modifications as Government and this House may think necessary to make, will have to be taken up in case this is to be supplemented, as it has to be—for this Bill by itself will hardly do. Then, there is one other point that strikes me in this connection. It is true that, so far as Southern India is concerned, we have not got very much of this Hindu-Muhammadan trouble, and perhaps because of that, the Honourable Member who just spoke before me thought that there may not be so much necessity for this legislation. I do not consider that this Bill is either panicky or useless. As I said. it has been long overdue. The truth is, the conditions in Upper India with which we in the South are not altogether very familiar, make it necessary that some steps should be taken in order that religion may not be abused, that in the name of religion communal troubles should not be fomented and fostered. What really happened is, not that you really propagate your religion, or you defend your religion, but religion is but a plaything, religion is but a toy, and you use it for the purpose of your secular ambitions and for your secular quarrels and rivalries. That, Sir, is the conclusion to which I have been obliged to come after such measure of experience as I have been gathering throughout the length and breadth of the country. The All-India Congress Committee has taken a great step forward in the direction of communal harmony and with the warm-hearted support not only of Mr. Jinnah and his friends but also of others who are still wavering, or differing, we will be able to lay the foundation stone of a great nation. The other steps which I hope will be taken on the 7th instant at Simla will bring about even greater peace and good will ; but we do want the Government to give all the legislative assistance it can and its voting strength to those who are interested in bringing about communal harmony. If they say, ' Hands off ', you cannot bring about peace and good will by mere conferences. It is impossible, because no leadership in India is of that indisputable description that you can say that a leader's word is implicitly obeyed throughout India. Therefore, it is that we want the sanction of legislation and the authority it carries, which will prevent persons profaning the sacred name of religion. Persons who are actuated, consciously or unconsciously, by purely secular considerations have brought about a great deal of trouble and turmoil. I have no desire to take up any sectarian cause or hold a brief for any one in this connection. The blame has been on both sides. All the

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communities in India are to blame, and more, for more than all the communities, Government are to blame and to blame throughout; and in saying that I am not saying a hackneyed thing or a thrice-told tale but what I firmly and conscientiously believe to be true, namely, that Government have been grossly negligent in the discharge of their duties in having allowed this communal conflagration to spread for years in this way. Therefore, Sir, I do support this Bill and I would request my Honourable friend Mr. Belvi not to press his motion for the circulation of the Bill.

Maulvi Sayyid Murtuza Saheb Bahadur (South Madras : Muhammadan) : I had no idea of taking part in this discussion but for the fact that my Honourable friend from Madras, Mr. M. K. Acharya, dwelt upon the fact that legislation on the subject is not so very necessary and that the matter may be put off. I will be as brief as possible in what I am going to say. My friend Mr. M. K. Acharya said that it was not a case where we must lose our balance. Then I should tell him that the agitation is not confined only to Upper India but it has extended to every nook and corner of India, I may even say, to our own Presidency. Sir, this is not the outcome of fanaticism, but it is the outcome of pure religious fervour. The House should be alive to the fact that the Mussalmans as a class are very much attached to our Prophet and the reason is this. We firmly believe that it is he who taught us the strictly monotheistic principles of religion. It is he who taught us the unity of God. It is he who has shown us the way to salvation by means of peace. The very term 'Islam' means to resign ourselves to the will of God, to be peaceful. So legislation is a means of keeping up the peace. Our revered leader, Mr. Srinivasa Iyengar, has remarked, this kind of legislation has been long overdue. So far as we are concerned our principle is :

Mai Khuro, Mushaf bisazo, atish undar kaaba zan
Herchai Khahi Kun valaikin mardumazari makun.

This is the philosophy of our religion. It is not a philosophy taught by Mr. Acharya. It means "You may take wine, may burn down (holy) Koran, you may set fire to Mecca itself, but do not wound the feelings of anybody, which is the most heinous and unpardonable crime." This is applicable with even greater force in the case of religious feelings of the professors of different religions.

So, Sir, it is highly necessary that legislation of this kind should be undertaken and any further delay will prove disastrous to the country and will not be in the interests of Government itself. Though I have not congratulated the Government on any occasion, at least now I congratulate the Government of India on having introduced this legislation. Therefore I gladly and most willingly support the motion.

Maulvi Mohammad Shafee (Tirhut Division : Muhammadan) : I would be extremely sorry if my Honourable friend Mr. Belvi insisted upon his motion for delaying this piece of legislation. I think the great leaders of the Nationalist Party and of the Independent Party have given good reasons for proceeding with this legislation and not circulating it for eliciting public opinion. If my Honourable friend Mr. Acharya

wants further reasons for proceeding with this legislation and not delaying it any more I would tell him one or two reasons. My friend might not have heard that there was anything like a controversy over the question of music before mosques. In Southern India at least it was absolutely a new thing, but my friend must have experienced by this time that this question which arose in Northern India has made its way to Southern India and there were riots, fightings and even killing of human beings on this account. I do not understand why my friend does not perceive what is going on in the country. Is it not a fact that we are passing through a very delicate time, because mischievous people in both the communities are trying to disturb as far as they can the harmony between the two great communities of India ? I believe that this question of music before mosques was nothing more than the invention of the evil genius of mischievous people in both the communities, and I submit that these scurrilous writings are only another phase of the same activity. It has begun only recently and we have seen what amount of agitation it has created. Of course it is still confined to the Punjab and the Frontier Provinces, but then it must have its sequel throughout the length and breadth of India in no time. I confess, Sir, I am really glad that the Government has intervened in time to check this growth of another deplorable phase of communal outbursts. I submit the Government is doing the best thing at the present moment. If it did not come up at once with this sort of legislation, whatever shape it may be given in the Select Committee, I think this would have spread like wild fire, in the same way as the question of music before mosques has spread from one part of the country to the other. If my Honourable friends Mr. Belvi and Mr. Acharya think there is not enough tension in the country between the two great communities, then they might press this motion for delaying the matter and might carry it and then see what consequences will follow.

Pandit Hirday Nath Kunzru (Agra Division : Non-Muhammadan Rural) : Sir, the House will unanimously agree with the remark of the Honourable the Home Member that while everyone is entitled to complete religious freedom, no one has a right to wound the religious susceptibilities of others. There are occasions, Sir, when the truth or falsehood of a statement is a matter of secondary importance, and when the manner of it is more of its essence than its correspondence to fact. I understand that when a man makes defamatory statements against another person it is not a sufficient defence for him to say that the statements made by him are true. He has also to show that he was not actuated by malice and that he was performing a duty in making those remarks. It is right therefore that the same principle should be applied to a matter which is of far greater importance than purely personal reputation or personal feelings. But when I consider the scope of the Bill I confess, Sir, that my apprehensions are somewhat roused. When I looked first at the legislation proposed by Government I regarded it as an innocuous measure, as calculated only to counteract the evil which it is its object to prevent. But I happened to compare the new section 295-A with the legislation proposed by Sir Sivaswamy Aiyer, and then I became aware of the dangers concealed in the language which has found favour with Government. Now, Sir, Sivaswamy Aiyer proposes to punish any man who intentionally indulges in " remarks of a blasphemous character against any religion, the founder of any religion, the deity of any religion

[Pandit Hirday Nath Kunzru.]

or any reputed incarnation thereof, or any prophets, saints or spiritual leaders ". Now, as Lala Lajpat Rai has said, we witness daily in India the spectacle of reformers belonging to a community attacking the religious beliefs of that very community. And the question is of great importance in so far as living spiritual leaders of a community are concerned. There have been disputes in various communities with regard to their spiritual leadership. I have one or two such communities at the present moment in view. There are friends of mine of heterodox opinions who have used strong language on the subject which some might regard as scurrilous but which others would not regard as being stronger than the facts warrant. If the general language of the new clause proposed by Government to be enacted as section 295-A is sufficient to cover all the various categories mentioned by Sir Sivaswamy Aiyer, I am not sure that the clause may not lead to worse results than its absence would produce. It is of the greatest importance, Sir, from this point of view that this clause should be so drafted as to protect honest and legitimate criticism and as not to prevent social reformers from giving effect to views, the expression of which they regard as necessary for the uplift of their community. This is not a question merely of quarrels between Hindus and Muhammadans. It is a question which affects members of the same religion to no less an extent ; and, if I may speak more explicitly, it affects members of the Hindu community more than the followers of either the Muhammadan or the Christian religion.

From another point of view, Sir, I am not sure that the Bill would be regarded as wide enough to cover all objectionable cases. Recently the feelings of the Hindu community in general and the people of Maharashthra in particular were agitated by some remarks which appeared in an Urdu paper about Sivaji. Now, any one who is acquainted with Maharashthra will know that Sivaji is not regarded merely as a political hero. He is looked upon with feelings bordering on religious reverence ; but the Bill does not prevent the vilification of such a person. We have then to guard against these two great difficulties. We have to see that the Bill is of such a character as to satisfy members of all communities and at the same time not so wide as to kill all free and honest criticism. The illustrations that I have given are sufficient to show the difficulties inherent in the case, and that might, I hope, be regarded in some quarters as a reason for giving more thought to the subject than has so far been bestowed on it.

Sir, apart from these things, one cannot, as a student of literature and history, deny that it might sometimes be legitimate and necessary to criticise even the religious beliefs of others. Now I know that nothing is further from the intention of the Honourable the Home Member than to prevent the expression of remarks which are meant to be purely historical, provided they are uttered in a proper spirit, and, I said to myself when the Honourable the Home Member was speaking, " If this law is passed, would it be permissible for a man in India to publish a book like Renan's Life of Christ ? Surely no exception could be taken to the serious language and tone of that book, and yet, I honestly confess that I am not sure that a book of that kind would not place its writer within the four corners of this law as it is proposed to be enacted.

There are certain other remarks of a general character which one might make on this subject, but as the matter will be considered in the Select Committee, which consists of a large number of Members of this House, I have no desire to weary Honourable Members with detailed remarks. But there is one consideration that I should like to place prominently before the House, particularly before Government. What is the object of the constantly recurring religious attacks that we come across in newspapers and in speeches ? The object surely is proselytisation. My friend Dr. Paranjpye suggested three years ago that it should be made penal to convert a man to any faith other than that of his forefathers without adequate previous notice of the proposed conversion being given to the District Magistrate (" Hear, hear ".) (*An Honourable Member* : " Do you think so ? ") and without adequate publicity being given to that fact. If it is desired really to destroy the incentive to these religious attacks, which we all deplore, I think it is not merely desirable but necessary to see that conversion is allowed only in accordance with a well-understood legal procedure. I am not, Sir, pleading for one community or another. I am sure members of all communities here would agree that the mischief that we are trying to check would perhaps cease to exist to a considerable extent if a law of the kind I have suggested could be enforced. It is, Sir, from this point of view that I confess that I find myself in some sympathy with the remarks that have fallen from Mr. Belvi. I know how acute the situation is. I know the great tension that the present state of the law created a short time ago, but we have to legislate not for the moment but in such a way as to subserve the permanent interests of our country. I belong, Sir, to no communal organization ; in fact, I belong to a Society which debars its members from joining communal organizations. If I have spoken in the strain which I have done, it is because I honestly feel lest our best and permanent interests should be injured by our being in a hurry to check temporary causes of estrangement between the various communities inhabiting this country. I have spoken, Sir, as far as one living in India may do, as a detached and impartial observer, and I trust that the House will take my remarks in this spirit.

Mian Mohammad Shah Newaz (West Central Punjab : Muhammadan) : Sir, while I congratulate the Government on the introduction of this very important and urgent measure of legislation, I cannot help saying that in one respect it is dangerously wide. It rightly punishes those who make scurrilous and malicious attacks on religion and the founders of religions, but when it punishes those persons who outrage the religious feelings of a class, I honestly confess that I do not understand what is the meaning of the words " religious feelings ", because to my mind some of the religious feelings are essentially irreligious. I beg leave to say that notions about God and religion and religious feelings are changing with the changing wheel of time and the days are not very far off when some of these seemingly religious feelings will be entirely disapproved of. Again, Sir, there are some religious feelings, say the religious feelings of the Hindus, which are diametrically opposed to the religious feelings of the Mussalmans and thus there is a conflict of religious feelings between the two communities. I do not wish to irritate the members of the Hindu community or any other community in India in any way. It is not my religion that I should attack or wound the feelings of any man

[Mian Mohammad Shah Nawaz.]

in the world who believes in the unity of God and call him infidel—but I know that there is a feeling among Muhammadans and Christians, be it right or wrong, that they think that the idol worshippers are infidels who cannot escape the fire of hell ; that is to say, they outrage the religious feelings of the Hindus, and in this way the religious feelings of the Hindus and the religious feelings of members of other religions are diametrically opposed. I do not wish to give more illustrations, but I tell you, Sir, that some religious feelings are such that they cannot be respected, and if we want to reform socially and in the sphere of religion, the words " to outrage the religious feelings of a class " should be deleted, and the Select Committee should seriously go into this aspect of the case. One should not be allowed to insult the religion and founders of religions, and if you like, Hindu incarnations. This is of course in accordance with the recent ruling of a Division Bench of the Punjab High Court and other High Courts. The Bill should not go further, because if it goes further, it will be trespassing on dangerous and mischievous grounds. The remedy will be worse than the disease. With these remarks, Sir, I support the motion that the Bill be referred to a Select Committee.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I am perfectly certain that the Honourable the Home Member will admit that a bad law is worse than no law at all ; but if I can show to him that the draft of his Bill now before the House is defective in three very essential respects, I am sure he will feel the desirability of recasting the whole measure. It is perfectly obvious that the Government of India is pledged to religious neutrality, and all classes of His Majesty's subjects in this country are firm believers in religious toleration. But while there must be religious toleration in the widest sense of the term, it must not trench upon freedom of speech and freedom of action, so far as that freedom is consistent with liberty which does not primarily and directly lead to a breach of peace. It is perfectly obvious that the Indian Penal Code, a most unscientific enactment, contains within its purview (*An Honourable Member* : " Why not try to reform it ? "), (I have tried to make it more scientific) four classes of cases. In the first place it has sections which deal with the defamation of the State known as sedition, and so forth. In the same Penal Code there are a few sections dealing with the defamation of a class, of which illustration is to be found in section 153A of the Indian Penal Code. We have then the third class of defamation, dealt with in sections 499 and 500 of the Indian Penal Code—defamation of the person ; and lastly we are now embarking upon the fourth class of defamation, namely, defamation of religion. Now, Sir, in a scientific Code I should have expected all these sections grouped together, but whether that is possible or not, one thing is absolutely certain, that all these classes of defamation are subject to the same principle and are equally subject to the same or analogous exceptions. Now let me give you a few illustrations. If you turn to section 124A, which deals with defamation of the State, 153A, which deals with the defamation of a class, or to section 499, which deals with the defamation of a person, you will find all these sections conditioned and circumscribed by a few salutary exceptions ; and those exceptions are that nobody would be punishable under any of those sections if the act in question is done in good faith without an intention to bring either the State or the class or the person

into disrepute. That, therefore, is the cardinal principle underlying all these classes of defamation, whether it be the State or class or person.

1 P.M.

Now, if we turn, however, to the clause in this new proposed Bill, we find that there is absolutely no Explanation at all. I should like the spokesman of Government to justify this provision, and I ask the Select Committee when they go into the question to consider the analogous provisions of the Indian Penal Code and bring the language of this clause into harmony with the general generic law of defamation which is dealt with under the various sections of the Indian Penal Code to which I have adverted.

Mr. M. A. Jinnah : I can assure my Honourable friend that I am perfectly alive to this point of view.

Sir Hari Singh Gour : I am glad, Sir, that my friend Mr. Jinnah is perfectly alive to this point of view and I can only hope that the other members of the Select Committee would be equally alive to his point of view and mine.

Mr. President : Is the Honourable Member not on the Select Committee ? (Applause and Laughter.)

Sir Hari Singh Gour : No, Sir. There is another point and a very important one. Lawyers in this House will bear me out that the meaning of the term " intentionally " has been the subject of numerous cases. There are cases in which it has been held—and I venture to submit rightly held—that nothing is said to be done intentionally which is not done with that intention ; and there are cases in which it has been held that every man is presumed to intend the natural consequence of his act ; in other words, the word " intentionally " has been subjected to a dual sense,—one, an express intention, and secondly, a presumed intention. Now, Sir, I should like in a case of this character especially dealing with religious questions, that the word " intentionally " should be obviated and the opening sentence of this clause should be " Whoever with intent to wound the feelings, etc., commits a certain act should be made punishable ". That would avoid the ambiguity which centres round the definition of the word " intentionally " and which I am sure will give rise to further difficulties in the application of this clause.

The second point that I wish to draw the attention of the Select Committee to is that while I can understand the meaning of the words " insults the religion " I cannot understand what the draftsman means by " outraging the religious feeling " as distinct from religion. One Honourable Member has himself expressed his doubt as to how these two things are to be understood and understood by the lay mind and I am sure that the members of the Select Committee will apply their minds to either focussing their thoughts upon the meaning of the words " religious feeling " with a view to make it clear to the man in the street or to delete that clause altogether from this section.

Now, there are a few more points, Sir, upon which I should like to draw the attention of the members of the Select Committee. I am glad that Honourable Members on both sides of this House have acknowledged the fact that while religious toleration is a good thing, they have not disguised the fact in this House that religious reform is equally important, and this Bill is a compromise between these two conflicting principles, the one principle being religious toleration and the other principle being

[Sir Hari Singh Gour.]

religious reform. The members of the Select Committee should see that they adopt that golden rule of taking the middle course and do not swerve too much either to the one side or to the other, because there is a lurking danger in curtailing human liberty if you wish unduly to emphasise the principle of religious toleration. On the other hand, if you swerve on the other side there is the obvious danger of defeating the very purpose which this Bill has in view. The question as to whether that middle course has been adopted is not free from doubt when we read this clause as it is presented to us by the Honourable the occupants of the Treasury Benches.

There is a further point to which I would draw the attention of the members of the Select Committee. If Honourable Members will turn to the Statement of Objects and Reasons and to the speech just delivered by the Honourable the Home Member they will find that there is a reference made to the effect that section 153A of the Indian Penal Code indirectly deals with this question. Now, Sir, I should like to know why you do not enlarge the provisions of section 153A and cover this case in point, instead of enacting a new section and thereby multiplying the already numerous sections of the Indian Penal Code by creating a new offence. It is conceded in the Statement of Objects and Reasons that anyone who reads section 153A of the Indian Penal Code will find that by a suitable amendment of that section you could have dealt with the mischief which this Bill is intended to provide against. I therefore suggest that the Select Committee should examine not only the provisions of the draft Bill but of section 153A of the Indian Penal Code with a view to see whether the object which the Government have in view cannot be served better by a mere amendment of section 153A of the Indian Penal Code. There are decided cases in which it has been held by the Judges of the High Court that persons who commit acts analogous to blasphemy by defaming other people's religion and thereby arouse sentiments of hostility in any class of His Majesty's subjects are punishable under section 153A. But as doubts have arisen it is just as well that suitable words should be inserted in section 153A so as to make that point clear. Section 153A contains an Explanation, and, as I pointed out, you cannot possibly enact any law dealing with defamation, whether of the State, of the class or of the person or, as in the present case, defamation of religion, without adding suitable Explanations or exceptions. Section 153A of the Indian Penal Code dealing with defamation of the class contains an Explanation which is more or less an exception. It says :

> "It does not amount to an offence within the meaning of this section to point out without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce, feelings of enmity or hatred between different classes of Her Majesty's subjects."

Now, if section 153A is amended in the manner I have indicated, another Explanation might be added for the purpose of showing that it is not an offence within the meaning of this section if the criticism is made without the intention of arousing hostile feelings, but in the discharge of a public duty to state a historial fact or to publish the result of research. Historical writings, of a scientific character, writings even of a polemical character, are not all punishable and should not be punishable under the new clause or under section 153A of the Indian Penal Code, because by doing so you would be gagging the expression of free discussion, and I am

perfectly certain that it is the object of the Legislature here that there must be the maximum of personal liberty given to the people of this country to express their views without the fear that they would be prosecuted merely for an expression of opinion, though their intention may be to improve other religions, or it may be a mere matter of social reform, or their intention may be merely to publish the views which are the result of prolonged research.

One word more, Sir, and I have done. I wish to suggest to the members of the Select Committee that what my Honourable friend Mr. Abdul Haye and others have said—and I think there have been some expressions of opinion on this side of the House—is that this clause should be converted into a direct clause punishing blasphemy, namely, that whoever defames God, or a Prophet or a particular religion or a saint or a priest considered as a divine and thereby arouses feelings of hostility towards any class of His Majesty's subjects shall be punished. This, of course, is indirectly brought out in section 153A, but if the intention of the Legislature be to provide for the punishment of blasphemy direct, then I see no reason why the clause should not be recast again by punishing blasphemy as such instead of leaving it to inference, as is done in the proposed draft Bill. In other words, the criticism which the Honourable the Home Member has made against section 153A equally applies to the Bill which is now being consigned to the Select Committee. I, therefore, suggest that if you really wish to suppress blasphemy, by all means do so, but say that you are enacting against blasphemy. Do not do it in the indirect and inferential way in which you are trying to do in this Bill. I realize the difficulty of a secular Government dealing with religions towards which it professes absolute neutrality. But it is a difficulty the solution of which lies in enacting against a possible breach of peace which it is the duty of Government to maintain. It must be its sole objective. Sir, these are the only observations which I wish to make and I hope members of the Select Committee will take due note of them.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I congratulate the Government on introducing this Bill. I think that after the judgment of Justice Kunwar Dalip Singh it was inevitable that the Government should take note of the deficiency pointed out by him in the law and make an early attempt to remove that deficiency. I agree with my friends who have pressed that this Bill should receive very careful consideration. Any measure which infringes the liberty of the subject, as this measure does, must receive very careful consideration. The desire that it should receive careful consideration is reasonable and natural, but I do not agree with the proposal that the Bill should be circulated at this stage for opinion. I think, Sir, that on this question opinion has been to a certain extent crystallised, and I think we should trust the Select Committee to consider the measure in all its aspects and, if possible, report on it with such changes as it may think fit to this Assembly in this Session, so that this measure in the modified form in which it may emerge from the Committee and commend itself to this House, might be placed on the Statute-book before we leave Simla at the end of this Session. I wish to draw the attention of those friends who are anxious that we should not legislate in a hurry and thus give rise to greater future trouble than we desire to provide against, to the most important feature of

[Pandit Madan Mohan Malaviya.]

this Bill. The Bill aims at preventing attacks upon certain religious personages. Every religion has somebody or some person at its head. We, Hindus, believe in the incarnation of God; we worship certain personalities as incarnations of God. Christians believe in Jesus as the one medium through whom salvation will be attained by Christians. Muhammadans believe that salvation will be obtained by believing in Muhammad. Buddhists worship Buddha and Parsees worship Zoroaster. Now, Sir, there are thus certain personalities which occupy the place of pre-eminence in every religion. What might be the facts about or incidents in the life of any one of these individuals is a matter of very little concern now to the vast mass of those who believe in, adore, worship and revere those personalities. The lives of these persons have been elevated from the sphere of ordinary criticism to a sphere where criticism must be reverential, and well considered. I am less concerned with the facts of the life of any of these glorious men of the world than with the fact that millions of my fellow-men hold each of them in reverence. I wish to bow to that feeling of reverence entertained by millions of my fellow-men more than to the facts of life connected with any of these personalities. The follower of any religion may study the lives of the prophets and even of the Avatars, and criticise them to the extent that an ordinary fair-minded critic would do, but with this difference that we should remember that the followers of the other religion or religions hold those high personalities in high reverence. I would place myself in that position and would consider how a criticism of one of these personalities will affect the minds of millions of my fellow-men who honour, revere and worship them. Do I wish to criticise the life of Jesus? I am not debarred from doing so. But I must show by my criticism that I approach the criticism of a personality which has been the source of moulding the lives of millions of men and a source of solace to millions, with the proper feeling and in a proper manner. Similarly, with the founder of the Muhammadan religion. If I wish to discuss the life of Muhammad, I must show that I hold him in the reverence which is his due because millions of my fellow-men hold him in that reverence. So also with the Avatars of the Hindu religion. If my friends, the Christians or the Muhammadans know that the Hindus hold certain Avatars in reverence, that they believe that God himself came down upon earth in those personalities, I expect that they will approach the study of the lives of those Avatars with a feeling of reverence. They may not believe in the particular tenets taught by the Avatars. But the personalities of the Avatars, and the personalities of eminent teachers of religion and of its founders and prophets stand on a different and a higher footing, and I wish, Sir, that this distinction should always be borne in mind. In discussing religious personalities, or the founders of religions, of the Avatars, of the leaders of religions, their personalities should be regarded as entitled to receive reverential consideration, while the tenets and doctrines of the religion which they preached or supported might well be open to free discussion and consideration. If that distinction is made, we shall be nearer together in the object we all have in view, and in the measure that we want to place on the Statute-book in order to secure that object. As I have already said, there should not be a light-hearted discussion of the facts connected with the life of any high personage, because as against the facts,

which may be simple in themselves—they were all human and so the facts may be simple and of little importance in themselves—there is the mountain of feeling, a living feeling existing in the minds of millions of men who hold that personality in reverence, not because of the incidents of his life, but because of the teaching he promulgated and the solace and comfort which he gave to many sore hearts, because of the knowledge he spread in the world and the solace of religion which he has left for large sections of mankind. I, therefore, submit, Sir, that while we are all entitled, while any critic may be entitled to challenge the intellect of his fellow-man who does not believe with him in the same religious faith, while he may be entitled to argue with him and to discuss the tenets and the doctrines of the other religion in a friendly way, no one ought to hold himself free to utter or write in a light-hearted way anything which would wound the heart or hurt the religious feelings of his fellow-men. The intellect may be left open to attack. A person belonging to another religion may be invited to an intellectual contest so far as the tenets and doctrines of a religion are concerned, but his heart should be left unhurt, it should be respected, as one would wish his own heart to be respected. My Honourable friend Sayyid Murtaza Sahib told us what Islam taught to the world. While I support in part the view he expressed, I wish to remind him and all other fellow-men that the essence of religion was enunciated ages ago, several thousands of years ago in one couplet in the *Mahabharata* which says :

" Sruotâm dharma sarbbaswam srutva chapyabadharyyatâm,
Atmanah pratikulâni pareshâm na samâcharet,
Jadjadatmani chêchchêt,
Tat parasyapi chintayet."

" Listen to this essence of religion, and having listened to it treasure it in your heart. One ought not to do that unto another which he would not like another to do unto him. One should do that unto another which he would wish that other to do unto him."

The same truth is inculcated by all other religions, such as Christianity, Muhammadanism, Buddhism. Now, Sir, that is the teaching we have to carry out to enforce. I would not wish my father, even if he had some weakness, to be vilified in my presence. He was my father and the object of affection and reverence to me, and no brother of mine, no fellow-man of mine, who is a gentleman would like to tell me to my face about the weakness of my father. If that tenderness is expected by one gentleman from another in the case of individuals, may we not expect in a magnified degree that same tenderness of feeling, that same tender regard for the feelings of other fellow-men when they hold the propounder of a religion, or an avatar, in a thousand times greater reverence than even that in which they hold their own fathers, because that greater teacher, that Avatar, or that propounder of religion has been more than a father to every one of those who believe in him ? I submit, therefore, that the rule should be that though the doctrines and tenets of a religion might be discussed, that which is likely to hurt or wound the feelings of our fellow-men should be avoided. This only means that in matters touching religion, this rule of

[Pandit Madan Mohan Malaviya.]

ordinary human fellowship and of the ordinary duty of one gentleman towards another should be the rule of conduct throughout the world.

I do not wish to detain the House any longer. With reference to the fears that have been expressed that the liberty of criticism might be curtailed, I wish to say that this world of ours is now rather an old one. We have got the great religions of the world established in the affections of those who believe in them and those who practise them. It is not likely that there are to be any great changes by vast numbers of men abandoning one religion for another. Therefore we should be content to establish such a rule now as will make for peace, harmony and good will among men, such a rule as will eliminate causes of ill will and discord and discontent.

Sitting as we are together in this very House, Christians, Mussalmans, Parsis, Jews and Hindus,—do we not show consideration for the feelings of our fellow-men who do not belong to the same faith ? Even so should we seek earnestly and prayerfully to establish a similar state of things in the country at large so that while each individual remains free to follow, the faith he has inherited or which has been given to him, each shall respect the feelings of others who do not share the same faith with him. And I submit, Sir, that if we keep that before our minds we shall be able to arrive at a conclusion in the Select Committee which will meet the object we all have in view, which will avoid the danger of too wide a generalisation which has been referred to by some of my friends and will enable this House to accept the measure in a form which will promote mutual respect and good will among the followers of different faiths, and give us an assurance that individuals shall not with impunity be permitted to attack the religious personages held in reverence by any one community, and allowed thereby to create a gulf or alienate feelings between the members of two communities. Sir, I strongly support the motion that the Bill be referred to Select Committee. I would with your leave also beg to add that Sir Hari Singh Gour's name be added to the Select Committee.

Mr. President : The question is :

"That the name of Sir Hari Singh Gour be added to the Select Committee."

The motion was adopted.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Pandit Thakur Das Bhargava (Ambala Division : Non-Muhammadan) : Sir, I have heard with rapt attention some of the speeches delivered on the floor of this House. I heard with great happiness the speech of Sayyid Murtaza Sahib. I heard the quotation he gave, for the first time, and I am very glad to know of the quotation which says that the Koran and all the books may be burnt, but the feelings of other persons

should not be wounded. I can only say that I have never heard a more blasphemous quotation so far from the lips of any other person. But all the same, Sir, I congratulate my Honourable friend for harbouring such noble feelings which are nobler even than the dogmas of particular religions. I have heard also the speeches of Mr. Acharya and Pandit Malaviya. With great deference to all the speakers who have preceded me I wish to point out, Sir, that coming to the sordid matters of this world, we find that if India were constituted of inhabitants like those who come into this Assembly there would be no trouble. These sentiments and all these good feelings may be very good in themselves ; they are very noble, very elevating ; all the same, Sir, you will excuse me if I point out that the man in the street has not got these noble things in his heart. If he had them there would be no necessity for this legislation. It is not that I am not at one with those who have spoken so far in condemning that sort of feeling which has given rise to the present impasse between Hindus and Muhammadans. All the same, Sir, I believe it is the prophets, the avatars and the great men who are very potent powers for good, whose lives should be criticised freely. If a Muhammadan says to me " You turn a Muhammadan, come and believe in my Koran ", I am bound to say to him in all humility " You are weaning me from my own religion. Allow me to see how your tenets stand certain tests, and how the Prophet conducted himself on particular occasions ". I think it is correct to say that it is the Sanatanists and Hindus of this land who are the victims of the proseletysing activities of different religions. I do not wish to submit before you that they are not right in converting those whom they want to, but at the same time I do want to emphatically state before you that in this panic we should not take away the liberty of speech and the liberty of criticism. When I read this Bill as it is, I feel, Sir, that the right of criticism and the right of liberty of speech have been taken away to such a large extent that I fear that this Bill will ultimately, if passed into law in its present state, only perpetuate religious intolerance which it seeks to avoid. My humble submission is that the dissension we find at present is not so much due to the innate nature of Hindus and Muhammadans for fighting with each other, but is in a great measure due to the attitude of Government in dealing with the trouble. Sir, I put some questions to Honourable Members opposite about their attitude and their conduct in respect of certain publications, such as the *Uniswin Saddi ka Maharishi* and *Sair Din Dunya*. Similar questions were put in the Punjab Council by various Members, and the reply of the Government was that since the agitation in respect of those publications was not such as justified them in launching prosecutions against the authors of those books, those books were neither proscribed nor their authors punished. May I submit, Sir, with all the emphasis at my command that the present situation would not have arisen if the Government had stiffened their attitude from the start towards the authors of those books. I maintain, Sir, that *Rangila Rasul,* which has been written as a reply to the book *Uniswin Saddi ka Maharishi,* would never have appeared in print if the Government had taken care to see that the first book, of which the second was the result, was proscribed and the author punished ? I know that Mr. Abdul Haye was one of the gentlemen who condemned the publication. We find that reasonable people condemned that publication and still the Government says there is no agitation against it. Is it not, I submit, unfair to those who do not want to indulge in agitations of this nature that their religious

[Pandit Thakur Das Bhargava.]

views are not properly protected? This is not the only case. Similarly, I put another question in this House about an article that appeared in Hasan Nizami's paper *Munadi*, and the Government replied that since that gentleman begged pardon he was not prosecuted. Now, Sir, I am not vindictive. I do not want any such prosecutions which would end in nothing and which would only embitter feelings between Hindus and Muhammadans further; but at the same time had the gentleman mended his ways I would have thought that the action of the Government had been justified. When however we find in the administration of justice such considerations as political exigencies, such considerations as that a particular sect or a particular people have not raised a sufficient amount of agitation: matters which are considered by Government in according sanction or making complaints, are we not justified in holding that it is due to the partial attitude of Government that the present position has been brought about?

Now, Sir, with your permission, I will just dissect the causes of the present strife between Hindus and Muhammadans a bit further. Hindus and Muhammadans have been living in this land for ages past, for about a thousand years; and in fact, Sir, the Christian missionaries also came on the field long ago. Christ, Muhammad and Krishna have come into conflict in this land for a long time; but still why were such books not written before, and how is it that Hindus and Muhammadans did not break each other's heads with so much frequency as we see now? The real reason is not far to seek. To my mind, the real reason is not that Hindus and Muhammadans have suddenly become ultra-religious during the past three or four years. The real reason, the mentality which is the real cause of all this trouble goes a little deeper. I understand, Sir, that since the inauguration of these Reforms with the introduction of a separate electorate, these dissensions have appeared in their present form. And this is not the whole cause. Hindus and Mussalmans have not got enough political rights to enable them to think of nothing else. In fact, Sir, if the Government really wanted to tackle the question and to settle the Hindu-Mussalman dispute, I for one believe that it would not be difficult for Government so to arrange matters as to bring about a condition of amity and goodwill between the Hindus and Mussalmans. What is the use of passing this Bill? Will this Bill bring about the millenium? My own opinion is that it will never do anything of the kind. You can pass any number of Bills, but how are you going to change the mentality of Hindus and Muslims. That mentality will not be changed by the passage of this Bill. I would therefore submit that instead of remedying the disease, this Bill and others like it, if they are not administered in the right spirit, will only add to the virus of the disease and will prove more poisonous than the disease itself. If you really want a solution of the question, then it is not for me, a humble Member of this House, to suggest any remedies; and I will not assume to myself the ability to suggest better remedies than those which are known to the leaders of all parties and to the Government itself. I would only submit that this whole question should be gone into not in the rarified atmosphere of tolerance, but in that real atmosphere which is out for finding a solution. And, Sir, judging from the nature of the Bill and its wide range, I submit that full scope must be given for that criticism from all parts of the country which will

be of great help ultimately. I understand, Sir, that the Muhammadans of the Punjab have sent a telegram to several Members of this House, and I have just seen in the *Hindustan Times* that a meeting was held in Lahore and a resolution was passed that it may be urged in this House that the Bill should be circulated for public opinion. I will read now from the *Tribune* of the 4th September :

"A meeting consisting of respectable Mussalmans representative of various Mussalman bodies of Lahore was convened in Muhammadan Hall on the 1st September 1927.

After long discussion the following resolution was unanimously passed :-

'Resolved that in the opinion of this meeting of representatives of different Mussalman representative bodies in Lahore it is imperatively urgent to circulate Bill No. XXXIX of 1927 for penalising attacks on religion so as to elicit public opinion, as the matter is of great and vital importance'."

Now, Sir, it has been said in this House by several speakers who have preceded me that this is a dilatory motion on the part of Mr. Belvi, that a further postponement of this measure will not conduce to the best interests of Hindus and Mussalmans. I, Sir, as you know, come from the Punjab, and I know how this agitation in regard to the *Rangila Rasul* case has been developed, hatched, burst upon the poor people of the Punjab. But all the same, with a full consciousness of the gravity of the situation, and with all the responsibility that attaches to a Member of this House, I feel and submit that however grave and however urgent the matter may be, considerations of public policy and fair criticism warrant the motion of Mr. Belvi. If conversions are to go on at this rate or in this manner, then the Prophets and Avatars, etc., are liable to be criticised. Considering everything, I do think that the opinion of the whole country must be taken before we proceed with a measure of this nature.

Mr. Anwar-ul-Azim (Chittagong Division : Muhammadan Rural) : I am glad, Sir, at this late stage of this very important debate my friend Mr. Belvi has found a supporter in our friend Pandit Bhargava. Personally speaking, I have always had an open mind on these matters, and coming as I do from a place where the number of Muhammadans is 80 per cent. of the total population, I think it will not be a bad idea if I speak a few words on the motion.

First of all it will be desirable to give a short reply to the points of the previous speaker. He seems to think that this measure is the outcome of the Moslem agitation in this country. He takes his seat in a group of which the Leader has spoken. We have heard the Honourable the President of the Congress. We have heard our friend, the Honourable Mr. Jinnah. And it seems to me, Sir, that most of us on all sides think that this Bill should be referred to a Select Committee. That is the opinion of the majority of us here in this House. In listening to the debate I have chalked out one or two points upon which I wish to speak. Mr. Belvi has said that this is a measure more or less to please the Mussalmans. But I can assure you, Sir, that it is nothing of the kind—the Government of India exist for all, and if they find that any section of the people are taking the law into their own hands, it is their duty to preserve law and order. The *Rangila Rasul* case is in point. The Arya Samajists have tried to defame the Prophet of Islam, and there have been conflicting decisions with regard to the interpretation of section 153A of the Indian Penal

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Code. Hence this measure. We have felt a keen interest and are aware of the disservice this tall talk has caused to this part of India and other places also. Unless and until this irresponsible talk is nipped in the bud, I am afraid I do not know where we shall be led to. The previous speaker has in an interesting way suggested that, until we have an atmosphere of give and take, none of these measures will have any effect. May I ask him what his friends in the Punjab have been doing in this matter? Platitudes always sound nice. You can put any sort of measure on the Statute-book, but until you have a change of heart you will not meet the purpose, he says. May I ask my friend if he and those of his ilk would continue to support the gutter press which is agitating the illiterate masses all over the country. Will that restore quiet and peace which we all so wish to have and desire? The high priests of the Sangathan and Suddhi must know that they are mostly responsible for this aggressive propaganda. They have defied the law and perhaps this piece of legislation is overdue. Sir, some speakers have also lamented the curtailment of the activities of the vernacular press of this country. If I have to say the truth, I think, Sir, that this trouble which has been going on in the country is due to the kite-flying policy of these vernacular papers. If the writers in this section of the press, and if the owners of these papers, had a little sense of proportion in them, I can assure you that these troubles would have been very much minimised. I do not know if the previous speaker referred directly to the Hijrat—I hope he did not. At no time of Indian history during the past 700 years did the idea of the Hijrat come into the mind of the Mussalmans, and I again assure my friend that the time will never come when the Mussalmans of this country will have to do that. Then, Sir, the previous speaker has also referred to the reforms. He seems to think that the reforms that were granted to the people of this country are partly responsible for these troubles. My humble opinion, Sir, is that they are not. The real fact is, the real pinch is, that those who happen to be in greater and larger numbers in this country cannot have their own way everywhere and in every thing. The Government have their own duties; they are not partisans of anybody in this country. They have the duty to rule peacefully and to see everybody prosper, and I am sure they will not hesitate to put this legislation on the anvil. With these few remarks, Sir, I support the motion of the Home Member.

Raja Ghazanfar Ali Khan (North Punjab : Muhammadan) : Sir, I had no intention to take part in this debate to-day, but to reply to some of the remarks which have come from my Honourable friend from the Punjab. So I want neither to enter into communal discussion nor would I like to enter into a long debate on such controversial matters as have been pointed out by my Honourable friend. I think most of his remarks were absolutely irrelevant to the question which is now before us. To attribute these attacks on the Prophet and other saints of various religions to the separate electorate is the most illogical way of looking at things. However, Sir, there are two things which I would like to bring before the House. While I congratulate the Government on bringing forward this measure, and I strongly support the motion that this Bill may be referred to a Select Committee, I would point out two things. By doing so, I do not agree with every word of the clause as it is now before us. As everyone knows, it was due to the *Rangila Rasul* judgment, that is, the defect in the law which was pointed out by the Honourable Judge who tried that

case, and who thought that the law required to be amended. The two things which he pointed out clearly were, first, that an attack upon a Prophet may not necessarily mean an attack upon religion, and the second thing was that it was necessary to prove that one man by attacking the Prophet or founder of a religion provokes feelings of hatred and contempt between two different communities. The object now is that mere attack upon the founder of a religion whether it has provoked any feelings of enmity between the two classes of His Majesty's subjects or not should be made punishable. There are conflicting rulings upon this point. Some Judges think that even under section 153A, as it stands at present, such attacks can be punished. Some of the Judges think that such cases cannot be brought under this section. So the object of this Bill should be restricted to making it clear that any attack upon a religious founder or any other person held sacred by the followers of any religion should be liable to be punished, and that it should not be necessary to prove that by making this attack the author provoked enmity between different classes of His Majesty's subjects.

Another point which the Select Committee should consider is that the punishment which has been awarded in this section is in my opinion too light. I think two years' imprisonment for such scurrilous writings which have created such a critical situation in a country like India should be subjected to severer punishment than two years. I am not one of those people who would say that distinction should be made by law between prophets or heads of different religions, but I think that if the maximum punishment is higher, the trying Magistrate always considers that an attack upon a prophet of a religion or a founder is more serious and more punishment should be awarded in such cases than for criticizing an ordinary man or a man who is politically regarded as a leader.

There is only one more point to which I would refer, and it is this, that some people have suggested that the Government's attitude in this matter has been objectionable. Particularly my friend from the Punjab blamed the Government for being at least indirectly responsible for this communal trouble. I think it is my duty, Sir, to repudiate this charge in the strongest possible terms I can. So far as the Punjab Government is concerned, their attitude towards this *Rangila Rasul* agitation has been most fair and reasonable. They have handled with the greatest prudence this critical situation which otherwise might have grown much worse than what it is at present. If His Excellency the Governor of the Punjab had not received the Moslem deputation and had not assured them that the Government sympathised with them in their grief, that the man who attacked their Prophet was let off because there was a technical flaw in the law, I think the Muhammadans would have been much more disappointed and the consequences would have been much more serious.

With these words, Sir, I oppose the amendment that the Bill be circulated for eliciting public opinion and support the motion for its reference to a Select Committee.

Mr. M. S. Aney : (Berar Representative) : Sir, we have heard in this House up to this time many speeches in which the speakers have attempted to explain the principles or give their opinions on the principles underlying the substantive part of the new Bill under consideration, a Bill in which it is proposed to penalize intentional outrageous attacks upon religions or

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religious heads. But, Sir, this Bill consists of two parts. One part proposes to define the conditions and ingredients which will go to make attacks on religion an offence. There is another clause in this Bill which is in my opinion also equally important with this clause. If the provisions defining the offence are important, I submit that the provisions of the Bill which are intended to empower certain constituted authority to enforce that law are also equally important. In short the procedural portion of the Bill also deserves to be very seriously considered by this House. From the speeches hitherto delivered in this debate it must have been obvious to some of the Members of this House at any rate, that among the various causes which have brought about the present tension between the great communities some blame is laid at the door of the Government also, inasmuch as they have not been sufficiently alert or vigilant or even impartial in enforcing the provisions of the existing laws at the proper time. That is one of the causes which, according to some of the speakers, has contributed to some extent at least to bring about this existing deplorable position. If that is a fact, you have to seriously consider whether by the new changes that you seek to introduce in the Criminal Procedure Code, the powers to enforce the law and set the judicial machinery in motion should be entirely in the hands of the Government or whether there should be some latitude given to the aggrieved individuals or communities in this matter. Sir, my learned friend Sir Hari Singh Gour has analysed in the spirit of a jurist characteristic of him the whole of the Indian Penal Code and tried to bring together the various scattered sections dealing with defamation. He has said that the new offence which it is intended to penalise is one more addition to the penal law on defamation. If that is so, let us see what the procedural law regarding the various sections dealing with the three classes of defamation is. If this clause is to be examined in the Select Committee in the light of the principles underlying the law of defamation, on the ground that the proposed offence is analogous to that law, then I think, Sir, that when dealing with the procedural clause of this Bill, the principle underlying the provisions of the Criminal Procedure Code dealing with the procedure in regard to the different classes of defamation may also be appropriately taken into consideration by the Select Committee for careful comparison. Now, my learned friend has already shown that defamation against the State is dealt with in section 124A, and defamation against a class under section 153A ; then there is defamation against individuals which is treated under sections 499, 500, and so on. Now, it is a matter of common knowledge to those who have to do something with the practice in the criminal courts and the provisions of the Criminal Procedure Code that the procedure lays down two different ways for dealing with these three classes of defamation. Defamation against the State and defamation against a class provided for in sections 124A and 153A are purely matters in which the initiative for launching a prosecution lies with the Government. But as regards defamation against individuals the initiative is left with the individual and not with the State. What I have to bring to the notice of this House particularly and which I want those who are members of the Select Committee to take particular note of is to see whether it will be advisable to leave the initiative entirely in the hands of Government, and whether by so leaving the initiative of prosecution in this matter purely

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to the machinery which is provided for under clause 3 of this Bill, we shall be able to satisfactorily serve the object which the Honourable Member in-charge of the Bill has in view. The initiative for prosecution will under clause 3 of this Bill be in the hands of the Government. If the charge which some Members have made and to which I have already referred is true, that is to say, if the Government has not been very alert, vigilant and even impartial in launching prosecutions against persons who have often offended against section 153A, then it will be a matter for the members of the Select Committee to seriously consider whether initiative for prosecution under this new clause should be entirely left in the hands of the Local Government as provided for by clause 3. That is a point which I want them to seriously consider. If there is no foundation for this charge, then I at once admit that the provision made in the Bill is all right. But if there is any foundation for this charge, as I maintain that there is very strong foundation, there is no doubt then that we shall have to find out whether some latitude should not be also given in the procedural part of this Bill for private individuals to bring their grievance to the notice of Government and set the judicial machinery in motion without sanction or to make it obligatory on the Government in certain circumstances to launch the prosecution. It is necessary for the Committee to see whether some suitable amendment could not be made in clause 3 with a view to bring about this result. I am anxious to bring this point to the notice of the House particularly to safeguard the religious feelings of certain minorities. There are certain minor communities, small communities, who hold a particular religion. Their number is very small. I do not want to give any example, as it may wound the feelings of some Members. There are certain communities who hold certain religious views ; they have unbounded devotion for and implicit faith in their founder ; they have got some peculiar tenets. These communities, small in number, are very often mercilessly and even indiscriminately attacked by the so-called learned men belonging to other communities which are larger in numbers. They have many times protested against these scurrilous attacks, but these attacks very often go unheeded. Now, in considering such cases it has been one of the points sometimes urged by the authorities but which we have found it difficult to understand that the communities that have tried to bring their grievance to the notice of the Government official are neither sufficiently numerous nor vociferous. Such or similar grounds we have heard actually advanced in reply to some questions put on the floor of this House a few days ago. It has been stated that a sufficiently large community was not affected by certain scurrilous writings and therefore the Government did not think it worth while to launch any prosecution with a view to put a stop to scurrilous attacks made upon their religion. I can only mention one instance. There is a community called the Mahanubhava community in Maharashtra. They have got their religious founder. Certain attacks have been made against them and nobody thought it worth while to initiate a prosecution because presumably the community was very small. That community is scattered all over the country. In no place has the community such a dominant numerical existence as to force the attention of the Government by intensity of agitation to take note of the grievance which they have been labouring under on account of these attacks. These are cases where, on account of the very small number of the persons belonging to that sect and the comparative insignificance of their existence as compared to other large communities in those tracts, Government do not

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think it worth while to launch prosecutions as the authorities feel that such prosecutions are likely to enrage the feelings of another numerically large community living in those tracts. Under those circumstances Government, as a matter of policy, has avoided in the past and may continue to avoid in future to institute prosecutions. There are possibilities therefore that even in proper cases the Government who are immediately responsible only for peace and order and maintenance of goodwill among the various communities in a particular tract, may not be inclined to enforce the provisions of the law as rigorously and promptly as they should ; and thus in all probability justice will not be done to them. Such cases are possible. If this contingency is taken into consideration, the reasonableness of the position which I am placing before the House may to some extent be realised by those who are now entrusted by us with the duty of shaping this Bill in the Select Committee. That was the specific suggestion which I wanted to make for the consideration of the Select Committee. With these remarks, Sir, I support the motion that the Bill may be sent to the Select Committee.

(Several Honourable Members moved that the question be put.)

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I do not want to enter into controversy with the speech which was delivered by my Honourable friend Mr. Thakurdas in this House. Really, our intention to bring this Bill on the Statute-book is not to accentuate the feelings which are already existing in the communities. But I shall only deal with the point at issue and it is this, whether this Bill should be referred to a Select Committee or whether it should be circulated for eliciting public opinion. Now, Sir, we find that since the judgment in the *Rangila Rasul* case was pronounced by a single Judge of the Lahore High Court, there has been a very strong feeling among the Mussalmans throughout the whole country that the defect in the law in this respect should be remedied as soon as possible. The House probably knows, that meetings were held nearly in all the districts, in which resolutions were unanimously passed that the defect in the law in this respect should be removed at once and that in the meanwhile, if it takes some time before this law is amended, a Regulation should be enacted to stop this vilification of the founders of religions. In the face of this unanimous desire on the part of the Mussalmans of India that action should be taken immediately, I am sorry I cannot support the amendment that the Bill should be referred for eliciting opinion. As has already been remarked, public opinion is already known and we know what the desire, the unanimous desire, of the people of the country, both Hindus and Muhammadans, is. We are unanimous in holding that unwarranted attacks on the honour and persons of Holy Prophets and founders of recognised religions levelled against them by unscrupulous fanatics should be stopped, and therefore I am at one in agreeing with the principle of this Bill. But at the same time, Sir, I am also anxious that in our zeal in removing one evil we may not create another evil of the same serious nature. That is to say, I consider that the provisions of the Bill, as it is framed now, are too wide and too indefinite. I consider that the Bill, as it is prepared now, will not give sufficient proteetion to the seekers after truth and honest preachers of religions. The word " intentional " as used

in the Bill, is not, I think, sufficient to protect such *bona fide* criticism and it leaves the accused entirely at the mercy of the court. We know, Sir, the history of this Bill. This Bill is really intended to protect the honour and the persons of the founders of religions against vilification, but the provisions of the Bill as framed at present still leave the point open whether the attacks on a person are really included in outraging the religious feelings of a community or not. I submit, therefore, that when this Bill goes to the Select Committee, it should be reframed in this way that its provisions should be confined only to the object for which it is intended to be enacted, that is to say, its provisions should be limited only to attacks on the holy prophets and founders of great and recognised religions.

Now, the other point which I beg to submit is that which has been raised by my Honourable friend Mr. Aney. I am sorry I am unable to agree with him on this point. I think it will be very injurious, improper and unwise if initiation of cases under this law is left in the hands of the public or if power is given to the individuals to lodge prosecutions under this clause, because under the present unfortunate conditions of this country the result would be that the courts would be overloaded with frivolous cases of this sort. Therefore, I think that it is quite just and proper that the initiation in such cases should be left with the Government.

I have just been reminded of a meeting, recently held at Lahore, in which it was resolved that this Bill should be circulated for obtaining public opinion. My answer to this is that in the face of hundreds of meetings which were held, not only in Lahore, but throughout the whole country, I do not think that a single meeting, which was held at Lahore the other day, carries a greater weight than the unanimous voice of the Mussalmans of the whole country. With these words, Sir, I support the motion that the Bill be referred to the Select Committee.

An Honourable Member : I move that the question be now put.

Mr. K. C. Roy (Bengal : Nominated Non-Official) : Sir, this Bill enacts a provision which is of great importance to the newspaper press in India, and so far the House has only heard the lawyer's point of view. I hope, Sir, that you will not accept the motion that the question be now put.

Mr. President : If the Honourable Member wishes to speak, he should rise. If the Honourable Member desires to continue the debate, some Member should rise, otherwise there is no remedy.

Mr. K. C. Roy : Sir, I want to put it on record.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I am ashamed that it has been necessary for Government to bring up this measure before this House. I am ashamed and pained at the circumstances that have made such a measure necessary to be brought forward for our consideration. The criminal law of a country is the index of its civilization and of its social conditions, and this particular section, which is going to be added to the Statute-book will stare us in the face and proclaim to the world the unhappy relations that subsist between the different communities in our land. Sir, only last year about this time we amended section 99A of the Code of Criminal Procedure in order to bring in communal matters within the purview of that section. Some years back section 153A had to be added to the penal laws of the

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country, which could do without such a provision for very many years in the past. All this goes to show that our progress in this matter has been in the backward direction. Last year, speaking on the amending Bill of section 99A of the Code of Criminal Procedure, I made a complaint that the Government, while very anxious to add to the criminal offences of the land, did not make proper use of the existing provisions of the law. And, if I rise to speak on the present motion to-day, it is to repeat that complaint once again. As my Honourable friend Mr. Bhargava has pointed out from his special knowledge of the province from which he comes, that the situation that has necessitated the present measure could have been prevented if Government had taken early action in certain directions. I have no desire to expatiate on that point. But, coming as I do from a part of the country where the head of the administration some years ago made a confession of his political bigamy and described one of the communities as his favourite wife, I cannot give a silent vote altogether on this motion.

Sir, religious neutrality, even as a platitude, is of not very long origin. After the Mutiny the cry was raised by British publicists and by British administrators that the Muhammadan religion must be suppressed and I find that a Governor General, Lord Ellenborough, writing to the authorities in England, remarked as follows :

"I cannot close my eyes to the belief that the race of Muhammadans is fundamentally hostile to us. Therefore, our true policy is to conciliate the Hindus." (Laughter.)

But things have changed a good deal since. Well, as my friends are getting a little impatient over it, I will come to the present year. I will refer to the evidence which the District Magistrate of a Bengal district gave only in June last in connection with a communal case. Sir, I am told this District Magistrate has since been thought fit for promotion ; and therefore I take it that the views which he expressed had the substantial support of Government, at least his views did not go altogether counter to the Government policy. Sir, this is what Mr. Blandy, who is the District Magistrate of Barisal, giving his evidence in a communal case in that district said :

"So far as Eastern Bengal was concerned, the Muhammadans preponderated here and, that being so, their feelings were to be respected far more than the Hindu feelings."

That does not look like religious tolerance ! Sir, communal preference goes ill together with religious neutrality. My Honourable friend Mr. Aney quite pertinently drew the attention of the House to the procedure section in this Bill, because no prosecution under the new section can be undertaken except by the sanction or at the instance of the Local Government.

And if the Local Governments are not above these communal preferences, how are we to think that this new law which we are going to add to the Statute-book will not prove an engine of oppression, will not prove an engine in the hands of the executive further to alienate the communities ? Sir, my Honourable friend Mr. Yakub said that this provision was necessary in order to prevent frivolous and vexatious proceedings. We, who come from Bengal, know that before the regrettable riots of Calcutta and Eastern Bengal broke out last year, there were scurrilous writings in the newspapers and leaflets and the Government for a long time took no notice of them, with the result that there

was a huge conflagration in the country. Attention was pointedly directed to the scurrilous attacks that were made either by one community or another, and yet the Government took no action, no effective action, with what result we all know. Sir, before I sit down, I want to make it clear that, although I have my suspicions about the way in which this new law may be administered with the help of the Local Government, I am not opposed to the present motion.

Mr. M. R. Jayakar (Bombay City : Non-Muhammadan Urban) : Sir, I must apologise to my Honourable friends for interposing at a very late stage of the debate, when I feel that many of them have become impatient and want the question to be put. My justification for intervening at this late stage is that I want to point out to my Honourable friends one or two aspects of this measure upon which some Members have spoken and about which I want the Government to form definite notions before they call a meeting of the Select Committee. I congratulate the Government, Sir, on the promptitude with which they have responded to the call of the country and brought forward this measure. They have come not one minute too soon. But while I congratulate the Government I cannot congratulate my countrymen that they should have so adjusted their religious affairs as to make this Bill necessary. In my opinion, Sir, such Bills are an indication of the inability of Indians to adjust their own affairs and let the operative processes of nation-building go on in their midst and I hold that in the same measure that these Bills are rendered necessary, Indians have failed to consolidate themselves into one nation. I remember, Sir, the time as a student when section 153-A was enacted. I wish to call the attention of my Honourable friends to a very celebrated judgment of a Judge, always eminent in the annals of the law. Mr. Justice Ranade, commenting on the necessity of such sections as 153-A, laid down a wholesome principle which I want the Government to keep clearly in their minds, notwithstanding the voices raised in some parts of the House that they ought to depart from the plain principle mentioned in the section. That principle is intelligible to us all, whether Hindus, Muhammadans, Sikhs or Christians, the principle which the Honourable the Home Member has accepted in section 295-A and on which I congratulate him, the plain principle, I say, namely, that the gist of the offence is an insult to the religion or religious feelings of the citizen. It is not the gist of the offence that a *prophet* is attacked or that an *avatar* is assailed or that a *founder* is criticized or a *follower* is ridiculed. I congratulate the Government that they have in this section recognised the rational principle that when religious fanaticism becomes a nuisance to the land and causes a conflagration of irritation and hostility, and when the peace, harmony and good will of the community are disturbed in the name of religion an offence is committed against the *State.* It is not an offence against *religion.* Somebody spoke here of blasphemy ; but that is entirely a different offence. In England it is an offence *per se* against religion. The State, as the upholder of the Church, protects people from irreligion. I hope the Honourable the Home Member in enacting this Bill has not such an ambitious ideal in view, that he is going to cure the religious feelings of Indians. I hope he has a limited ambition and wants to enact a section which will not allow religion or religious feelings to become a nuisance to the peace and harmony of the community, disturbing its growth and progress. If the Honourable the Home Member takes such a limited view of the section, I shall support

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him with all the weight I can command. But if he is going to go further and accede to the suggestion of some Members here who say : " Oh, we ought to have *prophets* mentioned in this section, the *founders* of religion ought to be specifically referred to, *Gurus* and *avatars* protected *eo nomine* " ; if this cry is acceded to, I do not know, Sir, where we will be able to draw the line. Is an offence against the peace and good will of the community less culpable because it is against a *follower* and not against the *founder* ? Is an offence more culpable because it is against a *prophet* ? Are we going to accept a graduated scale of criminality and administer justice according to the personality of the victim of the attack, or the measure of the disturbance of harmony and good will ? Are we going to accept the plain principle which this section speaks of, namely, no matter on whom the attack is levelled, if the attack causes religious disturbance of feeling which is a menace to the peace and goodwill of the community, then the disturber is punished. This is an intelligent principle which I can follow and which I hope will alone be protected by this section. If this is the principle accepted by the Government, then we have some sound and rational principle to go upon. But we embark upon the principle which my Honourable friend Raja Ghazanfar Ali Khan suggested, I do not know where we will be. He suggests that the punishment ought to be increased because the attack on the founder is more culpable than on others, may I know why ? If it causes the same trouble in the country, the same disturbance to peace and order as an attack upon the humble follower of a religion or his tenets or religious beliefs, why is it more or less culpable ? I hope, Sir, that the Honourable the Home Member will not accede to these siren voices although they may appear to be sounded through the trumpet of religion ; I hope he will adhere to the rational principle which I can understand, namely, that no one in the name of religion has a right to disturb the peace and goodwill of the community because upon their preservation nation-building processes entirely depend. But if the Honourable the Home Member is going to depart from this principle and follow another, which I hope he will not, then I submit, Sir, that the Select Committee will be lost in the quagmire and miasma of religious disquisition and controversy and I do not know how and when we shall emerge from them. In other words, I regard this as an offence against *State* and it ought to be classed under the Chapter of the Penal Code where other offences against the State are mentioned. I regard it not as an offence against religion. The British Government are not here to favour one religion against another. It is only when a religion comes within the region of public disturbance that the Government can step in. It is only when a religion ceases to be pure profession of faith of a tolerant character and its open profession or preaching causes trouble, *e.g.*, when it affects the peace, harmony, and goodwill of the community, that the interference of the Government is justified. Judged in this light, I submit that this offence should be regarded as offence against the State, like sections 153A and 124A. This is the proper view of the section, though it does not really matter where the section is actually inserted. I want to point out to the Honourable the Home Member that he should regard his duties purely from the point of view of a secular government trying to protect the peace and harmony of the citizens and not embark on the religious principle that the deities and founders, etc., of the community, should be protected against the attacks of unbelief. Then, Sir, it was suggested that the punishment of two years

is not severe enough. I entirely differ from that view. (Hear, hear.) I regard this religious fanaticism as a monomania and those who indulge in that mania ought to be treated as lunatics are treated, with indulgence of course, but segregated from the rest of the community. If I were on the Government Benches, I would try and establish an asylum for these estimable gentlemen (Hear hear, and Laughter) where they can be taken. They would be segregated from all social and religious provocation and they would be allowed to stop there for a time isolated from the rest of the community so that their mania may be cured, even as lunacy is cured in isolation from provocation. I do not class these gentlemen with ordinary criminals known to the Indian Penal Code. They are a special class of criminals manufactured by the present circumstances of the country. In that way, Sir, as a counterblast I would even go the length of reducing the two years of imprisonment on the ground that it is perhaps too excessive. I want the Honourable the Home Member to regard these manias, as I do, from the point of view of an Indian, and treat them as a temporary phenomenon. I shall be very sorry, Sir, if this measure has to be put as a permanent one on our Statute-book. As the Honourable the Home Member rightly pointed out, it is an expedient measure, a temporary remedy, devised for a temporary aberration. Therefore it ought to be allowed to go through and on that ground, I do not agree with the view of my Honourable friend Mr. Belvi that the Bill ought to be circulated for the purpose of eliciting public opinion. In my view, the sentence of two years is adequate enough. It may even be made simple imprisonment. Again I warn the Government not to yield to the suggestion that offences and their punishment ought to be graduated according to the personality of the victim of the attack, *e.g.*, if the attack is against the founder—10 years, prophet—7 years, Guru—5 years, Avatar—9 years, follower—4 years, tenets—3 years, and a humble individual like myself—6 months ! We do not want to yield to this demand. Let Government adhere to the simple principle which they have accepted in the section.

For the rest I have many more points to suggest, but I shall wait till the Bill comes before the Select Committee. But I shall say one thing, namely, that I hope, Sir, the Government will not stop with this measure. This is only a preventive measure. May I suggest, as a man who understands a little of these questions, that the true cure will not come unless Government courageously lay their hands on the real cause of this disease. I do hope, Sir, some day when this Government is more courageous because it has behind it the voice of the community and there are more Indians on their Benches giving them less timidity and more courage,—some day when this Government is more courageous, they will I hope come before this House and carry the same reforming processes underneath the surface of society and not merely confine them to the surface. The Honourable the Home Member will then delve underneath Indian society to find out what is the true cause of this trouble and lay the axe courageously at the root of it. May I submit that processions and religious conversions are the prime causes of the trouble and what we want is some law which the Government can courageously adopt to meet the situation. I know I am speaking of a highly controversial matter, which will cause a difference of opinion in certain quarters, but if I had the government in my hand I would courageously restrict these conversions to circumstances where a purely psychological change of faith is permitted ; I would remove from these conversions all causes which introduce the elements of fraud, decep-

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tion, cajolery, chicanery, elements which make even a contract under the Indian Contract Act invalid. The House must be aware that under the Indian Contract Act a contract is invalid—merely a contract to buy and sell cotton, not change religion which is a far more important thing ; but even a contract for goods is rendered invalid according to the law of the land if certain elements enter into it, such as fraud, duress, coercion, mistake or misrepresentation. How much greater is the necessity for such safeguards when the transaction affects a change of religion. Therefore I hold the view that some day in the near future either the Government themselves should bring in, or allow a non-official Member to bring in, a measure which will lay the axe at the root of these conversions by means of some provision of the law which will make sure that each conversion is really a psychological change of faith which a true conversion should be and not a conversion brought about by or in an atmosphere of fraud, deception, promises, threats or even political considerations—if I may add the last. Until that is done I venture to believe that Bills like this are all temporary remedies. They may stop the disease for a time and its manifestations on the surface ; they will not cure the disease at the root from which it emanates.

***Mr. Hla Tun Pru** (Burma : Non-European) : Sir, I have followed the speeches of the leaders of various communities with a great deal of interest and my own excuse for participating in this debate is that I feel all penal legislation is a necessary evil. I feel, Sir, that an extraordinary situation in India has brought forth this legislation. In Burma there is no communal tension, and submit with great respect to the leaders of the Hindu and Muhammadan communities that it is because they have exhausted all their resources of reconciliation that they have now to face this penal legislation.

Sir, in so far as it is a measure providing for religious tolerance it is very good. On the other hand, it may in actual practice work against the equally important principle of freedom of public discussion. In these days of advancing civilisation we value nothing more than the freedom of public discussion, whether it affects the measures of the State or any other thing. There may be a necessity for this legislation in certain parts of India, but I have spoken to-day only because I feel that the operation of this Bill may not be extended to those parts of India where it is not really necessary. It is only exceptional communal circumstances which must be met by this kind of legislation. We in Burma have always tolerated other religions. We have always acted on the principle " Suffer fools gladly." So, Sir, this legislation, so far as Burma is concerned, is unnecessary. I would therefore respectfully submit to the members of the Select Committee that when they come to consider the Bill they should exempt Burma from its operation.

Well, Sir, to come to a further criticism of this Bill. The Honourable Sir Hari Singh Gour has pointed out that the expression " intentionally insults " may be misused. I had something to do with the operation of the law of sedition in my country. I found, Sir, that the Judges always said that intention was to be gathered from the effect of the

* Speech not corrected by the Honourable Member.

words. Therefore, as the words stand at present, it will be only a matter for each Judge to say " Yes, so far as I am concerned, these words constitute an attempt to outrage religious feeling." His judgment will vary really with the measure of his thought. Therefore, there must be some standard. We can well trust the Select Committee, which comprises eminent lawyers from both sides of the House, to frame a definition which will cover only a grossly unfair, outrageous and wanton attack upon religion or religious powers. Now, Sir, we are in certain difficulties with regard to what a religion is. So far as Muhammadanism, Buddhism, Christianity, Jainism, Zoroastrianism are concerned, everybody understands or thinks he understands what religion is. On the other hand, Sir, religion should be so construed as to include also atheism, rationalism and even irreligion. Why, Sir, should a man holding rationalist beliefs be unprotected under this particular section ? So, Sir, with these remarks I thank the House for patiently listening to me.

Mr. Ram Narayan Singh (Chota Nagpur Division : Non-Muhammadan) : Sir, I also rise to join in the chorus of congratulations for the Honourable the Home Member and his Government, but my congratulations will be confined greatly to the Honourable the Home Member and not so much to the Government ; because it appears to me that the steps which Government have taken so far are timid and negligible. They are going now to legislate against writings against religions and to respect religious sentiments and feelings of the people. But so far as the religious sentiments of my country-men are concerned, they are very tender and it is very difficult to protect that tenderness. Sir, I have known that some time ago when a monkey was killed by some body, the religious feelings of the Hindu community were wounded. I do not know how the Government will protect that tenderness of our Hindu brethren. I may quote another instance. Some times, when there was a discussion about the Deva-Nagari script and the Urdu script, I found my Muhammadan friends being offended as though their religious feelings were wounded by somebody talking against the Urdu script. The very sound of a conch is likely to wound the tender feelings of our Muhammadan friends. It is very difficult for the Government to protect them in cases like these. We heard only a few weeks ago that a *tajia* in a procession in the United Provinces was not respected by the Hindus and the religious sentiments of Muhammadans were wounded. Not only that ; in these days, whenever two people start fighting, of whom one is a Hindu and another a Muhammadan, if the Muhammadan is beaten, the religious feelings of all the Muhammadans are wounded, and when the Hindu is beaten, the religious feelings of all the Hindus are wounded. How are we to protect such religious tenderness ? Many more such instances may be quoted when religious feelings are said to have been wounded in several other ways, and this legislation cannot help people in such cases. I therefore say, Sir, that the Government is still timid and has not the courage to legislate the right things.

Mr. President : What is the right thing ?

Mr. Ram Narayan Singh : I am going to say that, Sir. We hear of murders here and there ; a murder committed in one place on one day and a murder somewhere else the next day. There is no legislation for that yet. But in this *Rangila Rasul* case while I see that Rajpal is still living, we hear of head breaking, we hear of riots, we hear of all sorts

[Mr. Ram Narayan Singh.]

of trouble here and there because of the question of music in processions before mosques and nothing like this has yet happened as the direct result of this case. There is the decision of the Privy Council that every citizen of the country has a right to go in procession on the King's highway. Where is the legislation, where is the courage of the Government in regard to bringing legislation to enforce that right ? I may tell you, Sir, that in my own *ilaqa*, there is no trouble between Hindus and Muhammadans on account of all these things. But there is trouble between Hindus and Muhammadans always over the question of cow slaughter. Where is the legislation for stopping this kind of trouble ? But, Sir, I may tell you that all the trouble in this country between Hindus and Muhammadans is going on not for religious feelings but for the loaves and fishes which are at the disposal of the British Government and may be bestowed by them on either Hindus or Muhammadans. I may tell you, Sir, frankly that religious quarrels are created only in order to achieve leadership, so that certain people may be elected to the Council or the District Board or Municipality. Then, Sir, if the Government have the courage, the remedy lies in their coming forward to legislate only for civic rights, not in talking about religion. But they have not the courage, nor the strength, nor the sense to take up that. I therefore oppose the motion, Sir.

Mr. T. A. K. Shervani (Cities of the United Provinces : Muhammadan Urban) : At this late hour I do not want to sound a discordant note. Moreover, as my community has demanded legislation to protect the founder of the religion from scurrilous attacks, out of respect for their feelings, I do not oppose the Bill. But personally I do really feel that this Bill, instead of serving the purpose for which it is going to be enacted, will do harm to the cause and will be more capable of mischief than of protecting religions and religious founders. Sir, the immediate need of the Bill is said to be that some scurrilous attacks were made on the Prophet of Islam. I, as a Mussalman, do feel utter humiliation in seeking the protection of my Holy Prophet through a Legislature which cannot protect itself. Turn your attention now, Sir, to the potentialities of this Bill. Here there is a quarrel between Hindus and Muhammadans, but have the Muhammadans thought about the differences between Sunnis and Shiahs and Ahmadis ? What is going to be the result of this Bill if it is enacted ? A greater discord between communities themselves. Sir, as I have said, it is out of respect for the feelings of my community that I do not oppose this Bill ; but I do ask, through you, Sir, the Members of the Select Committee to limit the scope of the Bill as far as possible. We have seen to-day, while only discussing the principle, we have come down from the Prophets to Shivaji and consequently to Aurangzeb, and I do not see any reason why to-morrow we should not come down to the two Honourable Members from the Punjab. (Laughter.) Sir, I do acknowledge that if religions ever required protection they do require protection in this 20th century. I do feel that, but it is not protection from the scurrilous attacks of certain lunatics that we require protection, but protection we require from the growing scepticism arising out of the demons of civilization and rationalism ; and that protection no legislation can provide. I do not oppose the Bill, but I would request the Select Committee to limit the scope of the Bill as far as they possibly can.

The Honourable Mr. J. Crerar : Sir, the debate has already covered a great deal of ground and in view of what I think is the general sense of the House it would really be unnecessary for me to prolong it. In moving the motion I ventured to express the hope that the principle and the intention of the Bill would meet with very general acceptance. I think that hope has been more than fulfilled, because the principle and intention of the Bill have, I think, been almost unanimously accepted. I agree entirely with the Honourable and learned gentleman from Bombay, Mr. Jayakar, that in defining the principle and the intention of the Bill, we must beware of extending our ambitions beyond the limits which a secular Government can reasonably be called upon to attempt or can reasonably hope to effect. As I conceive them, the principle and the intention of the Bill are to make an intentional insult to religion the substantive matter of an offence, with the object of securing the rights and enforcing the obligations of good citizenship and of protecting society from the consequences which might otherwise ensue. That position may perhaps not go so far as some of my Honourable friends would desire, but it is a position which, so far as it goes, will command universal acceptance in this House. The House and the Government substantially agree that this measure should go to a Select Committee, and the reasons have been so ably and so forcibly urged both by Honourable gentlemen on this side and by Honourable gentleman on that side of the House that it is unnecessary for me to pursue that argument further. In conclusion, therefore, I would only suggest to the Honourable and learned gentleman opposite that after having heard the arguments on both sides on his amendment, he will now withdraw it and support the motion which I originally moved. (Applause.)

Mr. President : The original question was :

" That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose, be referred to a Select Committee consisting of Mr. S. Srinivasa Iyengar, Mr. Nirmal Chunder Chunder, Maulvi Muhammad Shafee, Mr. A. Rangaswami Iyengar, Mr. M. A. Jinnah, Mr. Ismail Khan, Mr. Abdul Haye, Mr. Arthur Moore, Mr. A. H. Ghuznavi, Mr. N. C. Kelkar, Mr. M. R. Jayakar, Mr. J. Coatman, Mr. K. C. Roy, Sir Abdul Qaiyum, Sir Denys Bray, Pandit Madan Mohan Malaviya, Nawab Sir Zulfiqar Ali Khan, Sir Hari Singh Gour and the Mover, with instructions to report within seven days, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be nine."

Since which the following amendment has been moved :

" That the Bill be circulated for the purpose of eliciting opinions thereon."

The question I have to put is that that amendment be made.

The motion was negatived.

Mr. President : The question I have now to put is :

" That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose, be referred to a Select Committee consisting of Mr. S. Srinivasa Iyengar, Mr. Nirmal Chunder Chunder, Maulvi Muhammad Shafee, Mr. A. Rangaswami Iyengar, Mr. M. A. Jinnah, Mr. Ismail Khan, Mr. Abdul Haye, Mr. Arthur Moore, Mr. A. H. Ghuznavi, Mr. N. C. Kelkar, Mr. M. R. Jayakar, Mr. J. Coatman, Mr. K. C. Roy, Sir Abdul Qaiyum, Sir Denys Bray, Pandit Madan Mohan Malaviya, Nawab Sir Zulfiqar Ali Khan, Sir Hari Singh Gour and the Mover, with instructions to report within seven days, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be nine."

The motion was adopted.

APPOINTMENT OF A COMMITTEE TO CONSIDER THE QUESTION OF RESIDENCE AND ACCOMMODATION FOR MEMBERS OF THE INDIAN LEGISLATURE.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, I move :

"That the Honourable the President do appoint six Members of this House to serve on a Committee to consider the question of residence and accommodation for Members of the Indian Legislature, including the use and disposal of the Western Hostel, New Delhi, and that the Council of State be asked to nominate Members to serve on the Committee."

Sir, the House is aware that there is a certain amount of grievance among Members of this House who occupy the accommodation provided for them by Government in New Delhi in regard to that accommodation, to the catering arrangements for the Western Hostel and various other matters. These matters have been receiving the consideration of Government from time to time, and last year we were inclined to think that perhaps an effective remedy would be to encourage a hotel company to establish a hotel in New Delhi. Now if that arrangement is feasible, it would not only help Members of the Legislature but it would also help the officers of Government and would thereby be of advantage to Government in reducing the extra accommodation which it may ultimately be compelled to build for its officers in New Delhi. Tenders were accordingly called for by advertisement asking hotel companies whether they were willing to establish a hotel in New Delhi, certain concessions in regard to land being offered. Unfortunately that did not evoke any response. Private conversations elicited the information that so long as Government wanted practically to run a hotel in the shape of the Western Hostel, it was unlikely that any hotel company would come forward to establish a hotel in New Delhi. On the other hand, if we were to hand over the Western Hostel to a hotel company, that might cause inconvenience to some of the Members of the Legislature who now utilise that accommodation. After consideration of all the difficulties, Government have accordingly decided to consult the Legislature in regard to this troublesome matter. They have no doubt that this Committee, whose composition I am now proposing, will, in making their recommendations, take into consideration every aspect of the question including the interests of the tax-payer. Sir, I have nothing more to add, and I move my motion.

Mr. President : Before this motion is discussed, I should like to know from the Honourable Member firstly, as to how many Members he wants the Council of State to nominate, and secondly, what would be the functions of the proposed Committee : would it be purely an advisory Committee, a Committee to make recommendations only, or would it have power to finally settle all questions regarding residence and accommodation for Honourable Members. My own idea is that it would be much better if Honourable Members are left to settle for themselves this question of their accommodation in view of the great dis-satisfaction that prevails at present.

The Honourable Sir Bhupendra Nath Mitra : Sir, in regard to the first question, that is the number of Members from the Council of State, we do not propose to ask them to nominate more than six. But I should prefer to leave it at that at this stage. A similar motion will be moved in the Council of State as soon as this motion is adopted by this House.

But it is not the intention of Government that the Council of State will be asked to nominate more than six Members....

Mr. President : Is it the intention of Government to ask the Council of State to nominate equal number, regardless of its size ?

The Honourable Sir Bhupendra Nath Mitra : I said "not more than six" ; we shall probably reduce it to four. (Hear, hear). (*An Honourable Member* : "Still more if possible.")

4 P.M.

As regards the other point you raised, Sir, this Committee will simply make recommendations. It will not be the function of this Committee to settle particular questions. For example, I may mention that one of the questions which this Committee will have to consider is the use and disposal of the Western Hostel. They cannot possibly dispose of the Western Hostel themselves ; that is a matter which must be left to the Government. This Committee will simply make recommendations and it will thereafter be left to Government to take action thereon. I shall give another example. Let us suppose that this Committee say : We want 30 more quarters to be built. Surely they are not going to build those quarters. Therefore it follows that they will simply make recommendations and thereafter Government will take such action as they deem fit on those recommendations.

Mr. T. C. Goswami (Calcutta Suburbs : Non-Muhammadan Urban) : Would any Honourable Member care to serve on a Committee of that description ?

The Honourable Sir Bhupendra Nath Mitra : Surely they would.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Sir, I should like to know from the Honourable Member whether it is the intention of Government that this Committee that he proposes should serve as a House Committee to look after the convenience of Members of this House or is it a temporary Committee only for this purpose.

The Honourable Sir Bhupendra Nath Mitra : This Committee is a temporary Committee. If thereafter it is found necessary that there should be a permanent House Committee, that will certainly come within the purview of the recommendations of this particular Committee and Government will be at liberty to take action on that recommendation.

Mr. President : So many complaints have come to me from Honourable Members regarding accommodation that I thought the time had arrived for the Government to leave the question of allotting accommodation to Honourable Members themselves through a Committee appointed by them. I should not have made this suggestion had it not been for the fact that there has been a strong feeling on the subject among Members and numerous complaints have reached me from time to time.

The Honourable Sir Bhupendra Nath Mitra : Sir, I was not here then, but I believe there used to be a House Committee of the type referred to by you. But my information is that that Committee did not function properly and it came to a natural death. (*An Honourable Member* : "That was in the first Assembly.") I do not know whether it was the previous Assembly, or whether the allegation made by my

[Sir Bhupendra Nath Mitra.]

friend over there is correct, *viz.*, that its members were less active than the Members composing this Assembly. I was not here then. But in any case, as I have already said in reply to a question asked by my Honourable friend Mr. Chetty, if this temporary Committee, the appointment of which is now before the House, includes in its recommendations that a permanent House Committee should be appointed to deal with the question of allotment of accommodation provided and ancillary questions, Government would be quite prepared to consider that recommendation in due course.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : It seems to me, Sir, that the Honourable Member is mixing up two separate and distinct questions in this motion. There is first.....

Mr. President : The Honourable Member is entitled to separate the questions by an amendment if he wishes to do so.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, the Honourable the Mover of this motion has referred to a previous House Committee. (Laughter). Well, Sir, I know something about it. As a matter of fact, it was at my initiative (Hear, hear) that the first House Committee was selected in the first Session of the Legislative Assembly, and I think Honourable Members of this House would like to know from me the history of that House Committee which never functioned. When we suffered inconvenience from the accommodation in the Western Hostel and elsewhere, we met and decided to force the hands of the Government to appoint a House Committee, to give that Committee power to select houses and allot them to Members at their own discretion. The proposal was resisted by Government, but we carried it and a Committee was duly nominated and the rest of the story of that Committee was that that Committee was never called into existence ; it remained a paper Committee and in spite of the protest made by the Members on this side of the House that the Government were not taking that Committee into confidence nor called upon it to function, the Government remained obdurate and that Committee died a natural death. This is the history of the first Committee.

Mr. President : How many non-officials were there ?

Sir Hari Singh Gour : Now, Sir, I am very glad to find that there has been a resurrection of that Committee after 6 or 7 years. But you, Sir, have anticipated, because it is not merely sufficient if the Committee is appointed ; we must know definitely as to what are the powers and functions of that Committee and how far that Committee would have the initiative of deciding who should have what accommodation and what arrangements should be made. I find, Sir, from a small book I have in my hand that we have in the British House of Commons a Kitchen and Refreshment Committee (Hear, hear, and Applause) and that Committee is in sole charge of all the arrangements. (*An Honourable Member* : " Accommodation ? "). They have no accommodation there. They are in charge of all the arrangements of the Kitchen and Refreshment Rooms. Now, so far as the British House of Commons is concerned, they do not provide accommodation for their members because

they live in London and consequently there is ample accommodation available to Honourable Members. We are, on the other hand, to visit the deserted city of Delhi once a year and consequently there is necessity for accommodation. I therefore suggest, Sir, that the Committee may be nominated, but on this condition that it will draw up rules in consultation with the Honourable Member and that he would accede to the rules, and if there is any difference of opinion between the Committee and the Honourable Member, you, Sir, I expect, will act as the umpire. It is only in this way that that Committee is likely to function. I submit it is a reasonable request and the Honourable Member who is the author of this motion should have no hesitation in accepting this suggestion. There is another suggestion that I have got to make. The Honourable Member says that the number of members of the Council of State will not be more than six, and then he suggested in answer to your question that they would be four. Considering that we are 143 and they are only 60 I suggest that the representation of that House on the House Committee should be *pro rata,* proportionately to their number (*Sir Victor Sassoon* : " 2½.") It does not matter how many there are, provided we have not got too many of them. The third point that I wish to suggest is this.

Mr. President : It is no use suggesting these points. Has the Honourable Member any definite amendment to move ?

Sir Hari Singh Gour : Yes, I have a definite amendment to move, and it is this.

Mr. President : Will the Honourable Member pass it on to the Chair ?

Mr. A. Rangaswami Iyengar : Sir, I am sorry I am not ready with the amendment. If this motion is adjourned, I dare say I shall be able to put forward an amendment acceptable to all parties. I move, Sir, that this motion be adjourned.

Mr. President : To what date.

Mr. A. Rangaswami Iyengar : Some other Government day, the day after to-morrow.

Mr. President : The Honourable Member must be definite.

Mr. A. Rangaswami Iyengar : Sir, I move that this motion do stand adjourned to Wednesday next.

The Honourable Sir Bhupendra Nath Mitra : Before this motion is taken into consideration, may I submit that there seems to be a certain amount of misapprehension on the part of several Members, including my Honourable friend Sir Hari Singh Gour, about the scope of this motion. This motion is not intended to establish a permanent or standing Committee on the lines of the previous House Committee, as I have already made clear. The Committee contemplated in my motion is required to examine certain specific matters and those matters are the question of residence and accommodation for Members of the Indian Legislature including the use and disposal of the Western Hostel. As I have already said, that Committee will certainly be entitled to consider the question of appointment of a permanent House Committee and should they include that proposal in their recommendation, the matter will receive the consideration of Government in due course. But at the present moment, if I may say so, there seems to be a certain amount of confusion in the matter.....

Mr. President : I do not think there is any confusion in the matter. Some Members wish to move amendments to this motion and for that purpose they want time.

The Honourable Sir Bhupendra Nath Mitra : I wanted to explain, Sir, that it was hardly necessary for them to move for an adjournment with the object of introducing an amendment at this stage. There is nothing in this motion regarding the appointment of a Committee for a specific purpose which prevents that Committee from making that particular suggestion.

Mr. A. Rangaswami Iyengar : We can make many suggestions even on the floor of the House.

The Honourable Sir Bhupendra Nath Mitra : I quite agree that the House is entitled to make any amendments coming within the scope of my motion, or any suggestions, but that would, if I may say so, be wasting the time of the House. My motion, as it stands, is a perfectly colourless motion.

Mr. T. C. Goswami : We want to give it a little colour.

Mr. President : The question is :

"That the further discussion of the motion do stand adjourned till Wednesday next."

The motion was adopted.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

(AMENDMENT OF SECTION 59.)

The Honourable Sir Basil Blackett (Finance Member) : Sir, I beg to move that leave be given to introduce a Bill further to amend the Indian Income-tax Act, 1922, for certain purposes.

The purpose of this Bill is to remedy a defect which has come to light as the result of the proposals made in the last Budget in regard to the assessment of income-tax upon tea companies. It will be remembered that the Government were of opinion that the existing rule which limited to 25 per cent. the amount of the profits of the tea companies which might be treated as non-agricultural was unnecessarily generous to some, at any rate, of the tea companies and that the Government proposed to raise the figure to 50 per cent. There was an existing rule issued under the Income-tax Act which fixed at 25 per cent. the amount of the profits of tea companies which were to be treated as non-agricultural. When the Government proposed to raise that to 50 per cent., they naturally had some discussion with the tea companies before action. In the course of those discussions it became obvious that there was, at any rate, some doubt whether the rule under the Income-tax Act was *intra vires*. It laid down that in all circumstances 25 per cent. of the tea companies' profits must be treated as nonagricultural and assessed to income-tax, but the Income-tax Act says that agricultural income shall not be assessed to income-tax. Therefore it was possible, though not likely in many cases, that the effect of the rule fixing 25 per cent. for all cases would be to tax agricultural profits in some cases. That being so and a doubt having arisen in regard

to the validity of the existing rule, the Government through the Central Board of Revenue entered into negotiations with the tea companies. The Government's first intention was, what seems a straightforward arrangement, that the question of the amount of each particular tea company's profits, which should be treated as non-agricultural, should be decided by the Income-tax authorities with reference to the particular case. It is proved, however, that that would be extremely cumbrous and inconvenient to the tax-payer, and it is at the request of the tea companies that the Government now propose that this slight change in the Income-tax Act be made in order that they might be able to re-introduce a rule, which will be *intra vires*, fixing a definite percentage which will apply to all tea companies. This Bill, as I said, is introduced after negotiations with, and at the request of, the particular taxpayers to whom it applies. At the same time, we found that if there was a doubt as to the question whether the rule regarding the tea companies was *intra vires*, there was a doubt also as to the rule which made a similar arrangement in regard to one or two other matters. The Bill, therefore, proposes to take power to make a new rule which shall be *intra vires* in the case of the tea companies and to remove whatever doubts there may be as to the validity of certain existing rules which are for the convenience of the tax-payer. The Government are anxious to get this Bill through this Session in order that they may be able to proceed conveniently to the assessment of tea companies for the year. The next motion that I shall make, therefore, will be that the Bill be taken into consideration unless I am given to understand that a Select Committee would be desired, in which case no doubt one will consider it, but I am anxious that this Bill, which makes a very small change in the law, should come into force soon after the end of the Session. Sir, I move.

***Mr. A. Rangaswami Iyengar** (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : I just want to put a question to the Honourable the Finance Member. I understand that this Bill is intended to remove a defect which the Government have found in regard to the 25 per cent. rule as regards the assessments of tea companies. When the Finance Bill was under discussion in this House, the House was asked definitely to assent to the proposal that the export duty on tea should be removed on the understanding that the revenue lost by it would be recovered by means of this assessment of non-agricultural income of tea estates. That proposal has so far not been carried out and it is still in the negotiation stage. We are now asked only to assent to a rule-making power on the part of the Government to enable it to do so. So, before this House gives leave, I desire to ask whether the Government have fulfilled the undertaking that they had given that so far as the tea companies are concerned the income that the State has lost through the export duty on tea will be re-imbursed by means of the change proposed, and if so whether that provision should not be properly put into the section itself.

The Honourable Sir Basil Blackett : With your permission, Sir, may I answer this question ? The Government have certainly kept very much in mind the intentions that they had at the time of the Budget and it is in order that they may be able to assess the tea companies to that higher income-tax which they regard as due from them, that they ask the House to pass this Bill. Without this Bill the Government will have to try and proceed to assess every single tea company separately and come

* Speech not corrected by the Honourable Member.

[Sir Basil Blackett.]

to a separate conclusion as regards the rate applicable. Instead of that, they desire power under this Bill to fix a rate once for all. What that rate exactly will be must necessarily remain for discussion with the tea companies, when we have power to make the rule, but the intention to make good the loss on the tea export duties still remains.

The motion was adopted.

The Honourable Sir Basil Blackett : Sir, I introduce the Bill.

THE INDIAN INCOME-TAX (SECOND AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 2, 23, 28, ETC.)

The Honourable Sir Basil Blackett (Finance Member) : Sir, I move that leave be given to introduce a Bill further to amend the Indian Income-tax Act, 1922, for certain purposes.

Sir, if the last Bill which I introduced was a small Bill and an innocuous Bill, a Bill introduced at the request of a particular class of tax-payer, I cannot claim that this is the position in regard to this Bill. This Bill is a small thought on a great subject. The object of this Bill is to do something to protect the revenue of the general tax-payer against skilful legal evasion of income-tax. The possibilities of legal evasion of income-tax have been before this House on several occasions and I have more than once foreshadowed to this House the probability of our desiring to introduce and pass into law legislation with a view to checking the habit which is a growing one and which does a serious injustice to the ordinary tax-payer. I do not propose at this stage to make any attempt to explain the Bill in detail. In regard to this Bill, if leave is given to introduce it to-day, the next motion which the Government propose to make will be that it should be circulated for opinion. Sir, I move.

The motion was adopted.

The Honourable Sir Basil Blackett : Sir, I introduce the Bill.

THE CANTONMENTS (AMENDMENT) BILL.

Mr. G. M. Young (Army Secretary) : Sir, I move that leave be given to introduce a Bill further to amend the Cantonments Act, 1924, for certain purposes.

The proposed amendments are explained in detail in the Statement of Objects and Reasons. They are, with perhaps one exception, of minor importance. Some of them are intended to clarify the language of the Act, others to remove inconsistencies, and others again to bring the provisions of the Act more into line with the existing municipal law

Clause 2 of the Bill contains a purely verbal amendment which requires no comment.

Clause 3 deals with a subject to which attention has been drawn more than once in this House. It is a statutory duty of a Vice-President, as the name implies, to preside in the absence of the President. But section 20

of the Act lays down that the President of a Cantonment Board must be the Officer Commanding the Station ; and under military practice there is always an Officer Commanding the Station present in the station. If the permanent Commanding Officer goes away, for however short a time, the next senior officer takes his place, and automatically becomes the Commanding Officer of the Station and the President of the Cantonment Board The result is that no Vice-President can ever preside at a meeting of the Cantonment Board unless the President deliberately stays away from the meeting to enable him to do so. Clause 3 proposes to remove this anomaly, and enable the Vice-President, on occasion, to preside at meetings of the Board.

Clauses 4 and 5 propose to empower Local Governments to remove members of Cantonment Boards who have, since their election, become subject to any disqualification, which if it existed at the time of their election would have rendered them ineligible for election. This, also, is in accordance with municipal law.

Clause 6 proposes to assimilate the powers of Local Governments of imposing taxation in Cantonments with their existing powers of imposing taxation in municipalities.

Other clauses are intended to improve the phraseology of certain sections of the Act which deal with property tax.

Clause 12 proposes to enable Cantonment Boards to invest their funds in fixed deposit with banks other than the Imperial Bank Formerly Cantonment Board funds vested in the Crown, and merged in Government balances. They could therefore be invested in fixed deposit with the Imperial Bank only. Cantonment funds now vest in, and are managed by the Cantonment Authority, and there is no reason why Cantonment Authorities should not be able to deposit their funds with other banks, subject to the approval of the Local Government. Sir, I move.

The motion was adopted.

Mr. G. M. Young Sir, I introduce the Bill.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 10, 14, ETC.)

The Honourable Sir Basil Blackett (Finance Member) : Sir, I rise to move that the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes be referred to a Select Committee consisting of Maulvi Muhammad Yakub, Haji Abdoola Haroon, Mr. Fazal Ibrahim Rahimtullah, Sir Purshotamdas Thakurdas, Mr. A. H. Ghuznavi, Mr. A. Rangaswami Iyengar, Mr. Ram Narayan Singh, Mr. T. A. K Shervani, Mr. Nirmal Chunder Chunder, Mr. D. V. Belvi, Mr. R. K. Shanmukham Chetty, Seth Jamnadas, Mr. M S. Aney, Rai Sahib Harbilas Sarda, Mr. Anwar-ul-Azim, Sir Victor Sassoon, Mr. H. G. Cocke, Mr. W. S. Lamb, Mr. V. K. Aravamuda Ayangar, Mr. G Sarvotham Rao, Mr. K. C. Roy, and the Mover and that the number of Members whose presence shall be necessary to constitute a meeting of the committee shall be seven.

Sir, the holiday that we have had from other legislation seems to have produced a number of measures so far as income-tax legislation is concerned to-day. This is the third Bill dealing with income-tax in regard to

[Sir Basil Blackett.]

which I have had the privilege of rising to move a motion. This Bill is the Bill which was introduced last Session and was then circulated for public opinion. It contains eleven sections which even the Government have assessed at varying valuation and which I gather some of the tax-payers regard as of varying wickedness. I think it is a little difficult to attempt to summarise the contents of the Bill and I already did so on the motion, during the last Session, when the original idea of referring the measure to a Select Committee was modified into a motion for circulation. The opinions received are fairly voluminous and will give an opportunity for study to the members of the Committee. I have no reason to suppose that there is any objection in the House to the motion that the Bill as a whole should go to a Select Committee. I know that when we reach the Committee, there will be difference of opinion about some of the clauses. I think, therefore, that I shall be suiting the interests of you, Sir, and of the House, if I do not prolong my speech on the subject now but content myself with moving the motion which I have just read out.

The motion was adopted

Mr. President : Sir Basil Blackett.

The Honourable Sir Basil Blackett : There is a Resolution by Mr. Dalal which comes before the Supplementary Grant that stands in my name.

Mr. President : Is the Honourable Mr. Joshi going to speak on that motion ?

Mr. N. M. Joshi : (Nominated : Labour Interests) : I shall not make a long speech on this motion, Sir ; but I want to speak on it.

Mr. President : That is why I passed it over at present. Sir Basil Blackett.

DEMANDS FOR SUPPLEMENTARY GRANTS.

SALT.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I am not sure that the House has had much time to consider the Supplementary Grants and I would suggest for your consideration that, if the Resolution of Mr. Dalal is not to be moved, we might conveniently adjourn. However, if it is not the desire of the House, I am perfectly prepared to go on.

Sir, I beg to move :

" That a supplementary sum not exceeding Rs. 6,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1928, is respect of ' Salt '."

The purpose of this supplementary estimate is not to permit of expenditure over and above the amount which has already been voted by the House, but the sum for which we ask authority is required for the quarrying of gypsum at Khewra and it has been held by the Auditor General, with the full concurrence of the Government of India, that this expenditure

constitutes a new expenditure which ought not to be incurred in the course of the year without the special approval of the House. The matter has been before the Standing Finance Committee and I do not think the House will have any difficulty in agreeing that the sum should be granted. Sir, I move.

The motion was adopted.

EMIGRATION—EXTERNAL.

The Honourable Sir Basil Blackett : Sir, I move :

" That a supplementary sum not exceeding Rs. 81,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1928, in respect of ' Emigration-External '."

The purpose of this grant is stated at the bottom of page 2 of the document which has been circulated, and I am sure it is one with which this House will have great sympathy.

The motion was adopted.

CURRENCY.

The Honourable Sir Basil Blackett : Sir, I beg to move :

" That a supplementary sum not exceeding Rs. 2,93,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1928, in respect of ' Currency '."

The purpose of this grant is explained on page 3 of the Supplementary Demands. It is partly required to meet the expenditure on account of scales and weights, to be supplied to the Treasuries to enable them to receive sovereigns and half-sovereigns in exchange under section 2 of the Currency Act, 1927 ; and partly it is for the purpose of meeting expenditure on paper required to manufacture a larger number of currency notes. This last item is not an additional expenditure but an anticipation of expenditure with a view to the fact that we foresee the coming into existence of the new Currency Printing Press at Nasik which will, we hope, in a short time be supplying India with the whole of the currency notes which she requires instead of any being manufactured elsewhere.

The motion was adopted.

CIVIL WORKS.

The Honourable Sir Basil Blackett : Sir I rise to move :

" That a supplementary sum not exceeding Rs. 75,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1928, in respect of ' Civil Works '."

This Supplementary Demand is required for the purpose of providing a solution for the very difficult problem of the accommodation of the lady clerks in the Government of India at Delhi. The matter has been discussed for some time and the solution that is here proposed is one which is, I think, both a satisfactory one in itself and, I am convinced after considering possible alternatives, the most economical way of providing for the housing of these ladies. It is a duty that I think the House will recognise is one which cannot be neglected by the Government of India, and the Government of India are of opinion that this is the most economical way in which that duty can be discharged in New Delhi. Sir, I move.

Pandit Hirday Nath Kunzru : (Agra Division : Non-Muhammadan Rural) : As this is a contentious matter may I suggest that it will be to the convenience of this House if it were adjourned until to-morrow.

Mr. Gaya Prasad Singh : (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Some of us are going to oppose it.

The Honourable Sir Basil Blackett : May I say a word. The matter was discussed by the Standing Finance Committee and was passed by a majority. It is a question which I think should be considered by this House—I do not say necessarily discussed—but it should be carefully considered by this House, and if there is a demand for an adjournment I do not wish on behalf of Government to oppose it.

Mr. S. Srinivasa Iyengar : (Madras City : Non-Muhammadan Urban) : It may be discussed now.

Mr. Gaya Prasad Singh : I oppose the motion. I move the adjournment of the debate.

Mr. President : The Honourable Member has already spoken to his motion. He is not entitled to move an adjournment of the debate.

Diwan Chaman Lall : (West Punjab : Non-Muhammadan) : May I suggest an adjournment of this motion till to-morrow. Apparently there is a feeling in the House that the motion ought to be discussed, and in the circumstances I would suggest an adjournment.

Mr. President : I understand from the Leader of the Congress Party that there is no objection to going on with the business now. I do not understand why members of the same party should speak with different voices.

If no Honourable Member is going to speak I will put the question.

Diwan Chaman Lall : I move that the motion be adjourned until to-morrow.

The Honourable Sir Basil Blackett : May I suggest that the Government business is arranged by Government If it is adjourned to-day we shall put it down for to-morrow.

Mr. President : The question is :

"That further discussion of this motion be adjourned."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 6th September, 1927.

LEGISLATIVE ASSEMBLY.

Tuesday, 6th September, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

COMMUNAL DISTURBANCES.

876. ***Mr. Narayan Prasad Singh** : (*a*) Will Government be pleased to state the number of Indians killed and the loss of property on account of the last year's communal disturbances in India ?

(*b*) Will Government be pleased to state the amount spent from the Government Treasury for the suppression of communal disturbances ?

(*c*) Will Government be pleased to state what measures they propose to adopt to stop these communal disturbances in India in future ?

The Honourable Mr. J. Crerar : (*a*) The number of persons reported to have been killed in the communal disturbances since the 1st September 1926 is 99. Statistics of loss of property are not available.

(*b*) The expenditure falls on Local Governments, and the Government of India have no information.

(*c*) I would refer the Honourable Member to the answer on this subject given by my predecessor to Mr. Harchandrai Vishindas' question of the 18th August, 1926.

Mr. Narayan Prasad Singh : Will the Honourable Member give the answer in Hindustani so that I may understand the answer and put supplementary questions, if necessary ?

The Honourable Mr. J. Crerar : Am I to understand, Sir, that the Honourable Member wants me to read the reply in Hindustani ? I think, Sir, I should prefer to communicate the answer in writing to the Honourable Member.

Mr. Gaya Prasad Singh : Now he is deprived of the right of putting supplementary questions, because he cannot understand the answer given in English.

The Honourable Mr. J. Crerar : I think I must ask the Honourable Member to put down his question in writing and I will answer it to the best of my ability.

Mr. Gaya Prasad Singh : It is the right of every Member to expect Government's answer to be intelligible to him.

Mr. A. Rangaswami Iyengar : On a point of procedure, Sir. I think, according to the rules of procedure of this House, it is permissible for a Member of this House, if he does not know English, to use his own

vernacular and I think in using his vernacular, he has got the right to expect an answer in the language which he understands.

Mr. A. R. Dalal : I have got a question put by U. Tok Kyi. Am I to understand that I have to answer him in Burmese ?

Mr. A. Rangaswami Iyengar : I may say at once in reply to that, that the rule is if a Member is acquainted with English, he will use the English language, and if he is not acquainted with English, he is permitted and he is entitled to use his own vernacular and he is entitled to expect an answer in his own vernacular.

Mr. President : Will the Honourable Member cite the Standing Order that he is referring to ?

Diwan Chaman Lall : May I ask, Sir, whether the original question was put in English or the vernacular. (*An Honourable Member* : "English.") Is it not therefore to be presumed that the Honourable Member who put his question in English knew the vernacular ?

Mr. Gaya Prasad Singh : The question of Mr. Narayan Prasad Singh was put in the vernacular, and it is only the English translation that is before the House.

The Honourable Sir Bhupendra Nath Mitra : Is not the Honourable Mr. Crerar entitled to answer in his own vernacular ? (Laughter).

Mr. A. Rangaswami Iyengar : I refer to Rule 14 of the Indian Legislative Rules which says :

"The business of the Indian Legislature shall be transacted in English, provided that the President may permit any Member unacquainted with English to address the Council in a vernacular ".

Diwan Chaman Lall : May I suggest, Sir, that the answer to this question may be postponed till to-morrow, so that we may think over this question in the meanwhile.

Mr. President : Rule 14 says :

"The business of the Indian Legislature shall be transacted in English

—Honourable Members know that it is transacted in English—

"provided that the President may permit any Member unacquainted with English to address the Assembly in a vernacular language."

This applies to the general rules of procedure, that is to the speeches made in this House. If the Honourable Member does not know English and the Chair is satisfied that he cannot fluently speak the English language, then the Chair might permit him to speak in his own vernacular. But this does not apply to the putting of questions and the answering of questions ; and in any case it certainly does not apply to the answering of questions.

Mr. A. Rangaswami Iyengar : May I say a word on this point. I think the proceedings of the Assembly include the putting of questions and the giving of answers, and the speeches made on questions are as much speeches as those made on Bills and motions. Without by any means saying that the Honourable the Home Member is bound to give his answer only in English, I think it is only fair that, when a questioner does not understand English, the answer should be translated into the

vernacular for the benefit of the Member putting the question in order to enable him to put supplementary questions. It is only fair that the answer which the Home Member gives should be translated and sent to the questioner in advance so that he may put supplementary questions.

Mr. M. Ruthnaswamy : Will it not be possible to have an interpreter in the Assembly for interpreting English questions into the vernacular and vernacular answers into English. They have interpreters in the Punjab Legislative Council.

Mr. President : What the Honourable Member for Madras suggests is that translations of the replies should be supplied in advance to the Honourable Member who puts the question, so that he may be ready, if need be, to put supplementary questions. That is a suggestion which the Chair will take into consideration in consultation with the Honourable the Home Member, and on some future occasion will state what the procedure in such cases should be.

Mr. Gaya Prasad Singh : What about the answer to this particular question ?

Mr. Ram Narayan Singh : I beg to ask a supplementary question, that the reply to supplementary questions also may be in Hindustani.

DEFENCE OF INDIA.

877. ***Diwan Chaman Lall** : (*a*) Has the attention of the Government been drawn to an article by the Military Correspondent of the London *Daily Telegraph,* dated July 1st, 1927, regarding the defence of India ?

(*b*) If so, will the Government be pleased to state whether any friction has arisen between the authorities in Great Britain and in India in regard to the questions of defence or questions relating to the formation of an Expeditionary Force ?

(*c*) Will Government be pleased to lay papers connected with the correspondence that has passed between Whitehall and Simla or Delhi in this connection on the table ?

Mr. G. M. Young : (*a*) Yes, Sir.

(*b*) and (*c*). No, Sir.

Diwan Chaman Lall : Does it mean that there is a consensus of opinion between Whitehall and the Government of India in regard to this matter ?

Mr. G. M. Young : Which matter ?

Diwan Chaman Lall : The matter referred to in part (*a*) of the question.

Mr. G. M. Young : The matter in that article, from the point of view of the Government, does not exist.

Diwan Chaman Lall : May I ask the Honourable Member whether his attention has been drawn to the fact that English newspapers have commented upon the dissension that has arisen between Whitehall and Simla in regard to military defence.

Mr. G. M. Young : I am aware that dissensions have been mentioned ; but, as I have already stated, those dissensions do not exist.

Diwan Chaman Lall : May I take it that the Government of India have agreed to the proposals of the British Government ?

Mr. G. M. Young : The Honourable Member assumes that the British Government have made proposals which, in fact, as I have already stated, they have not made.

Diwan Chaman Lall : Will the Honourable Member inform the House whether any proposals were made ?

Mr. G. M. Young : They are non-existent.

Diwan Chaman Lall : I take it that the article that appeared in the *Daily Telegraph* is absolutely incorrect.

Mr. G. M. Young : It is entirely without foundation.

FUMIGATION OF AMERICAN COTTON.

878. ***Mr. E. F. Sykes** : (*a*) Have Government considered whether the remission of charges for fumigation of American cotton will act as a bounty on its importation, and considered the question of giving a countervailing bonus to producers of Indian cotton ?

(*b*) Is it a fact that Government is considering the recommendation of the Cotton Industry Tariff Board that the Central Revenues should bear the cost of fumigating imported American cotton ? If so, are Government prepared also to consider the advisability of negotiating with the Government of the United States in order to obtain similar action on the part of America and a consequent reduction in the import charges on Indian cotton imported into the United States ?

The Honourable Sir George Rainy : The suggestions contained in the Honourable Member's question will be considered.

ISSUE OF INSTRUCTIONS BY THE EDUCATION DEPARTMENT REGARDING THE SUPPLY OF INFORMATION TO THE PRESS.

879. ***U. Tok Kyi** : (*a*) Is it a fact that the Education Department of the Government of India has issued instructions that no information is to be given separately to any newspaper except to the " Associated Press " ?

(*b*) If so, will the Government be pleased to state the reasons why ?

Mr. A. R. Dalal : (*a*) No.

(*b*) Does not arise.

STATE MANAGEMENT OF THE BURMA RAILWAYS.

880. ***U. Tok Kyi** : (*a*) Is it not a fact that the existing contract between the Government and the Burma Railway Company will expire on the 31st December 1928 ?

(*b*) If so, will the Government be prepared to take the Burma Railway back from the Company and run it themselves ?

(*c*) Are the Government aware that the Burma Legislative Council is in favour of State management ?

Mr. A. A. L. Parsons : (*a*) The Secretary of State has given the Burma Railways Company notice of the termination of the existing contract between him and the Company on the 31st December, 1928.

(*b*) The question is under consideration.

(*c*) Yes.

EMPLOYMENT OF UNPASSED MEN IN THE GOVERNMENT OF INDIA OFFICES.

881. ***Mr. Siddheswar Sinha** : (*a*) Will the Government be pleased to state if there are employees in the Government of India who have not passed the Public Service Commission examination ? If the answer be in the affirmative, will the Government be pleased to state (*i*) the reasons of such employment, and (*ii*) the number thereof ?

(*b*) Is it a fact that in the Finance Department of the Government of India (including the Military Finance) unpassed men are being made permanent in preference to graduate passed men ? If so, will the Government be pleased to give reasons for it ?

The Honourable Mr. J. Crerar : The information is being collected and will be supplied to the Honourable Member in due course.

FILLING UP OF VACANCIES IN THE GOVERNMENT OF INDIA OFFICES.

882. ***Mr. Siddheswar Sinha** : Will the Government be pleased to state if priority in examination is a material consideration in filling up permanent vacancies ? Is it a fact that men passing the Board's examinations later than 1920 were given preference to those who passed in 1920 ? If so, why ?

The Honourable Mr. J. Crerar : So far as departmental candidates are concerned, promotions to permanent vacancies are not entirely dependent on the date of passing the examination but are regulated also by such considerations as merit and capacity.

In the case of outside candidates, nominations for permanent vacancies are invariably made according to the seniority of candidates on the waiting list maintained by the Public Service Commission, unless it is desired to recruit a member of a minority community.

Mr. Siddheswar Sinha : Is not examination a test of merit ?

The Honourable Mr. J. Crerar : No doubt examination is a test of merit but there are other tests.

DISCONTENT AMONG RAILWAY OFFICERS CONSEQUENT ON THE INTRODUCTION OF THE DIVISIONAL SCHEME.

883. ***Lieut.-Colonel H. A. J. Gidney** : Are the Government of India aware that since the introduction of the Divisional Scheme, a considerable measure of distrust and discontent prevails among most railway officers with the single and significant exception of the Royal Engineer Officers who are attached to Railways ?

Mr. A. A. L. Parsons : The reply is in the negative.

EMPLOYMENT OF ROYAL ENGINEER OFFICERS N ADMINISTRATIVE APPOINTMENTS ON STATE RAILWAYS.

884. *Lieut.-Colonel H. A. J. Gidney : Will the Government be pleased to state whether or not, the wide utilisation of the services of Royal Engineer officers in administrative appointments on Indian State Railways, is an answer to the Indianisation of those Railways ?

Mr. A. A. L. Parsons : Royal Engineer officers appointed to the Railways are treated as having been recruited in England, and the appointment of such officers does not affect the question of Indianisation.

NUMBER OF ROYAL ENGINEER OFFICERS EMPLOYED ON STATE RAILWAYS.

885. *Lieut.-Colonel H. A. J. Gidney : (*a*) Will the Government be pleased to state the number of Royal Engineer Officers employed on Indian State Railways giving the nature of each such appointment ?

(*b*) Is it a fact that the salaries of such Royal Engineer Officers are debited to Indian revenues ?

Mr. A. A. L. Parsons : (*a*) The information may be obtained from the Railway Board's Classified List, a copy of which is in the Library.

(*b*) Yes.

Lieut.-Colonel H. A. J. Gidney : I notice the answer to part (*b*) of the question is " Yes ". Can the Honourable Member give the reason " Why " it is " Yes " ?

Mr. A. A. L. Parsons : My answer to the original question was " Yes ". The reason why their salaries are debited to Indian revenues is that they are employed for the benefit of India.

Lieut.-Colonel H. A. J. Gidney : That does not answer my question at all, Sir.

EMPLOYMENT OF ROYAL ENGINEER OFFICERS ON STATE RAILWAYS.

886. *Lieut.-Colonel H. A. J. Gidney : (*a*) Are Royal Engineer officers borne on the permanent cadres of State Railway Services ?

(*b*) In the event of war, particularly, out of India, is it intended that such officers should continue to be employed on Indian Railways ?

(*c*) Will Government be pleased to say how many Royal Engineer Officers there were on State Railways in 1914, and how many were retained on Railways in India after the declaration of and during the currency of the Great War and in what capacities ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) Such officers are liable to be recalled to military duty in the event of war.

(*c*) In 1914 there were 55 Royal Engineer officers in railway employ. Of these, 47 were recalled to military duty in the last Great War. The officers retained on Railways were employed as Agent, Traffic Manager, Government Inspector of Railways, etc.

Lieut.-Colonel H. A. J. Gidney : Arising out of the Honourable Member's answer, will he please state whether it proves or disproves that the entertainment of Royal Engineer officers on Indian Railways neither is a necessity nor correct ?

Mr. A. A L. Parsons : I am afraid I am not prepared to give an answer offhand.

Sir Hari Singh Gour : May I ask the Honourable Member what are the duties of Royal Engineer officers employed on the Railways ?

Mr. A. A. L. Parsons : They are employed in a good many engineering posts, occasionally as Divisional Superintendents, sometimes as Agents, Government Inspectors of Railways, and so on. They form part of our engineering cadre.

Sir Hari Singh Gour : Cannot indigenous talent be employed for that purpose ?

Mr. A. A. L. Parsons : As I have explained the Royal Engineer officers are considered as part of our European recruitment. They come into the 25 per cent. of European recruitment agreed upon.

Sir Hari Singh Gour : The object in employing these Royal Engineer officers is not the service they render to the Railways but extraneous considerations enter into their employment ?

Mr. A. A. L. Parsons : I should not be prepared to make quite so definite a statement. It is not easy to get a sufficient number of competent engineering officers and I should not like to say that we employ them in peace time purely as a war reserve.

Sir Hari Singh Gour : Has any attempt been made to recruit local officers to replace them ? The Honourable Member says it is not quite so easy, but has any attempt been made ?

Mr. A. A. L. Parsons : Does the Honourable Member mean Indian officers ?

Sir Hari Singh Gour : Yes.

Mr. A. A. L. Parsons : We take Indian officers when we can recruit them locally up to the 75 per cent. limit. As I have explained, the Royal Engineer officers do not come against Indian recruitment at all. They come against the 25 per cent. of European recruitment.

Mr. M. Ruthnaswamy : May I ask whether it is the practice in England to employ Royal Engineer officers on the railways ?

Mr. A. A. L. Parsons : I am afraid I must ask for notice.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member kindly tell me whether the employment on Indian Railways of Royal Engineer officers is similar in policy to the employment of I. M. S. officers in the Civil Medical Service—in other words, a war reserve ?

Mr. A. A. L. Parsons : As I have just explained in reply to Sir Hari Singh Gour, I am not prepared to say without qualification that we employ them purely as a war reserve. I should have to look much more carefully into the matter than I have done at present.

Lieut.-Colonel H. A. J. Gidney : Another question, Sir. Does Indianisation of the Railways, in so far as it refers to the 25 per cent.

of European recruitment refer to and include the employment of purely Military Royal Engineer officers as is being done to-day or should this percentage be entirely recruited from engineers outside the Army ?

Mr. A. A. L. Parsons : I am afraid I do not understand the Honourable Member's question.

Lieut.-Colonel H. A. J. Gidney : Is it right that in the entertainment of 25 per cent. of European railway engineers, as ordained by the Lee Commission, military engineers should be included, because Royal Engineer officers are military officers ?

Mr. A. A. L. Parsons : The Lee Commission's recommendation, to the exact terms of which I should like to refer the Honourable Member, applies to the number of engineers, whether they are military or civil, to be taken in by the Railways. The effect of that recommendation is that we have bound ourselves to recruit as quickly as possible up to 75 per cent. of Indians for vacancies in the Railway Departments as a whole. If we take Royal Engineer officers into the Railways they count against the balance of 25 per cent. English recruitment.

Sir Hari Singh Gour : Is not that a deviation from the policy of commercialising the Railways ?

Lieut.-Colonel H. A. J. Gidney : May I ask another supplementary question, Sir ?

Mr. President : Will the Honourable Member pass on to the next question ?

EMPLOYMENT OF ROYAL ENGINEER OFFICERS ON STATE RAILWAYS.

887. ***Lieut.-Colonel H. A. J. Gidney** : Is the practice of employing Royal Engineer Officers in posts other than those of Agents, peculiar to State Railways alone, and if so, why ?

Mr. A. A. L. Parsons : Most of the Royal Engineer officers in railway service are employed on State-managed Railways though occasionally their services are placed at the disposal of Company-managed Railways at the request of the Boards of Directors.

Pandit Hirday Nath Kunzru : May I ask why Royal Engineers are employed in the Traffic Department and whether engineers others than Royal Engineers are also so employed ?

Mr. A. A. L. Parsons : I am not sure of the answer to the second part of Pandit Hirday Nath Kunzru's question, but I think that engineers other than Royal Engineers are occasionally employed as traffic officers and in other departments than the engineering departments of the Railways. The answer to the first part of the question is that the natural aptitudes of individuals are taken into consideration.

Lieut.-Colonel H. A. J. Gidney : In Indianisation of the superior railway service, do the Government subscribe to the policy of recruiting Royal Engineer officers, who are purely military officers, to fill up the 25 per cent. of European recruitment, which should be obtained from outside the Army ? Is this Indianisation or militarisation of the superior railway services ?

Mr. A. A. L. Parsons : I must ask for notice : I am afraid I could not possibly make a statement offhand.

Pandit Hirday Nath Kunzru : May I ask whether the recruitment for these posts as they fall vacant is conducted separately ?

Mr. A. A. L. Parsons : Separately from what ?

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member consider the matter and let me have an answer to my question in the course of time, since he cannot do so now ?

Mr. A. A. L. Parsons : If the Honourable Member will put down a question I will do my best to answer him.

Pandit Hirday Nath Kunzru : Are not Transportation Officers separately recruited from the Royal Engineers ?

Mr. A. A. L. Parsons : Yes, Sir.

Pandit Hirday Nath Kunzru : Is it not the case then that in these posts which should be given to Transportation Officers Royal Engineers are employed ?

Mr. A. A. L. Parsons : I should like to know which post the Honourable Member refers to as those which ought to be filled by traffic officers.

Pandit Hirday Nath Kunzru : I refer to the posts to which the Honourable Member himself referred when he said that Royal Engineers were occasionally employed in traffic posts. As no reply was given to this, the Honourable Member said : " The Honourable Member might think over it and let me have his reply afterwards ". (Laughter.)

MARTIAL AND NON-MARTIAL RACES OF INDIA.

888. ***Mr. Ram Narayan Singh** : (*a*) Will the Government be pleased to state the following :

(*i*) which are the castes, classes or communities recognised by the Government as the martial races of the country ?

(*ii*) what are the special qualities, physical, moral or otherwise on which this recognition is based ?

(*iii*) which are the districts and provinces to which these martial races belong ?

(*b*) Are the Anglo-Indians, Christians and Muhammadans living all over the country and pursuing any profession recognised as martial races ?

(*c*) How and when have the Government come to classify some communities as martial races and the rest as non-martial races ?

(*d*) Are the Government in possession of any evidence to show that the martial spirit of a race has undergone a change on account of a permanent change in the residence of that race from one province to another ? And if so, what ?

(*e*) Have the Government ever made any attempt to create a military spirit in any of the communities not recognised by them as martial, and if so, when and with what results ?

Mr. G. M. Young : I propose to answer the question as a whole. No particular caste, class or community is officially recognized by Government as martial or otherwise, but units of the Indian Army have always been organized on a class basis : and as there are limits to the size of that army, only a limited number of classes can ordinarily find a place in it. The classes selected are those which, from the point of view of military efficiency alone, the military authorities prefer to enlist.

Nawab Sir Sahibzada Abdul Qaiyum : Is it not a fact that the Government generally recruit from the classes which, according to Manu's classification, were considered to be the fighting races ? That is to say, the Government found certain classes to be martial classes according to Manu's classification and they carry on their recruitment according to that classification ?

Mr. G. M. Young : I am afraid my Honourable friend has the advantage of me.

Mr. Ram Narayan Singh : May I know what the Government mean by the martial races of the country ?

Mr. G. M. Young : Sir, it is I that want to know what my Honourable friend means by the martial races of the country.

STOPPAGE OF RECRUITMENT FOR THE ARMY IN BIHAR AND ORISSA.

889. ***Mr. Ram Narayan Singh** : (*a*) Are not the Government aware of the fact that there is great discontent and heart-burning in the Province of Bihar and Orissa owing to the stoppage of military recruitment therein ?

(*b*) Are Government prepared to take steps to allay the said discontent and heart-burning ?

Mr. G. M. Young : (*a*) and (*b*). The answer is in the negative.

TOTAL NUMBER OF MEN AND OFFICERS RECRUITED FROM BIHAR AND ORISSA DURING THE GREAT WAR.

890. ***Mr. Ram Narayan Singh** : (*a*) Will the Government be pleased to state the total number of men and officers both combatants and non-combatants recruited from the Province of Bihar and Orissa, district by district, during the last European War ?

(*b*) Are any of them in service yet ? If so, how many and in what capacities ?

Mr. G. M. Young : (*a*) The total number of officers and men recruited from the Province of Bihar and Orissa during the War was 41,552. Of this number 8,576 were combatants. Our statistics do not show the numbers recruited by Districts, but by Provinces.

(*b*) The information asked for is not available, but probably very few of those recruited during the War are still serving.

NUMBER OF BIHARIS GRANTED KING'S COMMISSIONS, ETC.

891. ***Mr. Ram Narayan Singh** : Will the Government be pleased to state the following :

(*a*) How many Biharis have got the King's commissions yet ?

(*b*) How many of them are cadets at Sandhurst now ?

(*c*) How many Biharis are in the Prince of Wales' College at Dehra Dun ?

Mr. G. M. Young : (*a*) One.

(*b*) None.

(*c*) Two.

SHORT NOTICE QUESTION AND ANSWER.

ADDRESS DELIVERED BY SIR EDWARD GRIGG TO THE LEGISLATIVE COUNCIL OF KENYA.

Mr. R. K. Shanmukham Chetty : With your permission, Sir, I would like to ask the following short notice question which my Honourable friend Mr. Bajpai has kindly consented to answer :

1. Has the attention of Government been drawn to the report in the Press of the address delivered by Sir Edward Grigg to the Legislative Council of Kenya ?

2. (*a*) Is it a fact that the Feetham Commission report on Local Government has been approved by the Secretary of State for the Colonies and the result of it would be to reduce the proportion of Indian representation on institutions of Local Government ?

(*b*) Were the Government of India consulted before the Report was finally accepted by the Secretary of State for the Colonies and have Government acquiesced in the action of the Secretary of State ? If not, will Government be pleased to state what action they have taken or propose to take in the matter ?

3. Is it a fact that the constitution of the Legislature of Kenya is proposed to be changed with a view to give an elected majority ? If so, will the Government be pleased to state what steps have Government taken to adequately protect these interests ?

Mr. G. S. Bajpai : With your permission, Sir, I shall answer the question in the order enumerated by the Honourable Member opposite.

1 The reply to the Honourable Member's first question is in the affirmative.

The answer to part 2 (*a*) of the second question is as follows :

The Government of India have no information apart from what has appeared in the Press, but have made inquiries.

As regards part (*b*), the answer to the first part is in the negative, and the second part does not arise.

3. (*a*) The Government of India have no information, but have made inquiries.

(*b*) Does not arise.

Mr. R. K. Shanmukham Chetty : Was not the attention of the Government drawn to the fact that the Feetham Commission was engaged in making certain enquiries into the administration of the Local Government of the Kenya Colony ?

Mr. G. S. Bajpai : No, Sir.

Mr. R. K. Shanmukham Chetty : Am I to understand, Sir, that the Government of India were not aware that the Feetham Commission was appointed for the purpose of making certain inquiries into the administration of the Local Government of the Kenya Colony ?

Mr. G. S. Bajpai : The Government of India had no official information on this subject at all. It was about the middle of July last that a gentleman from Kenya visited India, and he also came up to Simla and informed me in an informal conversation that Mr. Justice Feetham and a number of other people had been making inquiries into the question of Local Government and administration in Kenya and had submitted a report which was confidential.

Mr. R. K. Shanmukham Chetty : When that fact came to the knowledge of the Government of India, did they take any action ?

Mr. G. S. Bajpai : The Government of India could not possibly take any action on knowledge which was derived from purely informal conversation with a private individual.

Mr. A. Rangaswami Iyengar : May I know whether the Government of India did not think it right to address the Secretary of State for the Colonies and find out whether this report was correct ? Was it not sufficient notice to the Government of India to make inquiries on a matter of this urgency ?

Mr. G. S. Bajpai : I have already said that information derived from informal conversation with a private individual cannot be made the basis of State action or of State correspondence.

Mr. A. Rangaswami Iyengar : Am I right, Sir, in taking it that the reports that have constantly appeared in the Press that the Feetham Commission have submitted their report and that the Government of India have not taken any notice of it are correct ?

Mr. G. S. Bajpai : I confess I cannot claim my Honourable friend's journalistic omscience, but so far as I am aware, the first notice of the report of the Feetham Commission that appeared in the press was in connection with Reuter's report of the address by Sir Edward Grigg to the Legislative Council of Kenya.

Pandit Hirday Nath Kunzru : May I know, Sir, if the Government of India have received a copy of the Feetham Committee's report ?

Mr. G. S. Bajpai : No, Sir, they have not ; but they have asked for it.

Pandit Hirday Nath Kunzru : Will they lay it on the table of the House when it is received ?

Mr. G. S. Bajpai : I cannot say anything about that until the report is received.

Pandit Hirday Nath Kunzru : Are Government aware that action is contemplated by His Majesty's Government in connection with that report ? If so, what is the objection to the Government of India laying that report on the table of the House for the information of Honourable Members ?

Mr. G. S. Bajpai : The assumption, underlying the Honourable Member's question, has yet to be verified ;—the assumption being that the Government of Kenya have already taken action on the report. As I have already stated in reply to Mr. Shanmukham Chetty, Government have made inquiries both as to the substance of the report of the Feetham Committee and of the action, if any, contemplated on it. When the Government of India receive the report, they will take such action as may be considered to be necessary.

Pandit Hirday Nath Kunzru : Have the British Government been asked to postpone taking action on the report of the Committee till the Government of India have had time to make representations to them ?

Mr. G. S. Bajpai : I have already said that the Government of India cannot ask His Majesty's Government to postpone action as they do not know what is actually contemplated. All that they have to go upon is a press report to the effect that certain things have happened. The Government of India have asked for information and when they are in possession of all the facts they will take necessary action. The nature of that action will be determined entirely by the nature of the action contemplated on the other side.

Mr. R. K. Shanmukham Chetty : In view of the fact that the Governor of Kenya Colony has announced to the Legislative Council that the Secretary of State for the Colonies has accepted the findings of the Feetham Commission, do not the Government of India think it necessary to warn the Secretary of State for the Colonies not to take any action on that report before the Government of India have had an opportunity to express their opinion ?

Mr. G. S. Bajpai : That, Sir, is a matter of opinion. In any case, as I have stated, the Government of India have made telegraphic inquiries from the Secretary of State, and I think I can assure the House that the Government of India yield to no section of the House either in their desire or their determination to do everything possible to safeguard Indian interests.

Mr. R. K. Shanmukham Chetty : Will the Honourable Member make a statement to the House later on when he gets more information on the subject ?

Mr. G. S. Bajpai : I shall certainly consider my Honourable friend's suggestion.

UNSTARRED QUESTIONS AND ANSWERS.

REVISED SCALES OF PAY FOR POSTAL CLERKS, ETC.

99. **Mr. V. V. Jogiah** : Has the scale of pay sanctioned for the staff of the R. M. and S. and the lower selection grades in G. O. I. Resolution No. P. T. E.-11, dated 27th April 1927, been given effect to ? If not, why not ? Do Government propose to give effect to it at an early date ?

The Honourable Sir Bhupendra Nath Mitra : Government have no reason to believe that full effect has not been given to the revised scales

of pay for postal clerks sanctioned in their letter of the 27th April 1927. Orders regarding the revision of the scales of pay of the lower selection grades and of Railway Mail sorters were issued on the 5th and 10th August 1927, respectively.

PAY OF GRADUATES IN POST OFFICES AND THE RAILWAY MAIL SERVICE.

100. **Mr. V. V. Jogiah** : Is it a fact that graduates entertained in Post Offices and the Railway Mail Service subsequent to 27th April 1927 are started on Rs. 55 a month, while this rule is not applied to those graduates, who are already in service, before that date, drawing less salaries and whose salaries did not rise under the rules sanctioning this minimum pay of Rs. 55 ? If so, do Government propose to bring their salaries into line with those of graduates newly entertained ?

The Honourable Sir Bhupendra Nath Mitra : The facts are substantially as stated by the Honourable Member in the first part of the question.

The matter is under the consideration of the Government of India.

GRANT OF HOUSE RENT ALLOWANCE TO POSTMEN AND MENIALS.

101. **Mr. V. V. Jogiah** : Is any provision made for grant of house rent allowance to postmen and menials in the Budget of 1926-27 ? If so, how much of it has been spent ?

The Honourable Sir Bhupendra Nath Mitra : The reply to the first part of the question is in the affirmative. The amount spent was about Rs. 1 lakh.

GRANT OF HOUSE RENT ALLOWANCE TO POSTAL OFFICIALS IN CERTAIN PLACES IN THE MADRAS PRESIDENCY.

102. **Mr. V. V. Jogiah** : Are Government aware that postal officials in some places, where the rents of houses are high, such as those at Berhampore, Chatrapur, Chepurupalle and Parvatipur, etc., in the Madras Presidency, have not been given any house rent allowance ? If not, would the Government enquire into it ?

The Honourable Sir Bhupendra Nath Mitra : House rent allowance is not given to postal officials at the places named in the question. The Government of India have no information whether house rent is high at those places. An enquiry will be made and suitable action will be taken by the Director General.

REFUSAL OF LANDLORDS TO REPAIR HOUSES LEASED TO THE POSTAL DEPARTMENT IN THE MADRAS PRESIDENCY.

103. **Mr. V. V. Jogiah** : Are Government aware that in the Presidency of Madras, corresponding to the increase in prices and rents of houses, no increase in rents of buildings, leased to the Postal Department, is sanctioned, in spite of repeated demands from landlords, and as a result, landlords have been refusing to repair the buildings, pending the increase in the rents which they demanded and that the postal officials, living

in such houses, have been suffering considerable inconvenience, on this account ? If not, are Government prepared to enquire into the matter and take steps to remedy these complaints and inconveniences ?

The Honourable Sir Bhupendra Nath Mitra : Government are not aware of the facts as stated. An enquiry will however be made and whatever steps are necessary will be taken in the direction indicated.

MEMORIAL OF THE STAFF OF THE GOVERNMENT TELEGRAPH OFFICE AT VIZAGAPATAM.

104. **Mr. V. V. Jogiah** : Did the staff of the Government Telegraph Office at Vizagapatam make representations to Government for the grant of a compensatory allowance to them, in view of the fact that the City of Vizagapatam has increased enormously in importance, extent and population, during the last decade and for the reasons stated in their representations to H. E. the Viceroy and Governor General of India and to the Director General of Post Offices ? And, did the Government say that the matter was under their consideration ? If so, have the Government come to any conclusion ? If not, do Government intend to consider the case of the staff as early as possible and give them relief ?

The Honourable Sir Bhupendra Nath Mitra : Representations on the subject addressed to His Excellency the Viceroy and Governor General were received by the Director General through the Postmaster General, Madras, at the end of July. When these are forwarded to Government by the Director General with his recommendations, they will receive due consideration.

DEMANDS FOR SUPPLEMENTARY GRANTS.

CIVIL WORKS.

Mr. President : The House will now resume the further consideration of the following motion moved by the Honourable Sir Basil Blackett :

" That a supplementary sum not exceeding Rs. 75,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1928, in respect of ' Civil Works '."

(At this stage Mr. Gaya Prasad Singh rose to speak.)

Mr. President (Addressing Mr. Gaya Prasad Singh) : The Honourable Member had already spoken. He opposed the motion yesterday, and he is not entitled to speak again.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : I did not.....

Mr. President : The Honourable Member did rise and opposed the motion yesterday. No doubt, he did not make any speech, but that does not matter.

Mr. Gaya Prasad Singh : But the Debate was adjourned.....

Pandit Hirday Nath Kunzru (Agra Division : Non-Muhammadan Rural) : As my friend Mr. Neogy was not there when I got up, I had to take on myself the unpleasant duty of opposing the Supplementary Grant asked for by the Honourable the Finance Member. Now, Sir, I should like to make it clear that I am not in the least against a Government

[Pandit Hirday Nath Kunzru.]

grant being given to any social instituton, whether Christian, Hindu or Muhammadan. But in view of the discussion that took place in this House on the provision of accommodation for officers in August 1926, I think the Government would have been well advised if instead of bringing worward a motion of this kind they had themselves undertaken to construct the necessary buildings. Now the reason placed before us for the course adopted by Government is that it would lead to economy. That is a point which was discussed threadbare in August 1926, and I should not like to weary the House by a repetition of what was said then. But it is pertinent even now to point out that, although the cost might be slightly greater to Government if they provided the necessary accomodation themselves, the buildings which would be constructed will remain their property. In this particular case there is this difference as compared with the case discussed by the Assembly in August 1926, that the Government proposed to give not nearly a loan but also a grant of Rs. 75,000 to the Y. W. C. A. Now, as I say, if the Y. W. C. A. engages in social activities which are for the good of the country and imposes no racial restrictions, nobody would be against giving any grant to it. But that question stands by itself. If Government find, after considering the needs of the Y. W. C. A., that the help that they ask for is legitimate, they can come forward with a separate proposal. But I do not like the Y. W. C. A. being helped in this indirect and, if I may say so without offence, in this surreptitious way. I think, as a matter of policy, Government ought to undertake to construct the buildings needed for its own officers. It cannot in the guise of helping its officers really help other institutions. The help to be given to other institutions must be considered on the merits of the case. I am therefore opposed to the motion before us, but I should like to make it clear that I am not opposed in principle to any grant being given to the Y. W. C. A. That is an entirely separate matter and ought to be discussed on a separate Demand.

Mr. President : The question is :

"That a supplementary sum not exceeding Rs. 75,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1928, in respect of 'Civil Works'."

The Assembly divided :

AYES—51.

Abdoola Haroon, Haji.
Abdul Matin Chaudhury, Maulvi.
Abdul Qaiyum, Nawab Sir Sahibzada.
Abdullah Haji Kasim, Khan Bahadur Haji.
Ahmad, Khan Bahadur Nasir-ud-din.
Alexander, Mr. William.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.
Ayangar, Mr. V. K. Aravámudha.
Ayyangar, Rao Bahadur Narasimha Gopalaswami.
Bajpai, Mr. G. S.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Coatman, Mr. J.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Courtenay, Mr. R. H.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Crofton, Mr. R. M.
Dalal, Mr. A. R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr. J. T.
Dunnett, Mr. J. M.
Ghazanfar Ali Khan, Raja.
Gidney, Lieut.-Colonel H. A. J.

Haigh, Mr. P. B.
Irving, Mr. Miles.
Ismail Khan, Mr.
Jowahir Singh, Sarda Bahadur Sardar.
Kabul Singh Bahadur, Captain.
Keane, Mr. M.
Kirk, Mr. R. T. F.
Lamb, Mr. W. S.
Mitra, The Honourable Sir Bhupendra Nath.
Moore, Mr. Arthur.
Mukherjee, Mr. S. C.
Murray, Sir Alexander.
Parsons, Mr. A. A. L.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Ruthnaswamy, Mr. M.
Sams, Mr. H. A.
Shah Nawaz, Mian Mohammad.
Singh, Rai Bahadur S. N.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Wright, Mr. W. T. M.
Yakub, Maulvi Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir.

NOES—33.

Aiyangar, Mr. C. Duraiswamy.
Aney, Mr. M. S.
Ayyangar, Mr. K. V. Rangaswami.
Ayyangar, Mr. M. S. Sesha.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Gour, Sir Hari Singh.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jayakar, Mr. M. R.
Jogiah, Mr. Varahagiri Venkata.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath.
Lahiri Chaudhury, Mr. Dhirendra Kanta.
Lajpat Rai, Lala.
Mehta, Mr. Jamnadas M.
Mitra, Mr. Satyendra Chandra.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Naidu, Mr. B. P.
Neogy, Mr. K. C.
Purshotamdas Thakurdas, Sir.
Rao, Mr. G. Sarvotham.
Sarda, Rai Sahib Harbilas.
Shafee, Maulvi Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Mr. Siddheswar.

The motion was adopted.

DRAFT CONVENTION AND RECOMMENDATION OF THE INTERNATIONAL LABOUR CONFERENCE REGARDING INSPECTION OF EMIGRANTS ON BOARD SHIP, ETC.

Mr. A. R. Dalal (Secretary, Education, Health and Lands) : Sir, I move :

"That this Assembly having considered the draft Convention and Recommendation adopted by the International Labour Conference at its eighth session held at Geneva between the 26th May and 5th June 1926, concerning respectively the simplification of the inspection of emigrants on board ship and the protection of emigrant women and girls on board ship, recommends to the Governor General in Council that he should ratify the draft Convention and accept the Recommendation".

Sir, I crave the kind indulgence of the House for a very short time while I describe briefly the circumstances which led up to the moving of this Resolution. An International Conference on Emigration and Immigration was held in Rome in 1924. The representative of India

[Mr. A. R. Dalal.]

at that Conference was Sir P. Rajagopalachari, then Member of the Secretary of State's Council. One of the Resolutions adopted by that Conference was the simplification of the system of inspection of emigrants on board emigrant vessels. The President of that Conference happened to be the Italian Delegate on the governing body of the International Labour Office. At his instance the International Labour Office decided to put the question of the simplification of the process of inspection of emigrants on board vessels on the agenda of their eigth session. Accordingly, at the eighth session of the International Labour Conference held in Geneva in June, 1926, a Convention and a Recommendation were adopted. The object of the Convention was the simplification of the system of inspection of emigrants on board emigrant vessels. The object of the Recommendation was the protection of women and girls travelling by such vessels. Now, Sir, the conditions to which both the Convention and the Recommendation were meant to apply were primarily, if not mainly, European conditions. In Europe it is the practice for the nationals of a large number of different countries to travel on board the same emigrant vessel, the nationals of each country being accompanied by their own Inspector or Inspectors. It would be easy for this House to imagine the disputes and the conflict of jurisdiction that would occur under such circumstances. It is primarily to remedy this state of affairs that this Convention has been adopted. Its main recommendations are that under such circumstances, there should be only one official Inspector travelling on board emigrant vessels and that that Inspector should be the national of the country whose flag the ship is flying The object of the Recommendation is the protection, as I have said, of women and girls travelling on board such vessels.

When the questionnaire regarding this Convention was circulated to the Government of India, we made it quite clear that these circumstances did not apply to India. As the House is no doubt aware, unskilled emigration of labour is permitted to Ceylon and the Malay States only. There is no question of the appointment of Inspectors on board vessels plying to Ceylon for the simple reason that it is a short voyage in home trade waters merely across the channel on practically what amounts to a ferry boat. As regards the Malay States, the Government of the Malay States themselves appoint Inspectors, both male and female, to accompany emigrants both on the voyage from India to the States and from the States back again to India. The fact that the Convention did not apply to Indian conditions was also made plain by our representative at the eighth session. But the object of the Convention as it is now passed is merely the simplification of the process of inspection where it exists, and not the institution of any new system of inspection where it does not exist. That is made perfectly plain in paragraph 12 of the report of our representative at the Conference. It runs :

"The draft Convention, as finally passed by the Session, deals only with the simplification of existing systems of inspection, a point which is evident not only from the terms of the Convention, but which was categorically stated in the Report of the Committee to the Session."

I wish to emphasise this point, Sir, because I wish to make it quite plain to the House that by ratifying this Convention, we are not committing ourselves to instituting any new system of inspection on board emigrant ships. As regards the Recommendation, it is to the effect that if 15

or more women or girls travel on board emigrant vessels unaccompanied by any responsible person in authority, there should be a woman travelling with them who should render to these women and girls such moral and material assistance as may be required. This also, Sir, does not primarily apply to Indian conditions, because, in the first place, under 22 of our Emigration Rules, the emigration of unaccompanied women and girls is prohibited. In the second place, Indian women and girls do not emigrate unaccompanied by their male relatives.

Under Article 405 of the Treaty of Versailles every member of the International Labour Office is bound to bring the Convention or Recommendation adopted by the Labour Office to the notice of the authority competent to implement such Convention or Recommendation within a period of 18 months at the most. The Indian Legislature is the authority competent to implement this Convention, because, if it is ratified, legislation will be necessary. Therefore this Resolution is now put before this Honourable House. When the Convention first came up before Government in the Education Department, we were somewhat doubtful about the advisability of ratifying it because it did not apply to Indian conditions. We placed the matter before our Standing Emigration Committee. Our Standing Emigration Committee were, however, of opinion that it would be more in consonance with the moral dignity of India and the consistent support which this country has always accorded to the Conventions and Recommendations of the League of Nations and the International Labour Office if this Convention was ratified. I think, Sir, that this country can claim an honourable place among the nations of the world for the promptness and fidelity with which it has carried out the Recommendations and Conventions of the League of Nations and International Labour Office.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Not for anything else.

Mr. A. R. Dalal : On the recommendation, therefore, of our Standing Emigration Committee, Sir, the Government have on further consideration decided to ratify the Convention. It is true that it would not apply immediately to Indian conditions, but if in future, emigration to distant countries beyond home trade waters was ever permitted, the provisions of the Convention would immediately come into operation. In the meantime, by ratifying the Convention, we would be making a gesture of friendliness towards the League, and I submit that that is not without its moral significance.

Under Article 11 of the Convention we are bound, if we ratify the Convention to bring the provisions of Articles 1 to 7 into operation. Now Articles 2 to 7 are contingent on the appointment of official Inspectors on board emigrant vessels. So long as such official Inspectors are not appointed these clauses do not come into operation. But Article 1 comes into operation at once. Under that Article we must define the terms " emigrant " and " emigrant vessel ". The term emigrant is already defined under our Emigration Act, No. VII of 1927. If this House ratifies the Convention we propose immediately to introduce a Bill by which we will define the term " emigrant vessel " and also take power for the protection and security of emigrants by means of a system of inspection or otherwise during the voyage under the rule-making powers of the Emigration Act, a power which we do not possess at present.

[Mr. A. R. Dalal.]

I have endeavoured, Sir, to explain the scope and object of the Convention and the reasons which have actuated Government to ratify it to the best of my ability. If I have failed to make anything perfectly plain I hope the House will make allowance for my prentice hand, or rather, tongue. The proposal is in accordance with the recommendations of our Standing Emigration Committee, and I hope it will command the unanimous approval of the House. Sir, I move it.

Mr. N. M. Joshi (Nominated : Labour Interests) : Sir, the Members of the Assembly may remember that at the last Delhi Session the Government of India had given notice of a Resolution recommending this House not to ratify the Convention. I am glad, Sir, that in the interval the Government of India have thought over the matter and come to the wise decision of ratifying this Convention. I admit that it does not give anything substantial to Indian emigrants. I am glad that the Government of India have introduced a Bill. I do not wish to speak on that Bill on this occasion, but let me make it quite clear that I think the Government of India are not carrying out the provisions of the Conventions fully and satisfactorily in the Bill which they have introduced. I hope when the Bill comes up for discussion that I shall receive the support of this House in securing proper effect being given to the Convention which the Government of India is ratifying on this occasion.

There is one more point on which I would like to say one word. The Honourable Member in charge of this Resolution stated that the Convention does not impose any obligation upon the Government for appointing an Inspector. Technically speaking, what he has said is true, but I think, Sir, that the omission of the obligation being placed upon the Government is due to the fact that the Emigration Conference that met in Geneva did not imagine that there would be any Government which would not appoint Inspectors on emigrant ships. They did not really imagine that the Government of India would take advantage of the fact that the Convention does not impose an obligation on them to appoint an Inspector. But, if you read through the wording of the Convention, it is quite clear that the Government of India and every Government ratifying the Convention is expected to appoint Inspectors. The Convention has taken the appointment of Inspectors for granted, and having taken that for granted they proceed to suggest a way of simplifying the procedure.

Sir, I do not wish to speak any more, but I congratulate the Government of India upon the wise decision which they have been persuaded to take on this occasion.

Mr. Sarabhai Nemchand Haji (Bombay Central Division : Non-Muhammadan Rural) : Sir, in speaking on this Resolution I should like to draw the attention of the House to what I might call the history of the 8th Geneva Labour Conference at which the international Convention was passed. It is to us no doubt a matter of great satisfaction that the Government of India have seen their way to fall into line with the requirements of the recommendations of the 8th International Labour Conference. But, Sir, the details of what happened at Geneva between the 25th May and 5th June of 1926 throw a light on the history of this subject which I hope the House will excuse me for referring to at some

length. At the initial stage of this Conference, the recommendations of which are now accepted by our Government, I am sorry to find that the employers' group made a dead set against the whole of the Conference and wanted to make out that the Conference had no competence to discuss the problem of emigration ; and if they had had their way, as this was the only item before the Conference, the Conference would have dispersed without arriving at any conclusions. I will just read out to you, Sir, an extract from the official report of the Delegates of the Government of India to the 8th and 9th sessions of the International Labour Conference at Geneva. In paragraph 10 at page 5 of the report, it says :

"It is also noteworthy that no Government objected under Article 402 of the Treaty to the inclusion of this item...."

—that is, the item of emigration—

"in the agenda of the 8th session. Immediately, however, on the decision by the Plenary Sitting of the session to appoint a committee to deal with this item of the agenda, the British Employers' delegate with the support of practically the whole of the Employers' group put forward a resolution in the following terms :

'That the International Labour Organization is not competent to deal with questions of the regulation of the transport of emigrants ; that this Conference accordingly declines to discuss the question of the simplification of inspection of emigrants on board ship'."

Fortunately for the emigrants, and in order perhaps to provide an opportunity to the Honourable the Education Secretary to move this motion this morning, the resolution of the employers, including the British employers, was debated at length, and it was ultimately rejected by 77 votes to 23. This gives us an indication of the attitude of the employers in general and of the British employers in particular, in connection with the main item of the agenda of the 8th International Labour Conference. And, Sir, if I want to lay stress on this part of the subject it is only to draw particular attention here to the fact that unfortunately for this country the employers' delegate sent by India, who formed part of the Indian Delegation, instead of acting in this matter from the Indian employers' point of view, acted in a way that went very much against what I believe would have been the intentions of the employers in this country and voted in support of this resolution which wanted to annul the whole session of the International Conference and the main subject to be discussed before it, and he voted with the British group. And why ? Because, Sir, he was not an Indian employer but a British employer representing British interests.

12 NOON.

Now, Sir, if you will permit me, I will just say a few words with regard to how it was that a British employer came to represent, or rather misrepresent as it turned out, the Indian employers at the eighth International Labour Conference. According to the rules of the Labour Conference under the Treaty of Versailles, the delegations of various countries are composed of two Government delegates.....

Mr. A. R. Dalal : On a point of order, Sir. I submit that this does not arise out of the Resolution under discussion.

Mr. Sarabhai Nemchand Haji : I beg to submit that, as the Resolution arises out of the work of the Indian Delegation at the eighth International Labour Conference, I am fully entitled to go into the details

[Mr. Sarabhai Nemchand Haji.]

of the composition of that Delegation. As I was saying, the fact that we did not have an Indian employer on this Conference came about as follows. According to the Treaty of Versailles, each country is represented by two Government delegates, one employers' delegate and one labour delegate. Now, the employers' and labour delegates are to be appointed by the respective associations in the country under question and the Government has to accept the choice of the employers' organisations and the labour organisations. Very strange it is that even this final report has to admit the fact that, though on many an occasion labour organisations of various countries had to put up protests against the action of their Government with regard to labour delegation owing to various difficulties about the official recognition of trade unions, *e.g.*, non-Fascist associations in Italy, not until the eighth Conference was there any trouble with regard to the employers' delegates. But I am sorry to say that to our Government belongs the discredit of having brought about a situation which necessitated an official protest being registered in connection with the appointment of the Indian employers' delegate to the eighth International Labour Conference. Paragraph 6 of the Report says :

"Much interest was evinced at both sessions of the Conference in the protests against the nomination of Sir Arthur Froom as the Indian employers' delegate. This was the first occasion in the history of the International Labour Conference when the nomination of an employers' delegate had been challenged. Moreover, printed documents in English and French setting forth in full the case of the protesting associations were extensively circulated among all Members and visitors to the meetings."

Now, Sir, in a sense it is unfortunate that our country should have to set this precedent, but as one being concerned directly and personally in connection with this protest, I may say that the point of view of India, and particularly nationalist India, got so much support from almost all countries, including the Colonies within the Empire, that in so far as the non-official acceptance of the Indian point of view was concerned, we could not have much ground for grievance. But I want to refer not so much to what happened at Geneva as to what happened in this country. As I have said before, the employers' delegate is chosen by the employers' associations, and it has been laid down in the Treaty of Versailles that the Government must accept the nomination of the majority of the selecting organisations. Now, Sir, until this protest was taken to Geneva, the question that the representative of a country, whether a labour representative or an employers' representative, should be a national of the country never arose before this Conference ; as a matter of fact, the peculiar circumstances of the Treaty of Versailles took it for granted that no country would be so ignorant of its own interests....

Mr. President : Order, order. The Honourable Member is going too far. He might ventilate this particular grievance of his by a separate Resolution. I have allowed him sufficient indulgence.

Mr. Sarabhai Nemchand Haji : Thank you, Sir. I was just going to wind up by saying that under the Treaty of Versailles no country, aware of its own interests, need send any one but a national and it is because of the unfortunate position in which this country finds itself that we have to invoke the aid of the Treaty of Versailles in order that our nominations to the Geneva Conference should be national in tone and character.

Now, coming to the integral part of the subject—the question of emigration—and the delaying tactics that were employed by the British delegates of whom unfortunately the Indian employer formed a part, I do feel that the name of India would have been condemned among the workers of the international world particularly if this resolution of the British employers had been carried and the sittings of the eighth International Labour Conference brought to a premature end. I hope, therefore, that in view of the lesson which the Government have learnt in this connection after the reports and the findings of the Credentials Committee at Geneva, no occasion would arise in future for this country, either from the employers' point of view or the labour point of view, to have to send protests to Geneva against the Government's nominations. In conclusion, Sir, I hope that when the Resolution moved by the Honourable Mr. Dalal is acted upon by Government in the form of a Bill, sufficient provision will be made to bring within its purview all those ships that carry emigrants from India. With these words, I have great pleasure in supporting this Resolution.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : I do not propose to oppose this Resolution, nor do I want to enter into those questions which have been raised by my Honourable friend, Mr. Haji. But I am not sure if the Honourable Member who proposed this Resolution was quite right in saying that the object of the inspection of emigrant ships was purely the protection of women and girls.

Mr. A. R. Dalal : I did not say so.

Lala Lajpat Rai : I understood him to say that the International Conference.....

Mr. President : The Honourable Member must accept the Honourable Mr. Dalal's statement.

Lala Lajpat Rai : If you will allow me, Sir, I will proceed further because that is relevant to the other point too. I want to point out that the most important question which was also considered by the 8th Session of the International Labour Conference and which relates very intimately to the question that has been raised by the Honourable Member who has proposed this Resolution, was the protection of emigrants as defined by different Governments. In answer to the questionnaire that was issued by the International Labour Office in connection with the agenda of the 8th Session of the International Labour Conference, the answer given by the Indian Government as to who was an emigrant, was entirely different from that given by the British Government. The British Government practically defines emigrant to include all those people who travel third class on the steamers. I have not got the wording before me. I read it at the time. The Indian Government limits the definition of emigrant only to those who go out of this country permanently to seek employment or to work for wages. I submit the question is not the protection of women and girls only, but the protection of all people who go out of this country to seek employment either temporarily or permanently, and, if any legislation is going to be brought in pursuance of this Resolution, I would draw the attention of the Government to that important point. The word " emigrant " should be defined in such a way as to include all those people who leave the shores of this country for the purpose of seeking employment, where they are

[Lala Lajpat Rai.]

allowed to go. As we are situated, the gates of all countries are shut to us except a few. I would like the Honourable Member to state if emigration to Guiana is not open. I understood some time ago that it had been opened. I see from the Honourable Member's nodding of the head that it is not so. I accept his statement. I am not positive about that. I am certain a good deal depends on the definition of the words " emigrant " and " emigrant ship ". The word " emigrant " should be so defined as to make it include all those people who want to leave the shores of this country for the purpose of seeking employment, to those places where they are permitted to go by law or by convention. Their conditions of travel and the treatment they get on the ships are all relevant matters and, therefore, as my friend Mr. Joshi has remarked, it is absolutely necessary that the Government should make a provision for the appointment of Inspectors on those ships which take these emigrants outside of India. It has been assumed in the Convention that all Governments have adopted that provision and if the Government of India does not accept that liability or that responsibility, I submit it is very unfortunate. An impression has gone out that the Government of India care more for the shipping companies that run the ships which carry third class passengers than for the latter. Provision should be made for the protection and comfort of emigrants by providing Inspectors on those ships, and I submit that no interest of the shipping companies should be allowed to intervene between the interests of these emigrants and the duty of the Government to provide for their protection and comforts while travelling abroad. It may not be of very great importance, because the number of emigrants leaving this country is very small, but all the same the principle is very important and it ought to be kept in view when legislation is proposed in pursuance of this Convention. This is the only remark I wanted to make.

Mr. A. R. Dalal : I am thankful to my Honourable friend Mr. Joshi for congratulating Government on having decided to ratify this Convention. My Honourable friend however could not resist the temptation of twitting us for changing our minds. (*Mr. N. M. Joshi* : " I congratulated Government. ") Now, Sir, speaking for myself although we are the Education Department, we are not above learning ourselves, and we are quite prepared to gather in wisdom with both hands from whatever source it may come. (*Lala Lajpat Rai* : " We are very glad to hear this admission.") As for my Honourable friend Mr. Haji, I am sure that all of us in this House are very much indebted to him for the very keen interest he takes in all matters concerning shipping, an interest which has earned for him from his friends the well deserved though unofficial title of ' Admiral Haji.' As for the part he himself took at the 8th Session of the International Labour Conference, where I understand he was the adviser to the adviser to the Indian delegation.....

Mr. Sarabhai Nemchand Haji : I was the representative of the Indian National Protesting Organisations.

Mr. A. R. Dalal : As for Sir Arthur Froom to whom my Honourable friend thought fit to refer.....

Mr. President : The Honourable Member never mentioned any name. (*Honourable Members* : " He did.")

Mr. Sarabhai Nemchand Haji : May I say that I merely mentioned Sir Arthur Froom because his name appeared in the report.

Mr. A. R. Dalal : May I submit that that is not germane to the question at hand and I should allow that Honourable gentleman to rest in peace in the calmer atmosphere of the Upper House. As for my friend Lala Lajpat Rai, I do think he was labouring under some very serious misapprehension and for that misapprehension I am afraid I must blame myself because I have not the felicity of phrase and the lucidity of expression which makes my Honourable friend the envy of this House. I am afraid that he totally misunderstood me. The object of the Convention is not merely the protection of women and girls on board emigrant vessels. That is merely the object of the Recommendation. The Convention is entirely a thing apart and the object of the Convention is simplification of the system of inspection of emigrants on board emigrant vessels.

Lala Lajpat Rai : If I mistake not, the object of the Recommendation was not to confine it to women and girls.

Mr. A. R. Dalal : If the Honourable the President will allow me, I will read out the Recommendation. It runs to this effect :

" Where 15 or more women and girls un-accompanied by a responsible person are carried as emigrants on board an emigrant vessel, a properly qualified woman who has no other duty to fulfil on board shall be appointed to give such women any material or moral assistance of which they may stand in need without in any way encroaching upon the authority of the master of the vessel. She shall report to the authority making the appointment and the report shall be available for the use of the Governments which may be concerned."

Lala Lajpat Rai : That is only a part.

Mr. A. R. Dalal : That is the whole. As for the term " emigrant " it is also defined in section 2 of our Emigration Act of 1922. Emigrant means " any person who emigrates, has emigrated or who has been registered as an emigrant under the Act and includes any dependent upon any emigrant but does not include....etc." My Honourable friend will see that it is a wide enough definition. As for the term emigrant vessel, we are going to define it and when we come to the Bill we will certainly take into consideration what my Honourable friend Mr. Joshi has said, but I do join issue with him in his interpretation of the object of the convention, which, as I took pains to elaborate in my original speech, is simplification and not inspection.

Lala Lajpat Rai : I referred to the answer of the Government of India to the questionnaire issued by the International Labour Conference.

Mr. A. R. Dalal : At that time we made it clear that the circumstances were quite different from the circumstances to which the Convention was designed to apply. I hope, Sir, that this House will now agree to adopt the Resolution unanimously.

Mr. President : The question is :

" That this Assembly, having considered the draft Convention and Recommendation adopted by the International Labour Conference at its eighth session held at Geneva between the 26th May and 5th June 1926, concerning respectively the simplification of the inspection of emigrants on board ship and the protection of emigrant women and girls on board ship, recommends to the Governor General in Council that he should ratify the draft Convention and accept the Recommendation."

The motion was adopted.

THE INDIAN EMIGRATION (AMENDMENT) BILL.

Mr. A. R. Dalal (Secretary, Education, Health and Lands) : Sir, after having taken up so much of the time of the House, I do not think it is necessary for me to detain them any further while I beg for leave to introduce a Bill to amend the Indian Emigration Act, 1922, for a certain purpose.

As I have already stated, if this Convention is ratified, under Article 11 of the Convention this country is bound to bring the provisions of Articles 1, 2, 3, 4, 5, 6 and 7 into operation by the 1st January, 1928, and hence this Bill, which, I hope, will pass both Houses during this Session.

Now, as I have already stated, Articles 2 to 7 do not come into operation unless and until we appoint official Inspectors on board emigrant vessels. As for Article 1, the term " emigrant " has already been defined and we are taking powers under this Bill to define the term " emigrant vessels ". At the same time, we find that under our rule-making power, under section 24 although we have got power to provide for the security, well-being and protection of emigrants up to the date of their departure from India and on their return to India, we have not got that rule-making power to provide for the security, well-being and protection of these people during the voyage, and hence we want this rule-making power to enable us to protect them during the voyage. I think, Sir, that it is not necessary for me at this stage to dilate on the detailed provisions of the Bill.

I move for leave to introduce the Bill.

The motion was adopted.

Mr. A. R. Dalal : Sir, I introduce the Bill.

THE INDIAN TARIFF (COTTON YARN AMENDMENT) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I move that the Bill further to amend the Indian Tariff Act, 1894, in order to safeguard the manufacture of cotton yarn in British India, as reported by the Select Committee, be taken into consideration.

The Select Committee, Mr. President, has made only one change in the Bill as it was introduced in this House. I should like very briefly to say a word or two about that. The alteration consists in this, that in the Preamble and in the long title of the Bill the word " protection " has been substituted for the word " safeguarding ". For reasons which I explained in my Minute of Dissent I was unable to concur in that proposal. Now, I do not propose to dwell on the matter at any length. I have been sometimes accused, I regret to say, of being prone to the fault commonly attributed to the nation to which I belong, of an undue taste for metaphysics and theology, and I do not wish to weary the House by any metaphysical disquisition on the subject of the difference in meaning which may exist between the term " safeguarding " and the term " protection ". But, it is important that the position of the Government of India should be made perfectly clear and that no room for

doubt should be left as to the grounds on which they have brought forward this Bill and are asking the House to pass it into law. Briefly the basis of the Bill is that night work by women is allowed in the Japanese cotton mills, that this makes double shift working possible and thereby reduces the cost of production to a lower level than is possible in the Indian mills where night work by women is prohibited by law. It was because the basis of the Bill was limited to this one fact that the Government of India thought it more appropriate to use the word " safeguarding " which has a narrower meaning than the word " protection " which has a wider meaning. I should like to lay some little stress on this point that the sole ground on which the Government of India are asking the House to pass this Bill into law is that night work by women is the regular practice in the Japanese mill thereby making double shift working possible. It follows quite definitely that the Government of India have arrived at no finding that labour conditions as a whole are worse in the Japanese mills than they are in the Indian mills, apart from the sole point to which I have already alluded. I am quite aware that the Tariff Board brought out the fact in their Report that although in the mills which work double shifts in Japan the hours of work are practically the same as in the Indian mills, nevertheless in the mills which work single shifts only, the hours of work admissible under the law are longer than in India. But this fact—by itself, I lay some stress upon this point—would not necessarily establish a claim on the part of the Indian cotton mill industry to protection or safeguarding, whichever term may be used. There are two points which would then have to be considered. One of them would be the period of work which was conducive to the greatest efficiency. That is a matter in which perhaps in India we are somewhat backward ; but it has been proved in other countries and in other industries that long hours of work do not necessarily lead to the largest output or the most economical output. The Tariff Board, in one passage of their Report drew attention to the fact that in some upcountry mills the limitation of hours to ' ten per shift ' had resulted sometimes in no decrease in the output, and in some cases had actually been followed by an increase in the output. The second point is this. If the question of the number of hours of work were raised inevitably the whole question as to the wages paid would have to be examined. On page 115 of their Report the Tariff Board gave a tabular statement showing the wages paid in Japanese cotton mills. Assuming that the figures that the Tariff Board gave were comparable with the figures we have of the wages paid in Indian mills, there is no question at all that the Japanese wages are substantially higher. On the other hand there are reports—by an American Tariff Commission, I think—which suggests that the figures of wages in the Japanese mills may not be strictly comparable to the Indian figures ; that is to say the report appears to suggest that the Japanese figures include other items in addition to the wages proper. That is a matter on which the Government have no special information beyond what is available to other Members of the House. My point at the moment is to bring out the fact that, if the question of longer hours in Japanese cotton mills were raised, before any conclusion could be arrived at, it would be necessary also to examine the question of the wages paid. That leads me, Mr. President, to come to a rather important point. In the Bill it is proposed that the 1½ annas duty on cotton yarn should have effect up to the 31st of March, 1930, and that date is directly connected with another date, namely, the 1st of

[Sir George Rainy.]

July, 1929, when, according to the Japanese factory law, night work by women in the cotton mills is to cease.

The two dates are directly connected and the obvious implication is that, once night work by women in the Japanese mills has ceased, the need for protecting or safeguarding the manufacture of yarn in cotton mills in India will have passed away. Now it is conceivable—it is impossible for anybody to say, but it is conceivable—that the date at which night work by women in the Japanese mills is to cease may be advanced. It is possible that it may be decided by the Government and Legislature of that country that it is expedient that the change in the law should take effect from an earlier date. Obviously that would be a matter which the Government of India would have to take into their consideration. *Primâ facie* the necessity for safeguarding or protection would have passed away. It is impossible of course now to say what view the Government of India might take, for their decision would have to be guided by all the facts before them, but I think it is necessary to draw the attention of the House to the position which would exist in the contingency which I have suggested. The position would simply be this, that the Government of India would have then to decide whether there was any sufficient reason for the continuance of the one-and-a-half anna duty, and if they were not satisfied that there were adequate reasons they would no doubt have to bring the matter before the Legislature. There is, however, one very important fact, already in sight, which would have to be taken into account. It was not before the Tariff Board when they wrote their Report although in two or three passages they alluded to the danger. One of them is at page 72 of the Report :

"A word should perhaps be added in regard to the imports from China where labour conditions are notoriously unsatisfactory. The imports of yarn from China are negligible, the highest figure being 399,000 lbs. in 1924-25."

Since the Tariff Board wrote their Report there has been a very remarkable change as regards imports from China. During the four months from April to July, 1926, India imported from China 14,000 lbs. of yarn and exported nearly 7 million lbs. whereas in the months from April to July, 1927, India imported from China nearly 3 million lbs. and exported only 170,000 lbs. Now, that is a swing-over in the trade of nearly 10 million lbs. in a period of 4 months. Quite obviously that is a new and important fact. Therefore, if the particular difficulty created by the night work of women in the Japanese mills were removed, the Government of India in considering what course of action they should take would also have to weigh carefully what action, if any, was necessary in order to prevent injury to the manufacture of cotton yarn in India from this new source of competition, the Chinese mills. I frankly admit, it is too soon to come to any certain conclusion as to what these large imports of yarn from China may mean. It may be a purely temporary phenomenon. As all Members of the House are aware, for some time past conditions in China have been extremely disturbed, and in these circumstances the natural outlet for the production of the Chinese mills has been obstructed, and in order to keep going at all they may have found it necessary to get rid of part of their output in the Indian market at sacrificial prices. If so, if that is the explanation,

then with the restoration of more settled conditions in China one might expect that these abnormal imports would pass away. That, however, is a matter for the future. But here there are two points. In the first place, at the present moment the need for safeguarding the manufacture of cotton yarn in India as against Chinese imports exists : whether it will continue to exist we do not know, but it exists at the present moment. In the second place, when the time comes—it may not come until the 31st March, 1930, or it may come earlier, we do not know ; but when it comes and the Government of India have to consider whether it is necessary to continue to safeguard or to protect the manufacture of cotton yarn in India, there is at any rate this to be said that, as between China and India, there is no trade agreement or convention corresponding to the trade agreement between India and Japan, and therefore in that matter India will have a freer hand.

This question of the competition from China brings me to what after all was the subject which chiefly engaged the attention of the Select Committee and which I am sure is the aspect of the case which is chiefly engaging the minds of Members of this House. The proposal of the Government of India that the 5 per cent. duty on cotton yarn should be subject to a specific minimum of 1½ annas a lb. raises the question how will this duty affect the interests of the handloom weaver. Now in this matter the facts are pretty plain. Of the total quantity of yarn used by the handloom weaver in India much the greater part is produced by the Indian mills. He uses of course a certain amount of imported yarn, but still the fact remains that quite five-sixths of the yarn he uses is produced not abroad but in India. Now if this duty that is proposed has any effect at all, it must have the effect of making the price of cotton yarn in India higher than it otherwise would be. To the extent that it does so it will benefit the cotton mills by raising the price of what they sell, and similarly, to the extent that it does so, it will do something to weaken the position of the handloom weaver by making dearer what he buys. That is the plain fact of the case and no kind of ingenuity can get round it. Therefore it is one of those cases of a conflict of interests referred to by the Fiscal Commission in which a decision has to be arrived at after considering both the interests concerned. I endeavoured, when I moved that this Bill should be referred to Select Committee, to adduce those circumstances which, in the view of the Government of India, justified the belief that the effect on the handloom industry would not be very serious.

I do not wish to weary the House by treading again and again the same ground, but I think I ought briefly to recall the main points. In the first place there are the higher counts, that is, every thing above 40s., or at any rate above 50s. As regards those the effect of the duty must be very small. When you get to the really high counts, the 1½ anna duty is less than 5 per cent. and obviously therefore it cannot raise the price. When you come a little lower down to the counts between 60*s*. and 40*s*., the increase in the price will be quite small. As far as I can make out from the figures in the trade returns, between 50*s*. and 60*s*., the 1½ anna duty would not be much more than 6 per cent. and between 40s. and 50s. perhaps 7 per cent. Therefore, as regards these counts, the effect on the handloom industry cannot be very appreciable. Then, as regards the lower counts, that is, the counts below 30s. I endeavoured to show

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that there were good reasons for thinking that the price could not rise very much, but for a different reason. In this case the reason is that the internal competition between the Indian mills in these lower counts is so severe—the total imports being only about 2 millions lbs. a year—that in all probability any rise in price which the duty might bring about would almost instantly be checked by an increase in the Indian production, which would bring down the price again. Finally, there are what we call the medium counts, from 31*s.* to 40*s.* ; and here I said that it seemed likely that the duty might raise the price of the yarn by almost the full amount of the duty. It is in respect of these counts that the Indian cotton mills stand to gain and, to a limited extent, the handloom weaver stands to lose. Now the House will have to come to a decision on this Bill which is more in the national interest, namely, whether protection or safeguarding should be given to the manufacturer of cotton yarn in India, or whether the interests of the handloom weaver should be regarded as paramount and should prevail. The Chinese competition is of some importance in this connection and for this reason. As regards these lower counts of yarn nothing has been more remarkable in recent years than the decrease in the imports of such yarn from Japan. Japanese yarn of the lower counts has almost been driven out of the market by the Indian yarn. Hitherto, I am given to understand, the imports from China have been mainly of the medium counts ; but the latest information we have received is that the import of the lower counts of yarn from China is now beginning ; and if it is a case in which the Chinese mills have to get rid of a part of their output at almost any price, then the competition with the Indian mills will become much more serious, because it will be direct competition in the counts of yarn in which the Indian mills are chiefly interested. That is an additional reason which I did not bring out, and which I was hardly in a position to bring out fully when I addressed this House on this subject. It may be that this increase in the imports from China may become a serious matter, and therefore there is the more reason for adopting the proposal in this Bill in order to safeguard the Indian cotton mills.

Now, there are one or two other matters which I think the House ought to take into account in coming to their decision. In the first place under a system of *ad valorem* duties, when the price goes up, the duty goes up too, and so the burden on the consumer and the burden on the handloom weaver under a system of that kind would steadily increase with the rise in price. But that is not so under the proposals in the Bill, because the duty which is intended to protect the industry is a specific duty which remains the same whatever the price of the yarn. As things are in the world to-day, the main factor which affects the price of cotton goods generally is the price of raw cotton. It is always very difficult to forecast what may be the future course of prices in this industry, but I think there would be general agreement that during the last 8 or 9 months prices have been down very nearly to bedrock. It has been a period of great difficulty for the cotton mill industry all over the world, and the next change in price is likely to be in an upward and not in a downward direction. That belief is confirmed by the reports which have been received as to the condition of the American cotton crop, because that is the factor which governs the

price of raw cotton all over the world. It would be entirely unsafe to prophesy, but such indications as there are point in the direction that some increase in the price of cotton, and consequently of cotton goods, is likely to occur. Now, when that occurs, the result will be at once to diminish the difference between the 5 per cent. duty and the 1½ anna duty, and consequently any burden that may be inflicted upon the handloom industry would be reduced automatically ; whereas on the other hand, since the duty on cotton piecegoods remains at 11 per cent. *ad valorem*, the 11 per cent. duty would go up with the increase in the price. Therefore, the burden on the handloom industry, such as it is, will be greatest as things are at present and will diminish with any increase in price. The other point of which I should like the House to take account in arriving at their decision is this. After all, does not the demand that no additional burden should be thrown on the handloom weaver amount very nearly to this, that whatever the cause is of the present low price of yarn, even if it is due to industrial conditions which are clearly undesirable, such as the employment of women by night in cotton mills — but whatever the cause of the low price, yet the interests of the handloom weaver are to prevail over everything else ? Surely that is rather an extreme position for Members of this House to take up. I think when the question of prices comes up—and admitting the desirability as I fully do that handloom weavers should get their yarn as cheap as possible—I do think that in a case of that kind it is legitimate to examine the cause of the low price, and if the low price is due to some abnormal and undesirable cause, it will be perfectly justifiable for the House to come to the conclusion that it was not in the national interest that for this very special reason that the handloom weavers should continue to get their yarn at a price which was lower than the price at which the Indian mills could produce it.

I will not, Mr. President, weary the House longer on this question. I have said that the House has to arrive at a decision after considering all that can be urged on the one hand as to the necessity of safeguarding or protecting the manufacturer of cotton yarn in India against competition from other countries which is regarded as unfair and also what is to be said on the other hand as to the interests of the handloom weavers, a very important class in the community as the Government are the first to admit. I have given the reasons, Mr. President, which led the Government of India to the conclusion that in this case the interests of the cotton mills ought to prevail. I would not ask this House to decide the question except under a deep sense of responsibility and after weighing all that can be said on both sides. But I do, on behalf of the Government of India, quite distinctly ask them to accept the view I have tried to put before them, namely, that in this case it is expedient in the national interest that the manufacturer of cotton yarn in India should be safeguarded. Sir, I move.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I rise to perform an unpleasant duty, and that is to move the dilatory motion that stands in my name, namely, that the Bill be circulated for the purpose of eliciting opinions thereon.

Mr. President : Under what Standing Order does the Honourable Member wish to make that motion ?

Mr. K. C. Neogy : Sir, Standing Order No. 44, clause 2, which says that :

"If the Member in charge moves that the Bill be taken into consideration, any Member may move as an amendment that the Bill be recommitted or re-circulated for the purpose of eliciting further opinions thereon."

As this Bill was never circulated in the beginning, I think it is necessary in the interests of the English language to say that the Bill be circulated for eliciting further opinions thereon.

Mr. President : The Honourable Member is entitled to make a motion for recirculation. When a motion is made that the Bill be taken into consideration, any Member is entitled to make a motion that the Bill be circulated for eliciting opinions thereon, but when the Bill comes back from the Select Committee and a motion is made that the Bill, as reported by the Select Committee, be taken into consideration, the only motion that is permissible is for recirculation and not for circulation.

Mr. K. C. Neogy : I think if it is permissible to make a motion that the Bill be recirculated in case the Bill has once been circulated before, I think it would be common sense.....

Mr. President : Common sense and law do not always go together.

Mr. K. C. Neogy: I quite agree, but, Sir, circumstances that were not existent before might have arisen which would justify the circulation of the Bill after it is reported by the Select Committee. Sir, in this particular instance, I shall show that such a circumstance has arisen which had not existed before.

Mr. President : Is the Honourable Member arguing the point of order ?

Mr. K. C. Neogy : Yes, Sir. I should like to draw the attention of this House, and your attention, in particular, Sir, to the recommendation made by the Select Committee that an inquiry should be undertaken into the practical effect of the working of this measure after six months. That is a position which has arisen for the first time on the Report of the Select Committee, and my contention is that if you are alive to the necessity of an inquiry six months hence, why not make the inquiry now and be done with it ?

Mr. President : That is common sense. But what is the Standing Order ?

Mr. K. C. Neogy : Well, Sir, if you are disposed to take a strict view of the Standing Order, I would like to move the alternative motion that stands in my name.....

Mr. President : I have no desire to be strict, but I should like to hear the Government before I give my ruling.

The Honourable Sir George Rainy : I would submit, Sir, that the general effect of the Standing Orders would appear to be that, if a Bill is to be circulated, the motion would naturally be made before its reference to the Select Committee. That would be the proper time to move for circulation. If that motion is not made, and if the Bill returns from the Select Committee without substantial amendments, then I would submit that any motion to circulate is out of time, because it should have been

quite properly made at an earlier stage. I would also submit, Sir, that in the Standing Order the phrase " recirculation " means recirculation, and that the case contemplated is that when a Bill has been circulated once and then sent to the Select Committee and substantial amendments have been made, it is fair to take another opportunity of obtaining public opinion on the Bill. I would submit, Sir, therefore, that the motion proposed is not in order.

Mr. K. C. Neogy : In the present instance, I think an amendment has been made which, even in the opinion of the Government, is of a substantial character, and that is the change in the Preamble of the Bill to which reference was made by the Honourable Member in charge of the Bill. Even on that view I submit there is every ground for circulating the Bill.

The Honourable Sir Basil Blackett (Leader of the House) : Sir, I am very much in sympathy with my Honourable colleague Sir George Rainy's view, that recirculation means recirculation. It seems to me that when the author of these rules was drafting them, if he meant recirculation to include circulation, he should have said so. The point could have been met by saying that the Bill be circulated or re-circulated, as the case may be, and not that the Bill be recirculated. On the other hand, Sir, I should not like to be absolutely sure in my own mind that the author of these regulations was so all-wise and all-farseeing that he anticipated the ingenuity of Mr. Neogy and other Members, and I think, Sir, in my view there is obviously room for doubt whether the intention of the rule should be regarded as the exclusion of a possibility of a motion for circulation when a Bill has not been previously circulated. At the same time, I am bound to say that in the interests of Government and the expedition of business, it seems to me that it is somewhat undesirable to create a precedent under which once the Government have escaped the circulation of their Bill at the proper stage, they should be liable to the danger of having it circulated after it has come back from the Select Committee, unless there is some obvious change which might alter the situation, in which case it should probably withdraw the Bill and introduce it again. I would, therefore, suggest, Sir, that you should, if possible, avoid a ruling on the subject and allow Mr. Neogy to move his second motion.

Mr. S. Srinivasa Iyengar (Madras City : Non-Muhammadan Urban) : Sir, the greater includes the less. When it is said in the Standing Orders that the House has authority to allow a recirculation, even when there has been a circulation before it was committed to the Select Committee, it would include the right on the part of the House to ask for a circulation of the Bill. The recirculation is an emphatic way of stating that even though it had been circulated once before, it can be circulated again. Of course, we know that language is employed in Statutes which has no emphatic meaning sometimes, and certainly the word " recirculation " includes circulation in the context, and having regard to the spirit and purpose of the Standing Order, the right on the part of the House to allow the circulation to be made must be acceded to.

Mr. M. S. Aney (Berar Representative) : I think, Sir, the strict interpretation which some Honourable Members are trying to put upon it will land us in a strange legal difficulty. It is tantamount to introducing a new rule of interpretation. I think that the ordinary rule is that we are

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not to presume a rule of estoppel unless it is expressly provided for. As no such express rule has been provided for, we should not be justified in assuming that the right of Members of this House to move for circulation is altogether gone, or that they are estopped from moving for circulation after the Bill comes back from the Select Committee. That sort of estoppel cannot be presumed unless it has been expressly provided for. On that ground also, I think the interpretation put upon the rule by Mr. Neogy is very reasonable.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan) : Sir, may I just point out a thing or two in connection with this motion ?

1 P.M.

Mr. President : I think on the whole I should be disposed to agree with the Honourable the Leader of the House and give the benefit of the doubt to Mr. Neogy.

Mr. K. C. Neogy : Sir, I am very thankful to you for having given me the benefit of the doubt, but the alternative amendment which stands in my name would have been quite as good or quite as bad as the one I am moving, so it does not at all affect the position whether I am permitted to move this or the next. Sir, it seems to me there is a sort of misapprehension as regards my attitude towards the cotton industry, and that is due to certain observations which I made.....

The Honourable Sir George Rainy : May I ask, Sir, which of his motions the Honourable Member is moving ?

Mr. K. C. Neogy : I am moving the one that I have moved. I did not read the other one. Well, Sir, I want to remove any such misapprehension that might be in the minds of any Member of this House or anybody outside. Sir, what I intended to convey on the last occasion was that, when we are asked to consider the question of giving protection to the cotton textile industry of India, we should remember that here we have to find the solution for certain difficulties which face Bombay particularly and that the circumstances with which Bombay has to contend are not quite the circumstances with which the mills in the other parts of India are faced ; and in seeking to draw this distinction I was particularly reminded of the remarks made by the Tariff Board that it is not a case merely of competition with Japan, so far as the Bombay mills are concerned, it is also competition from places outside Bombay that also has got to be taken into consideration. I thought that, if we had to concede the principle that a section of the industry—it may be a very important section of the industry—has got to be protected not merely because it finds it difficult to stand competition from a foreign country but also because it finds it difficult to stand competition from certain other parts of the country, I thought, Sir, that we might be landing ourselves in difficulty because a time might come when the Bombay mill industry might ask for protection against the rest of India. When I made these observations I made it quite clear that, so far as the provisions of the present Bill were concerned, I was not prepared to oppose it. What I conveyed was that, if the measure of protection was sought to be increased to the detriment of the consumer and the handloom industry, this House should not be counted on for support for this measure, and that is the indication I gave

to the members of the Select Committee when the last motion was made. On the present occasion I do not propose to oppose this Bill outright, and I have taken care to so frame my amendment as to enable me to plead for further time for consideration of this very important matter. Sir, the Honourable Member in charge stated this morning that, while we take into consideration the case of the mill industry, we must at the same time give careful attention to what it might mean to the handloom industry. It is a question of preference,—whether we are prepared to protect the Bombay mill industry at the expense of the handloom industry in India. I think the whole question boils down to that. It has been admitted by the Report of the Select Committee that this measure will certainly affect the position of the handloom industry. The question is as to what is the extent to which it will be affected. Before we come to that, Sir, I want to point out that, so far as the number of people who are interested in either of these industries is concerned, if numbers are to influence our judgment in any way, then certainly our judgment should go in favour of the handloom industry. It has been pointed out that the Bombay mill hands number about a lakh and a half, and I think the total number of mill hands in India is about 3,68,000 or thereabouts. When we come to consider the number of handlooms, we find that the number given in the last Census Report was somewhat in the neighbourhood of 20 lakhs of handlooms. But this number did not take into account handlooms in certain provinces and in certain Indian States, so that we do not know exactly what the number of handlooms in India is, but it is safe to put the figure at somewhere near 25 lakhs. And it has been asserted by men who have made a study of this question that, even on a modest computation, the handloom supports over 60 lakhs of people. So when we come to consider the number of people who are affected by this measure we find we have a lakh and a half, or even more if you like, 2 lakhs or 3 lakhs at the most, and on the other hand we have the interests of 60 lakhs of people. Then, Sir, we find that the Select Committee was at pains to point out that inasmuch as we are putting up the import duty on yarn of particular counts only, the effect of that increase in the duty, entailing as it will an increase in the price of yarn, will be to effect an additional cost of about 12 lakhs a year. I will read about one or two passages on this point from the Report of the Select Committee. They say :

"It is possible that the price may be raised to the full extent of the difference between the 1½ anna duty and the 5 per cent. duty. In that case the additional cost is estimated to be Rs. 12 lakhs a year. But the yarn of counts from 31*s*. to 40*s*. is probably not more than 10 per cent. of the total yarn consumption of the handloom weavers, and the additional cost spread over their whole output would not seriously affect them."

Sir, I am very much afraid that my Honourable friend, Sir George Rainy, and also the Select Committee overlooked the considered observation made by the Tariff Board at page 39 of their Report (paragraph 20) on this subject. This is what they say, while dealing with the question as to whether the price of the Japanese yarn as between these two counts does affect the price of other counts as well :

"In view of the fact that there is a definite relative value between the prices of the various counts of yarn sold and that a fall in the price of yarn of counts 30*s*. or 40*s*. therefore affects the price of all other counts in a varying degree...."

There the Tariff Board was dealing with the question of a fall in price affecting sympathetically the price of other counts. Here we have a converse case : the question as to whether when there is a rise in price of these

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particular counts, the price of other counts will also be affected sympathetically or not. That is a point, Sir, which I submit has been overlooked by the Select Committee, and I therefore say that they were under-estimating the prejudicial effect which this measure will have on the handloom industry. Sir, the Select Committee further made the observation :

"We recognise the difficulties which always exist in forecasting the exact effect of an increase in duty, and we consider that the actual effect on the handloom industry should be watched. We recommend, therefore, that the Government should be asked to address Local Governments on the subject, desiring them to have special inquiries made and to report on the subject six months after the passage of the Bill into law."

Sir, I do not know why it is that the Committee fixed the period at six months. We find here that the Committee are absolutely uncertain as to the effect which this increase in the price of yarn will have on the handloom industry. If, therefore, it is their desire to ascertain exactly the effect of the enhanced duty, it is quite conceivable that six months will be too short a period or too long a period. So far as we know and as we can imagine, the immediate effect of our discussions in this House will be, if it has not been already, to lead to a larger import of yarn from abroad, so as to obviate the enhanced duty that we are discussing. The result will be that for some time to come perhaps there will be a considerable additional quantity of yarn available in the country which will not be affected by the enhanced duty, and if its price does not rise on that account, it may be that the effect of this enhancement of duty will not be felt to the fullest extent within the next six months. If, therefore, Government propose to wait for a little while more, that is to say, enlarge the period to, say, 12 months, what is likely to be the effect ? As has been said by Mr. Noyce when he put some questions to a witness :

"After all, the handloom industry has very little in the way of resources, and if prices go up, would it not be hit very hard ? "

That was the question he put to the witness :

"Would it not be hit immediately and possibly with fatal results ? "

The witness agreed that the price of cloth will go up. Then Mr. Noyce put the question :

"Quite so. That restricts consumption. My point is that the restriction of consumption may act much more quickly and with more direful results in the case of the handloom industry than in the case of the mill industry. The mill industry might be prepared to put up with restriction of consumption in the hope of an ultimate lasting benefit, but the handloom industry might be dead before the benefit came along."

So, I say, Sir, the handloom industry might be dead if the Government were to prolong the period for making this inquiry. If not altogether dead, as apprehended by Mr. Noyce, it might be seriously affected. Therefore, I say, Sir, if you are really anxious to look into the matter more carefully (on your own admission, you have not got materials sufficient for the purpose of coming to a definite decision on the point), you ought to undertake an inquiry before you embark on this measure of tariff reform. So far with regard to this point.

Several reasons have been advanced as to why these particular counts have been selected for an increase of the duty. I am not going to repeat them. But to my mind there is perhaps one ground which has not been

so far touched upon, and that is to be found on page 36 of the Tariff Board's Report. The Tariff Board here point out that :

"an almost equally striking feature has been the gain of Japan at the expense of the United Kingdom in counts 31s. to 40s."

Sir, I do not know whether it will be fair on my part to give expression to any suspicion that I may have in my mind as to the reason that induced my Honourable friend Sir George Rainy to select these particular counts for an enhancement of duty. Certainly the Tariff Board never recommended that protective action should be confined only to counts between 31s. and 40s. I do not know whether he had any personal feeling about it, whether in selecting these counts, he wanted to have a sort of retaliation on behalf of Great Britain. Sir, the *Textile Mercury,* a well-known technical journal, dated May 30th, 1925, has the following rather significant observation :

"A suggestion has been made in Lancashire recently that India should be urged to put up a tariff against Japan with the idea of benefiting the Lancashire cotton industry."

Sir, this was followed by the visit of a very prominent millowner of Bombay to England, and I have seen rather uncharitable observations made as to the object of his visit there and as to the nature of the conversations he is supposed to have had with the Lancashire people. I have no intention to peer behind the scene on the present occasion, but the result of all these negotiations and agitation for the protection of the mill industry has taken the shape of a proposal to raise the import duty on certain kinds of yarn in regard to which England has got a very legitimate grievance against Japan. I will not say anything more on the subject.

Sir, it has been said by the Honourable Member in charge this morning—it was said by some other Members also on a previous occasion—that we must pay sufficient regard to the national importance of this industry. I will be the last person to under-rate the national importance of such an industry as the cotton textile industry of India. But, Sir, when an appeal is made to our patriotic sentiments, can we not ask the millowners to observe that rule " Do unto others as you would be done by " ? What has their attitude been in regard to other industries of India ? My Honourable friend Mr. Das on the last occasion made a complaint that the Bombay mill industry had done little or nothing to promote sister industries—allied industries—industries on which they depend for the carrying on of their own business. Here I have an instance in which they have been very negligent of the interests of another great national industry in India. The industry to which I am going to refer has also been suffering on account of unfair competition from another country. May I not expect my friends from Bombay, my millowner friends, to have a little more sympathy for another struggling industry of India ? Sir, telegrams were sent to the members of the Select Committee from the Indian Mining Federation referring to an instance in which the Bombay mill industry, or a particular firm of Bombay millowners, went in for a large indent of bounty-fed South African coal in spite of the fact that cheaper coal was available to it. Sir, that message came from an interested party, but here I hold in my hand the comment of a recognised commercial journal conducted by Europeans, I mean the *Commerce,* dated the 3rd September, 1927. This is what it says :

"During the past fortnight there has been no business of any importance reported except that a series of cargoes of Natal coal amounting to about 50,000 tons in the

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aggregate have been fixed for delivery up to June 1928, and that Messrs. Currimbhoy Ebrahim and Sons have accepted Natal Northern Navigation coal 1,500 tons per month, the reported price being Rs. 27 per ton c. i. f., which means about Rs. 18-3 at the present rate of exchange and adding landing and delivery and charges, and import duty it brings the cost delivered to about Rs. 22-9.

"Now we know....."

this is how the paper proceeds :

".... they were offered Selected Grade 14 seam Jherria railborne at a price which would mean, delivered, weighed and stacked at mills, about Rs. 21-4 per ton. What then is to be said when an Indian industry will pay over Re. 1 per ton more for foreign coal rather than support its own country's coal industry ? And further, it is a well-known fact that railborne coal is always in much better condition than is the case with seaborne. However, there is the fact, and this market has to contemplate at any rate for the next eight or nine months, the competition of roughly 6,000 tons per month certain of coal which should by all means have come from India's collieries, instead of from Africa."

Are we not entitled to expect fair play even from the Bombay millowners ?

Sir, there is one other point which I desire to mention, and that arises in connection with the effect that our discussions have already produced in Japan. I do not hold any brief for Japan. If we find that our industry is being hit on account of unfair competition from any foreign country, I should be the first man to support any sound proposal for a fair amount of protection to be given to that industry against unfair competition, having regard, of course, to the interests of other home industries and the interests of the consumer. I do not, however, make light of the apprehensions that are crossing my mind of an impending economic war between two great Asiatic people. I have seen observations in the press which make me fear that our apprehensions may not prove altogether groundless. It is said that a Tariff Enquiry Committee is about to sit in Japan, and if we were to take any hasty action with regard to this matter, it might have the immediate result of influencing the decisions of the Tariff Committee in Japan and inducing it to recommend retaliation. When we talk of retaliation, let us remember what great stakes we have in our export trade with Japan. There is one particular trade, which perhaps more than any other may be affected adversely if such retaliation ever takes place, and that is pig-iron. I warn this House to seriously consider whether it is proper to rush this measure without paying sufficient regard to the possibilities of complications of a rather international kind. It does not seem that this measure has satisfied anybody. Not sufficient, says the millowner ; injurious, says the handloom industry ; and on the top of this we have the not altogether unlikely contingency of Japan retaliating. I therefore submit to this House very respectfully that before we take this measure into consideration we should have a little more time to ponder over the various issues that are involved ; particularly when we find that the Government themselves are not in possession of sufficient facts to enable them to say with any amount of certainty as to what the effect of this legislation will be on the handloom industry. With these few words I commend my motion to the House.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. C. Duraiswamy Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, may I have your ruling as to whether we should confine our remarks to the amendment moved by Mr. Neogy or discuss the whole matter.

Mr. President : The Honourable Member might go on until he is asked to stop.

Mr. C. Duraiswamy Aiyangar : Sir, I rise to make an appeal to this House on behalf of the handloom weavers, and in so doing I feel no hesitation in opposing the motion made by the Honourable Sir George Rainy. Sir, it seems to me that I cannot congratulate the Honourable Sir George Rainy on this inauspicious inauguration of his administration of the Commerce Department by laying his sword primarily upon the poor handloom weaver. Sir, we have often heard it said, and there is no doubt that the Government in India has gained notoriety for carrying on the administration on the policy of *divide et impera*, but we thought it was confined only to other matters and not to industry and commerce. But to-day, Sir, the Honourable Sir George Rainy is inaugurating his regime by dividing one part of an industry against another by separating the handloom weavers from the millowners and making them fight with each other. Sir, this Bill is, and for the matter of that there always is, a frequent prayer for protection on behalf of the millowners of Bombay. So much so that I have often felt that this Assembly is fast becoming the millowners' association. The present agitation is made soon after the protection that has been granted to the millowners even to the prejudice of the handloom weavers in this country by the removal of the cotton excise duty. That, Sir, was operating as a big protection wall against the poor handloom weavers in this country, and upon some big political issue they raised a hue and cry over that matter and got the cotton excise duty abolished. Sir, I must frankly make a confession to this House that in voting for it I voted against my conscience. Sir, I may point out to this Assembly that there are three classes of millowners. There are mills which are purely spinning mills, there are mills which are purely weaving mills, and there are mills which are combined spinning and weaving mills. Of the 274 mills in this country 50 per cent. are in Bombay while the rest are scattered all over the country. But of these, Sir, the purely spinning mills are 50 in number, the purely weaving mills are 23 in number and the combined mills are 201 in number. Of these three classes, Sir, the class which is most affected and which is most clamouring at the present time, stating that they are in a very depressed condition, that they are dying, that they are in the last agonies of death—all these groans proceed more or less from the first class, the purely spinning mills. So far as the purely weaving mills are concerned, they stand more or less on the footing of the handloom weavers, and they do not mind whether such protection is granted or not, because they have to depend for their yarn upon other mills or upon imports. And so far as the combined spinning and weaving mills are concerned, they are mills which make use of all the yarn which they can spin and they cannot, therefore, be put to serious difficulty. Therefore, it appears to me, Sir, that the whole clamour is proceeding from 50 millowners who have got purely spinning mills. If

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instead of clamouring like this and trying to kill the handloom weavers, they only added looms to their mills all this crying would have vanished. But, Sir, we are not concerned with what they might have done. We are faced with what they are at present doing. Now, Sir, I come to the handlooms. The Honourable Sir George Rainy raised the question which is the national industry of this country, the handlooms or the mills ? But not feeling sure of his ground he evaded giving an answer to it himself. Sir, I will tell him that the national industry of this country is the handloom industry. It is the most ancient industry of this country. It is the industry which is protecting the largest class of poor people in this country. It is the cottage industry above all others of India. Sir, are you going to apply the term " national industry " to this handloom industry or are you going to apply it to the mills, whose owners get all their stores from England and who contribute but a small portion of their work for the manufacture of cloth in their looms ? Is that the national industry or is this cottage industry national ? If this cottage industry is the national industry, then I have no doubt that Sir George Rainy would not have said that it is an extreme proposition to protect the handloom weavers in spite of the depression in the mills. I am sure he would not call it too extreme a proposition if only he had considered the true definition of a national industry and understood that the handloom weaving industry is the national industry of this country. Sir, you will find that the statistics in the case of the handloom weaving industry are not so critically taken as in the case of the mill industry. The Government rarely bestows any attention upon the poor handloom weavers, and if we refer to figures at all we must take the last census of 1921. And we are now six years after that. According to the figures there given, Sir, we have got 19,38,072 handlooms in this country, of which I may specifically mention the important provinces. In Assam there are 4,21,367 handlooms ; in Bengal 2,13,886 ; in Bihar and Orissa 1,64,592 ; in Burma 4,79,637 ; in Madras 1,69,403 ; in the Punjab 2,70,507. I need not quote the smaller figures. But these figures do not give, according to the statement made in the Tariff Board Report or the evidence there, the figures for the Bombay Presidency, the Central Provinces, the North-West Frontier Province, the Mysore State, Kashmir, Baluchistan, Kathiawar, etc. ; and they estimate that in all there must be 20 to 25 lakhs of handlooms in this country upon which depends, not in the luxurious scale obtainable in the mill centres but at the rate of 3 annas per head, the maintenance of 6 millions of people. Sir, I have not heard till now one strong voice being raised in this Assembly during the period of nearly 4 years of my experience here on behalf of these poor people, except that one friend of mine, Mr. R. D. Bell of Bombay, who advocated the cause of the handloom industry in this Assembly. I am sorry I do not find him in this House at present. He was so placed in this Assembly that he was by my side in the non-official block even though he was a nominated official. Sir, it is said also, and I am sure the figures are correct, that in the Bombay Presidency where the mills loom so large there are 800,000 people in three hundred centres who all depend on handlooms. Sir, I ask is the case of these handloom weavers to be treated lightly, with levity, with indifference, with neglect or with apathy ? I say, Sir, that the Honourable Sir George Rainy would do well to bestow his most sympathetic attention on the condition of the

handloom weaver, in the first instance, has to [illegible] with the millowners of Bombay. Sir, what is the treatment that has been accorded all along to the handloom weavers in this country ? When the millowners wanted to import their machinery and stores they were allowed to do it on a duty of 2½ per cent. But when the handloom weavers wanted to import machinery or tools they had to pay an import duty of 15 per cent. till last year. I made some feeble agitation over this in the last Assembly, but my agitation was not favourably treated. Luckily, however, Mr. Saklatvala simultaneously raised the same question in the House of Commons, and when the British Parliament wanted this Government to give an explanation in this connection, then a Bill was introduced reducing the duty to 2½ per cent. That is the treatment, so far as purchase of stores and tools are concerned, meted out to the handloom weavers. Then, Sir, the import duty on yarn, although it was objected to on principle, although it was condemned by the Fiscal Commission, was still imposed at the rate of 5 per cent. for administrative or revenue purposes. Then, Sir, as I have already said, the cotton excise duty was abolished. Now, Sir, I would refer this House to a short passage in the Fiscal Commission's Report in which the members of that Commission expressed complete sympathy with the condition of the handloom weavers. In paragraph 116 of the Report, at page 66, they say :

"In the course of our tour we received a certain amount of evidence in regard to the principle of a duty on cotton yarn, some witnesses advocating it as a measure of protection to the Indian spinning industry, while others pointed out the ill effects which they anticipated any such duty would produce on the handloom industry. In the current year's budget, however, the Government of India, impelled by the necessities of the financial situation, proposed the imposition of a duty at the rate of 5 per cent., *ad valorem*, on imported cotton yarn. The proposal was accepted and passed by the Legislature. We feel that we are not in a position to pronounce any definite opinion regarding the propriety of this duty. But we recommend strongly that in view of the fact that the duty has been imposed without, as far as we are aware, any detailed enquiry into its possible effects on the interests concerned, and that in accordance with our general principle that no duty should be imposed on a partly manufactured article like cotton yarn until the effect has been carefully analysed by the Tariff Board, the question of the continuance of the duty on cotton yarn should be referred at any early date for investigation and report by the Tariff Board. The evidence which we received from those interested in the maintenance of the handloom industry was that the great bulk of imported yarn is consumed by the handlooms, that the rise in the cost of the cloth which would result from a duty on yarn was likely to affect the demand for the product of the handloom, and that it was even probable that the handloom weavers, owing to their ill-organised condition, might not be able to pass on the whole of the duty by raising the price of their cloth, and therefore the duty would to some extent have to be paid directly out of their own pockets. This, it was felt, would constitute a heavy burden on a poor class with small resources. It was further urged that in the coarser qualities of goods the handloom weaver is in direct competition with the Indian power looms, and that a duty on yarn would confer a clear advantage on the power looms. The weaving mills for the most part obtain their yarn from their own spinning departments, and consequently the cost of the yarn which they use will not be affected by the import duty. The handloom weavers on the other hand, having to purchase yarn in the market, will undoubtedly have to pay a price which takes into account the import duty, whether they purchase imported or Indian made yarn. The Tariff Board will have to examine the validity of these contentions and also the question whether any duty on cotton yarn is required for protective purposes, for though the present duty has been imposed by the Government purely in order to raise revenue, the advocates of the duty regard it with satisfaction as a measure of protection."

But, Sir, what has been done by the Government of India since the imposition of the 5 per cent. duty ? Did they take the advice of the Fiscal

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Commission ? No. But then a chance occurred to them and the Tariff Board had to go through the whole question and had to give their opinion. But with what courtesy is the Tariff Board's Report treated by the Government ? They brush aside most unceremoniously the recommendation made by the majority report of the Tariff Board. The Honourable Sir George Rainy at least, who has had some experience with a Tariff Board, and to whom it was one of the rungs of his ladder, should not now kick it. I would therefore request the Honourable Sir George Rainy to look upon the Tariff Board's Report as more valuable than the clamour which has encircled him since the Report was made. And what does the Tariff Board Report say with reference to the levy of an import duty on yarn ? At page 175, they say :

"The majority of us consider, however, that the imposition of any additional duty on yarn is undesirable in view of the effect that this would have on the handloom industry which in 1925-26, according to the figures given in Appendix IV, supplied about 26 per cent. of the total consumption of cloth in India. It was represented to us by many witnesses, including some Directors of Industries, that the imposition of an additional duty on yarn would not affect that industry unfavourably as the greatest part of its output is of cloth woven from yarn of the finer counts and may, therefore, be regarded as a luxury product, any increase in the price of which due to an enhanced duty could easily be passed on to the consumer. We are not convinced by this argument."

Sir, the Tariff Board have made it very plain what their view is ; they held an elaborate enquiry and took much evidence. I crave the liberty of referring to a few pages in the evidence. In Volume III we have got the opinions of Local Governments and also the opinions of the Directors of Industries and textile experts, all men who have studied the question and gone carefully into it. But all that evidence is of no value to this Government. At page 1 of Volume III the Madras Government say :

"Until the reasons for the depression are ascertained and the industry reformed and placed on sound business lines this Government are unable to recommend any form of assistance or additional taxation."

To that is appended a note by the Director of Industries, Madras. He says :

"The approximate quantity of cotton yarn consumed per annum by the handlooms in the whole of India and in the Madras Presidency may be taken as 200 millions and 60 million pounds respectively. It will thus be seen that one-third of the total quantity of cotton goods manufactured on handlooms in India is produced in Southern India."

Then again he says, dealing with the suggestions put forward by the Bombay Millowners' Association specifically :

"In the interests of the handloom weaving industry, I am opposed to increasing the duty on imported yarn and am inclined to favour the removal of the present *ad valorem* import duty of 5 per cent. now levied on yarn. The abolition would help power weaving mills, which are not combined with spinning mills, as well as the development of the handloom weaving and indigenous dyeing industries and subsidiary manufactures, such as hosiery. Nearly 75 per cent. of cotton yarn consumed by handloom weavers is imported from overseas. It pays the Indian mills to produce coarse and medium counts of yarn. They do not produce yarn of fine counts on a large scale and the increase of duty on yarn would not therefore materially help the spinning mills in India. A large quantity of imported fine grey yarn is dyed and utilised in the manufacture of a class of coloured goods referred to in my answer to question 38. The removal of the import duty would, therefore not affect even the weaving mills in India. The handloom weaver cannot afford to pay more for his yarn than he is doing

at present as the price of the hand woven product is already at a higher level than that of mill made cloth. This imposition therefore constitutes a burden on the mass of poor people with small resources who indirectly pay the duty. When Japan gradually assumed the control of the China market to the exclusion of inferior and costly Indian mill made yarn, the Indian millowners proceeded to add weaving sheds to their spinning mills and necessarily produced yarn superior in quality to that formerly exported to China. The Indian mills hope to supply with the aid of an enhanced duty of 18 per cent., the bulk of the yarn of all counts below 40s. used by the handloom weavers in India. In my opinion it would not be in the interests of the handloom weavers in India if they were to depend entirely on the Indian mills for the supply of yarn.

The fact that handloom weavers demand yarn in straight reeled hanks indicates that they have little faith in Indian mill yarn being of reputed counts and of correct length for a given weight, leaving aside the more important question of strength and elasticity required for standing frictional resistance and strain during weaving."

Sir, then on page 13.....

Mr. President : I would inform the Honourable Member that reading such long quotations is not permissible.

Mr. C. Duraiswamy Aiyangar : The quotations are more authoritative. I will only make a brief reference to them. On page 13 the Burma Government says :

"As regards the proposed import duty on yarn and piecegoods, the Local Government has not sufficient information to say whether foreign exporters of yarn and piecegoods to India are making sufficient profit to enable them to reduce their prices by the amount of the duty and thereby put their goods on the wholesale market at the same price as before."

Then, Sir, on page 15, you have this. It is worth reading. The Government of Bihar and Orissa say :

"While welcoming the inquiry of the Tariff Board into the causes of the present depression in the Bombay cotton mill industry and which is to suggest measures which might be taken to restore it to prosperity the handloom weavers have reasons to view the suggestions of the millowners with some concern lest the interests of the handloom weavers be overlooked. As a result of the inquiry of the Indian Fiscal Commission of 1922 their raw material, *viz.*, yarn was taxed by the imposition of an import duty of 5 per cent. which enabled the cotton mills to put into their pockets and additional profit from the earnings of the handloom weavers. By the abolition of the excise duty in December last the only protection which the handloom weaver enjoyed so far and which counterbalanced the import duty imposed on his raw material was withdrawn. Now the present demand from the millowners is for further enhancement of the import duty not only on piecegoods but also on yarn. It is very unfortunate that there has been little organised effort to put forward the claims of the handloom weavers. Very few people are aware that this industry supporting over 5 million of people is responsible for an annual output of about 50 crores worth of cloth and realise that it plays a very important part in the economic well being of the country. The Indian mills which have practically lost their export trade in yarn have now to depend on the handloom weavers for the disposal of about 230 million lbs. or one-third of their entire output in yarn. The cotton mills have no case to be protected at the expense of cottage artisans who with great difficulty can make both ends meet."

I need not read more. Honourable Members will find other opinions on page 23, and on page 25 they will see the opinion of the Assam Government. All Governments have voted against Sir George Rainy's motion. Then, Sir, on page 457 you will find what the Labour Textile Union of Bombay have stated. I want particularly to quote if for the benefit of my friend Mr. Joshi who supports the Bill and does not want to reject it. This is what they say :

"The imposition of an additional import duty of 13 per cent. on yarn and piecegoods recommended by the millowner's association will have a very adverse effect upon

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the prices of cloth in India. They will go high considerably and the consumer and ultimately the industry itself will suffer. The Board are already aware that the prices of cloth are much higher than those of other commodities and if they are allowed to go still higher my Union is afraid that the prices will be almost prohibitive and that the demand for cloth will be much less than it is to-day. Moreover, my Union is more than doubtful whether, by raising the import duty, the imports of foreign and especially Japanese goods will be restricted or their prices will be such as will enable the Indian mills to sell their cloth favourably. If Japan takes it into her head not to lose the Indian market she can adopt measures to still further lower the selling prices so as to maintain her position in India. If this is done the additional import duties will have no effect whatever ; and the Indian mills will still be in the position in which they are to-day. Further, the Bombay Millowners' object of bringing the labour conditions in Japan on a par with those in India will not be achieved; on the contrary, the Japanese employers may worsen the labour conditions there in order to enable them to compete in the Indian market with the increased import duty."

If my Honourable friend Mr. Joshi is not satisfied I will quote his own evidence. My Honourable friend Mr. Joshi is the one gentleman about whom I was disappointed when he abandoned the condition of the hand-loom weavers and considered only those who are employed in the Bombay mills. On page 515 of this volume.....

Mr. President : Why not lay it on the table ? (Laughter.)

Mr. C. Duraiswamy Aiyangar : This was placed in the Library and nobody read it. I am therefore.....

Mr. President : The Honourable Member does not seem to take the hint. He must understand that such long quotations are not permissible.

Mr. C. Duraiswamy Aiyangar : I am sorry, Sir, I will close with this :

"*Q.*—There are ways and ways of doing things, Mr. Joshi. You are not in favour of an increased import duty ?

A.—No, because I think it is a wrong method of giving protection.

Q.—You consider it would increase the cost to the consumer ?

A.—Yes ; and on the whole it will not do good to the industry. Your people will not purchase goods if they become more costly and the industry may lose instead of gaining.

Q.—But the millowners consider that probably the increase in the cost to the consumer would be negligible if you put on this 13 or 17½ per cent. they suggest.

A.—I can only say that their idea of negligible and my idea of negligible are different."

Sir, I do not wish to quote any more and I would ask my Honourable friends in this Assembly to read the passage for themselves. I now come to Sir Victor Sassoon's arguments. He has appended a minute to the Select Committee's Report. He need not have appended a minute because he entirely concurred with them. It was not a dissenting minute but a pleading minute, a defence minute, defence of the mills in Bombay. He there takes the opportunity of answering the various charges which are levelled against the mill management, over-capitalisation and mill working and other things for which that was certainly not the right place. However, nobody grudges it. But I am not concerned with the defects of mill management, but I am concerned only with his argument when he says, comparing the price of 40 counts on the 18th August the Japan yarn was saleable at 15.75 annas per pound inclusive of the import duty of 5 per cent. Taking the price of cotton on that date at Rs. 620 per candy he puts the same count of Indian mills at 19.71 annas per pound,

and argues that there is an advantage of 25 per cent. and even if another 5 per cent. is taken away from that, the handloom weaver will still have an advantage of 20 per cent. Of course I do not ordinarily dabble in these figures. We are accustomed more to sections and Codes rather than to figures but to my common sense it does not appeal to say that the price of Japanese yarn on that date, which is based on the cotton price of some other day, is compared with the price of yarn in India on that particular date. Now, Sir, I would like to ask him also to consider in connection with this suggestion that the price of a particular count of cotton is not the only test to be applied when we consider the effect of the import duty that is levied by Statute on a particular count. It is admitted by the Tariff Board on page 36 or 37 that there is a definite relationship between the higher counts as well as the lower counts in the matter of adjustment, rise or fall in prices, when a duty is raised on any particular count. Supposing there is a particular count of yarn which can be had at 12 annas per pound and if 1½ annas is added to it the importer can sell it only at 13½ annas. But the handloom weavers depend upon the Indian mill yarn for the lower counts. Now, what is there to prevent these Indian millowners from raising the price from 12 annas to at least 13 annas, leaving a margin of half an anna in order to shut out Japan. Then, I submit that if the higher count is sold at 15 annas, people will have to take lower counts for 13 annas. Putting it at the lowest, supposing he raises it by three pies, even then, Sir, the handloom weavers who have to depend on Indian mill yarn to the extent of 260 million pounds will have to pay three pies per pound more upon those counts which they purchase irrespective of the present existing prices. If they raise it 3 pies per lb. over the existing prices, that makes up 40 lakhs of rupees. Where is the force in saying that this additional increase of duty on yarn at 1½ annas will affect only to the extent of 10 per cent. of the consumption and that it will give only 12 lakhs of rupees and nothing more ? 12 lakhs of rupees can be easily distributed over 30 crores and those who purchase will not feel it a great burden. But, I submit that this argument cannot be upheld. On the other hand there is absolutely no doubt of the fact that there will be a general rise in prices even over others. But what is the way in which they propose to meet this ? They say internal competition will prevent any rise in price of the lower counts. Sir, the millowners are an organised body, they know how to form a combine, they know how to keep the market in their hands, though not by underbidding at least to a certain extent in other ways. The handloom weavers are unorganised, disorganised, helpless, voiceless, voteless. It is therefore perfectly possible for the millowners to buy even lower counts and hold it at higher prices. It is not therefore correct to say that the extent to which the handloom weavers will be affected will be only to the extent of 12 lakhs. On the other hand I submit that even if three pies more are added to the rest of what they have necessarily to buy from the Indian millowners, they will have to add 40 lakhs more. I will not be surprised if they raise the price to half an anna. Is there any guarantee that these Indian millowners will sell lower counts at the price at which they are now selling even after this duty on yarn is modified by this Indian Tariff (amendment) Bill? Sir, they will certainly not give a guarantee and nobody can take a guarantee from them with certainty. Now, Sir, the contributions which the handloom weavers are making to the consumption of cloth in this

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country as not very small. After all, even at this stage, in spite of so many struggles for existence, the handloom weavers are not a negligible factor. The mill production gives us about 1,789 million yards, imports 1,769 million yards, and the handlooms 1,372 million yards. It gives us at least 28 per cent. That is the contribution of the handloom weavers. But, Sir, there is a depression in the handloom industry. Look at Appendix IV of the Tariff Board Report where they say that in 1924-25, the handloom weavers produced 1,256 million yards, but in 1925-26 they produced only 1,160 million yards. Who cares for that depression. If there is depreciation of 40 or even 20 million yards in the mill industry, there is a great hue and cry raised in the whole of India.

My Honourable friend Sir Purshotamdas Thakurdas rightly said in his minute of dissent that this protection which is sought to be given by this Bill is only an eyewash, and in fact, everybody is agreed on this point, and even in the speech of the Honourable Sir George Rainy, we could not find any warmth imported into it because he knows the weakness of his case. He put his case fairly as a judge does to the jury slightly hinting here and there that the Bill should be supported. He himself does not believe in the correctness and stability of his position as to be able to say that this will not affect the handloom weavers ; but that it will benefit the millowners is a proposition which is illogical on the face of it. To the extent that you give benefit to the millowners, to that extent it is a loss to the handloom weaving industry. You only take away something from the handloom weavers and give it to the millowners ; it is nothing else. Therefore, there is no meaning in saying that this Bill does not affect the handloom weavers while benefiting the millowners. That is why no millowners have till now agreed that it is benefiting them. My Honourable friend Sir Victor Sassoon has taken care to say : " Let us take even the small gifts that are offered to us by Government ". I ask Sir Victor Sassoon and his fellow millowners to stand up with self-respect in this Assembly and say to the Government " we will not go to you with a begging bowl. We will not take these small pittances of nine and three pies. If you are prepared to protect our industry, protect us properly. Protect us by all means, but do not kill another neighbouring industry. Do this, otherwise we will not accept your offer. We will rather die than take this protection from the Government which entails the destruction of a neighbouring industry ". Well Sir, this must be the attitude of the millowners towards the Government. When the Government are so half-hearted in giving this protection and at the same time they want to kill this handloom industry, it is up to the millowners to refuse this protection. Sir, these millowners, let it be noted these millowners, like the Japanese people, have never been favourably inclined towards our national industry, properly so called. I am not for the moment pleading the cause of Japan. I am not swayed by the threats of my Honourable friend Mr. Neogy that a tariff war might arise between India and Japan. I am the least swayed by all these threats. The Japanese have been trying to kill our handloom industry and our own millowners have been doing the very same thing now. I refer to the *khaddar* industry. When the *khaddar* industry was started, when hand spinning and hand weaving were introduced in order to make an offday earning method for even the

agricultural population and to make it a widspread cottage industry by reviving it, what did the millowners do ? The millowners produced *khaddar* and dumped it in the market. The Japanese did the same thing. Mill-made *khaddar* was passed for Gandhi cloth and pure hand spun and hand woven *khaddar*. The millowners have cheated us. (Laughter.) Therefore I have no sympathy with the millowners nor with the Japanese. Having taken an oath that I will not quote anything, I hope I will be permitted to say merely the words of the greatest man only in a few sentences. With reference to this mill *khaddar*, Mahatma Gandhi says :

" I have been painfully aware of it. I had hoped that the millowners would give up the undesirable practice. But it was hoping against hope. Wherever I have gone people have drawn my attention to this unpatriotic conduct on the part of some millowners. The only comfort I have derived from the usurpation by the millowners of the name *khaddar* is, that it is proof of the popularity of *khaddar* among the masses upon whose ignorance the millowners are playing. For, I know that wherever the buyers have discovered the deception, they have cursed themselves and the millowners ".

Sir, I am not therefore in sympathy with either. The newspapers published a telegram saying that the Cotton Spinners' Association of Japan are trying to leave no stone unturned to see that this Bill is thrown out. That is published in the newspapers. The millowners have not been less vigorous. They are also leaving no stone unturned in seeing that this Bill is passed. I have no sympathy with either. My submission is that this Assembly while giving benefit to one industry should see that it does not kill another industry. The handloom weavers are very poor people. You talk of unfair competition in Japan ; you say that women in Japan are working during the night. Here look at the handloom weavers. All of them, men, women and children, are working day and night and they are not able to earn three annas per day per head, and still you want to impose this burden upon them. Why all this talk of giving protection to a national industry. I ask the Honourable Sir George Rainy to give us a proper definition of the term " national industry ". Therefore, Sir, I have no hesitation in opposing the motion made by the Honourable the Commerce Member. Of course, as for my Honourable friend Mr. Neogy's motion, that is tantamount to the same. There is a Tamil proverb which mentions two methods of killing, either you employ a sword or you employ a wet cloth. He wants to use the method of wet cloth for killing this Bill ; whereas I want to use the direct method of the sword. The millowners will then know what other form of aid they must get for the protection of the Mill Industry. I ask why should the Government prolong the agony by circulating this Bill. I only want to read to the Assembly one telegram which I received from the handloom weavers of Sholapur assembled at a public meeting at that place. The telegram says :

" Public meeting, Sholapur handloom weavers held yesterday, opine propose additional duty yarn will jeopardise handloom industry. Therefore strongly urge impose additional duty cloth instead yarn to protect handloom industry. Further resolves if unfortunately additional duty be imposed yarn instead cloth, the amount thus collected be utilised to benefit the handloom industry by granting adequate bounty to handloom cloth, research work in improving handloom machinery and education propaganda ".

The telegram is issued under the signature of Rai Bahadur Mulai, chairman of the public meeting. Sir, there is certainly a strong feeling in the whole country that this Government is neglecting the condition of these

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handloom weavers. I make this appeal to this House ; I make this appeal to the Honourable Sir George Rainy that he may start his administration with sympathy more for the poor than for the rich. I therefore urge upon the millowners also not to accept this half-hearted—this what shall call it ? (*An Honourable Member* : " Crumb ! "), this kind of protection that is now offered by the Government which is most unworthy on their part to accept. I therefore appeal to all the Members of this House to vote down this Bill.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, in rising to oppose the amendment proposed by Mr. Neogy, I want to make it quite clear that I do not in any way commit myself in favour of the Bill being brought on the Statute-book. My reasons for opposing the amendment of my Honourable friend Mr. Neogy are these, that the Bill under discussion is only an emergent and temporary measure to give some relief to the cotton yarn millowners in India against unfair competition by Japan, and the relief which it is proposed by this Bill to be given to the millowners is only to the extent of the loss which they sustain on account of that competition with Japan. It is not intended by this Bill to protect the cotton yarn millowners against internal competition. Now, Sir, it is advocated on behalf of these millowners that the yarn industry in India is in the throes of death. I do not say that I agree with them. I do not say whatever they say is right or wrong ; but what I say is that this is the proper time that we should discuss this Bill and thoroughly go into the proposition. If we find that the yarn mill industry in India is really in the throes of death, then of course it would be frustrating the object of the Bill itself if the amendment of my Honourable friend Mr. Neogy is accepted, because if the Bill is sent for circulation and takes 5 or 6 months before it comes before this House, then if in reality the condition of the yarn mills in India is such as the millowners say, then by that time the yarn mill industry would have been killed altogether and the object of the Bill will be lost and the millowners of Bombay, in the language of the immortal poet, will have occasion to say :

" ki mare qatal ke bad usne jafa se toba,
hae us zud pashiman ka pashiman huna."

which means, " He has taken a vow not to commit tyranny after having killed me, Ah me ! look at the early repentance of that early repentant." On the other hand, if we find that the case which has been put by the millowners is not a right case, is not a correct case and that in fact they are not in need of any relief, then it becomes still more important that this Bill should be taken into consideration just at present in the Assembly, because the millowners must know that they will not get any relief from us, they must know what their position will be and what steps they are going to take after they have been refused any relief by the Government. Taking all these facts into consideration, I think, Sir, that it will not be fair or just to any party to postpone the consideration of this Bill. Let us decide once for all whether we are prepared to give any relief to the yarn millowners or not ; and for these reasons, Sir, I oppose the motion proposed by my Honourable friend Mr. Neogy.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : Sir, I rise to support the motion for circulation moved by my Honourable friend Mr. Neogy and to oppose the motion for consideration moved by the Honourable the Commerce Member. Sir, I am sorry to say that some friends in opposing this Bill have concentrated the fire of their criticism on the unfortunate millowners of Bombay. They will appreciate my position if I cannot follow them. (*Diwan Chaman Lall* : " Why are they unfortunate ? "). Because anybody who is compelled to beg for his very existence is certainly unfortunate. And after all, Sir, I cannot agree that the millowners of Bombay are such a bad lot at all. It must be a cold heart that cannot appreciate the tremendous service which the millowners of Bombay have done to the country in largely displacing the import of foreign cloth into this country by indigenous manufacture ; and while I am as devoted a champion of the handloom industry as anybody else, I am equally devoted to the mill industry and I cannot accept anything to its derogation, because I hold that it is the pioneer efforts of the mill industry of Bombay that have displaced Lancashire and Manchester cotton cloth to such a large extent in this country. Sir, if the figures are examined it will be found that in 1899-1900 the output of the Indian mill industry was only 9 per cent. of the total requirement of cloth in India, and to-day the output of the mill industry has raised the percentage from 9 to 42. And I say, Sir, it is the enterprise, the industry and the business ability of the millowners of India, and Bombay in particular, that are responsible for such a beneficent result. What after all will be the result if the Bombay millowner goes down ? He will only be displaced by the Lancashire millowner and the Japanese millowner. And I ask those friends who have been so hard on the Bombay millowners to say whether they contemplate such contingency with any degree of satisfaction. The rise of the Indian mill industry is a romantic event as it has come in spite of the absence of any assistance from the State. I repeat, Sir, that the State in this country has never helped the mill industry. (*Mr. C. Duraiswamy Aiyangar* : " That is rather ingratitude ! "). It would be ingratitude if the State had helped the industry ; but that is not the case. It is quite the contrary. Look at the conduct of the State from 1893 onwards. On account of the exchange and currency troubles for which the Government themselves were responsible—the Tariff Board itself admits it—the whole industry, the production of yarn and the production of cloth were greatly handicapped ; and it was the great Swadeshi movement in Bengal in 1905 in contradistinction to the step-fatherly conduct of the Government, it was this self-relying movement on the part of the people which saved the mill industry in Bombay and India from the throes of the great calamity by which it was overtaken. The Tariff Board has investigated the question long and widely but it has failed to bring out the importance of the great Swadeshi movement which from 1905 saved the mill industry in Bombay from the consequences of the exchange and currency policy of Government. In 1896 everybody knows the 3½ per cent. countervailing duties were levied—an unheard of treatment of a national industry by the Government of the country. My Honourable friend Mr. Duraiswamy Aiyangar was sorry that he voted for the removal of that duty. Well, I am pained to hear that ; if any protection resulted to the handloom industry by the 3½ per cent. duties imposed on the Indian mill industry, that was a downright robbery and I am sure the handloom industry does

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not want to subsist on the robbery of another industry in this country. I say, Sir, it is not by such countervailing duty that the handloom industry or any other industry should expect to thrive, and the removal of the disgraceful impost came not a day too soon. Sir, it is the step-fatherly treatment of Government, their exchange policy, their 3½ per cent. countervailing duties, their failure to give any constructive and active support to the industry, and latterly their raising of the rupee to 18*d.*, and coupled with these the unfair competition of Japan—it is all these that have brought the mill industry to its present most deplorable condition. My friend Mr. Neogy and others have unnecessarily confined themselves to the Bombay mill industry. While the Bombay mill industry stands in need of greater protection, it is not the finding of the Tariff Board that the rest of the industry does not need protection. The Tariff Board have repeatedly said that it is a question of degree, and if my friends will look at the events since this inquiry was undertaken, they will find that the whole Indian mill industry has identified itself with the inquiry that was undertaken by the Tariff Board, and at every stage not merely the millowners of Bombay, but the millowners of Ahmedabad and Cawnpore and the rest have identified themselves with all the steps that had been taken for ventilating the grievances of the mill industry as a whole. Sir, I grant that the Bombay mill industry stands in need of greater protection, but that is not the same thing as saying that the Bombay mill industry is getting or is attempting to get protection at the cost of mills in other parts of India. The difference is only one of degree. Therefore, I say, Sir, it was unfortunate that attention was being focussed only on the Bombay mill industrialists, and that they were being castigated as a sort of untouchables and outcasts who were not to receive any consideration at all in this House. I cannot accept that position ; Sir, the figures which are published on pages 228 to 235 of the Tariff Board's Report show that, in spite of all the handicaps to which I have referred, the mill industry in this country has made giant strides—thanks to the enterprise and initiative of our capitalists, and thanks also to the hardy mill worker from the Konkan and Gujarat. We in Bombay are proud of the achievements at once of our industrialists and our mill workers. These capitalists and the mill workers between themselves have built up an industry of which any Government should have been proud, and if this industry had been actively assisted by a sympathetic Government, it would have been possible long ago to clothe every one of the 315 millions of people in this land with cloth manufactured in this country, whether by the handloom or by the mill industry. If we only compare the statistics of the giant strides which the Japanese mill industry has made during the last 15 or 20 years under the protecting wings of the State, the justice of the criticism which I am making will be obvious even to the Government. Compare the progress which the Japanese mill industry has made in 20 years with the progress made by us in this country after nearly 44 years, and we will see that if only the State had rendered active assistance to the mill industry, without looking to extraneous interests, we would have been able to manufacture 100 per cent. of our requirements. From 1883 to 1884, when there were only 82 mills in India, we have now 337 mills in the whole of India. The spindles which were only 20 lakhs in 1883 are now 85 lakhs. The looms which were only 16,000 in 1883 are to-day 1,54,000, and the number of workers which the mill industry

employed in 1883 was 60,000 as against nearly 4 lakhs to-day. Sir, an industry which is responsible for 42 per cent. of the clothing of the people of this country, an industry which employs nearly 4 lakhs of people, an industry which purchases over 30 crores worth of cotton from the cotton growers of this country, and an industry which keeps at bay foreign importers—is that an industry about which any one can afford to talk in a light-hearted manner ? Leave the millowners and their sins of omission and commission alone. It is the industry that is seeking protection, and if it gets it in a real genuine form, let us not grudge it because the millowners benefit thereby. We never wanted to help The Tatas as such, but the steel industry ; the same is the case here.

Sir, this is the position that I hold as regards the mill industry in this country, and yet I am compelled to oppose the consideration of this Bill, because the protection offered is not genuine.

Sir Hari Singh Gour : From the sublime to the ridiculous ?

Mr. Jamnadas M. Mehta : My Honourable friend is nothing but ridiculous everywhere.

And, Sir, I oppose the consideration of this Bill, for two reasons. One reason is that the Government have treated the Report of the Tariff Board with contempt. It would be impossible to imagine anything so outrageous as the treatment which this Government have given to the Report of the Tariff Board. They have spent a lakh and fifty thousand of the tax-payer's money on the inquiry by the Tariff Board, and when that body consisting of independent people, after careful investigation came to definite deliberate conclusions, the Government of India have thrown them to the winds, and their action to-day is in direct contravention of the Tariff Board's recommendations. How can they expect any reasonable man, however well disposed he may be to his own industry, how can they expect any reasonable man to fall into line with their proposals which are, as I say, in direct contravention of the recommendations of the Tariff Board ?

Sir, I had supported the reference of this Bill to the Select Committee on the distinct understanding that we would be allowed in the Select Committee to open the whole question of the protection to the textile industry ; otherwise I would not have supported it, and although there were rumblings and thunders of warnings that it might not be possible to open the question again in the Select Committee because it would increase the scope of the Bill, I hoped against hope. I had a precedent in doing so. We had the Report of the Currency Commission on which the Government framed the Ratio Bill, and the House was allowed not merely to discuss the question of the ratio, but the whole subject matter covered by the Report of the Currency Commission. We were allowed to discuss the question of the ratio, the gold mohur, the gold standard, the gold currency and everything that was relevant under the Report of the Currency Commission. And therefore, with this precedent in mind, and having regard to the fact that this inquiry was undertaken in the interests of the textile industry ; I was hopeful that Government would allow us to discuss the entire question of the protection to the mill industry, although the Bill itself was a restricted one. But unhappily, we were not allowed to raise the question of protection to the textile industry as a whole, and, as I hold, the Tariff

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Board's Report is the minimum protection that the mill industry should get, and as I find that the proposals of Government cannot give any real protection to the mill industry, I am compelled to oppose the consideration of this measure.

Sir, it is a very unfortunate and embarrassing position for the mill industrialists of Bombay, as it is always for those who come to the Government and ask for protection. Beggars cannot be choosers always, and although these mill industrialists have time and again shouted the loudest that the proposals of Government do not carry them anywhere, I am pained to see to-day that they are willing to accept this dole. The real thing is, Sir, they do not like to break with this Government. They dare not say : " Well, if you give us protection, give us a genuine protection or none at all ". That is not the stuff of which the capitalists are made. They cannot stand up for their entire right and refuse to have any crust or crumb thrown at them when they really deserve wholemeal bread, very nutritive and wholesome, and that is why we are reduced to this very unseemly position of the millowners going behind their repeatedly declared word that the recommendation of the Tariff Board was the minimum they could accept. I will only quote one or two instances of their views until this Bill was introduced. When Government addressed the millowners on the 15th August they reiterated what they had declared over and over again, namely, that they could not impose import duties on piecegoods from foreign countries ; the millowners then met in conclave at Hornby Road in Bombay and they thought long and they thought mighty, and from what has seen the light of day, it is clear that they remained unconvinced ; here is a telegram from the Free Press which says :

" Opinion in well-informed circles is that the industry should take up the stand that the protection on yarn without protection on cloth is a doubtful benefit carrying with it increased handicap to the handloom industry which is mainstay of the Indian spinning industry and an indirect advantage to foreign imports in finer counts and....

In the circumstances it is right that the industry should ask that it should be given protection on cloth as well as on yarn and that without the one it should not have the other."

This was the opinion in well-informed circles in Bombay when the millowners were considering the reply of the Government of India dated the 15th August. But that is not all. They have lately addressed a letter to the Government of India in reply to the Government's letter of the 15th August and even there—and this letter was written at the end of August—even there, what do they say ? In paragraph 18 which is the last paragraph of their reply and which is signed by Mr. J. P. Wadia, the Assistant Secretary, because I think the Secretary was here, they say :

" In the end I am to express my committee's keen disappointment that even the revised decision of the Government of India should leave the industry practically in the same position as it was before the Tariff Board began their investigation."

What is the meaning of this ? That whether you give protection on yarn or whether you do not, we remain in the same position practically —unless imports of piecegoods were taxed it will be six of one and half a dozen of the other. That is practically the latest pronouncement of the millowners of Bombay, their considered judgment that the protection

on yarn alone would render no assistance to the industry. And yet, as I said, before, Sir, the millowners are compelled to accept this measure because they cannot do otherwise. But the representatives of the people are not in that position. I am, Sir, a protectionist by conviction, sentiment and temperament. In these days all over the world the State regards it as its duty to protect the industries of the country and the Fiscal Commission also has recommended protection as a measure for all national industries whenever the occasion arises. I am willing, actively willing to support any industry which stands in need of protection, but I am not here simply to pass any measure, under the guise of protection, if it injures another, industry and when the first industry itself does not really get any benefit from it. It will be said that the contention that the handloom industry is affected is wrong. Now, Sir, the findings of the Tariff Board, the declarations of the Government of India and the statistics of the progress of the handloom industry and the mill industry will clearly prove that the handloom industry stands equally in need of the fostering care of the State. I just now showed, Sir, that while in 1899-1900 the output of the mill industry was 9 per cent. of our total requirement in 1925-26 it is 42 per cent. What is the progress that the handloom industry has made during the same time? The handloom industry, Sir, in 1899 was producing 27 per cent. of the requirements of the people of this country. To-day, according to the statement of the Tariff Board, it is producing 26 per cent. So that in the course of nearly a generation, the handloom industry has made no progress. On the contrary, the handloom industry has deteriorated. Why? When the mill industry has made such tremendous strides, from 9 per cent. to 42 per cent., why is it that the handloom industry has, far from progressing, remained in a stagnant position and made no advance? Because the handloom weaver is not a man of resource. (*Mr. Chaman Lall* : "Like the millowners".) I am sorry you are so unnecessarily inimical to the millowners. I say, Sir, the handloom weaver is a man without resource, he is carrying on from hand to mouth. And on the top of that in March last only by passing that hateful Ratio Bill, the House placed him (Laughter on Official Benches)—you ought to weep instead of laughing that these 60 lakhs of people have been by your vote handicapped by 12½ per cent. against foreign importers. How can they subsist when a measure like this passed only last March cuts them down by 12½ per cent. in competition with foreign importers? And I say, Sir, the repeated handicap which the State has placed on him coupled with his own poverty has been responsible for the failure of the handloom weaver to work up to a higher percentage of output than he has been able to do. For these reasons, Sir, I say that the House ought to think ten times before attempting to place a further strain on that very honest man. Sir, the Government themselves in their Resolution of the 17th June 1927, on the Tariff Board's Report said :

"But an additional duty on yarn only would affect prejudicially the handloom industry and for this reason should not be imposed."

This is the categorical statement of Government supporting the finding of the Tariff Board, and the evidence of witnesses before the Tariff Board ought to have warned Government against taking any measure which will, in the slightest degree even, have the remote probability of having

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a prejudicial effect on the handloom industry. Let us see, Sir, how the Select Committee, the majority report argues about this. It was a very wonderful performance for the Honourable Sir George Rainy, after having signed the Resolution of the 7th June.....

The Honourable Sir George Rainy : I may state that I did not sign the Resolution of the 7th June. It is not usual for a Member of Council to sign a Resolution of the Government of India.

Mr. Jamnadas M. Mehta : I shall say, after having authorised the issue of the Resolution of the 7th of June, wherein it is stated that yarn imports should not be taxed, it was a marvellous metamorphosis on the part of the Government of India to have suddenly, within two months, become a convert to the position that the handloom industry would not be affected by a duty on yarn. But the Report of the Select Committee is so halting that it displays a consciousness of guilt throughout in every line. Sir George Rainy is too honest not to feel that he was performing a *volte face* so soon that even the short memory of the public cannot forget. In paragraph 3 of the Select Committee's Report arguments are given to show that the handloom industry would not be affected. It is said :

"We recognise that this duty can benefit the cotton mill industry only to the extent to which the price of yarn is increased thereby and that any increase in the price of yarn must be a burden on the handloom weaver unless he is able to receive higher price for the cloth that he weaves."

It is admitted that unless he gets a higher price he is at a disadvantage, but it is immediately assumed that he will get a higher price. Why he should get it in this competitive world I cannot understand, and I am sure the House will not understand. It is further stated that the handloom weaver mostly used yarn below 30*s*. whose prices are governed by internal competition. The effect of the duty will not therefore be large and may be ignored. And thirdly, Sir, in paragraph 4, it is said that the annual consumption of yarn of these counts (*i.e.*, 31*s*. to 40*s*.) in India is about 50 million pounds and the production of the Indian mills is more than half of the total. I think there is some mistake in that statement. The Tariff Board on page 188 have recorded a finding in the last few lines of the first paragraph :

"We are of opinion that a production approximating to nearly 100 million pounds (*i.e.*, as a result of the bounty) would constitute a sufficiently large advance especially when it is remembered that the production of counts of 31*s*. to 40*s*. in India in 1925-26 was almost exactly the same as it was in 1912-13 (namely 19.7)".

Here the Tariff Board has recorded a finding that the production of yarn of these counts in 1925-26 was 19.7 million pounds, but the Select Committee have made a statement that of the 50 million pounds of yarn of these counts, the annual production of the Indian mills is more than half the total, that is to say, over 25 million pounds.

The Honourable Sir George Rainy : This is a small point of fact, Mr. President, and I think it might save time if I intervene at this moment. The statement that more than half the consumption of the medium counts is produced in India is based simply on the production and import figures of the year 1926-27. The production in India in that year of the medium counts 31*s*. to 40*s*. was 27,657,000 pounds.

Mr. Jamnadas M. Mehta : I am glad to have the figures which the Honourable the Commerce Member has quoted. To call the figures of one year, annual production, is, I submit, a discrepancy. The statement on page 188 that the production of yarn of counts 31s. to 40s. in this country was 19.7 million pounds in 1925-26, was not easy to reconcile with the statement of the Select Committee that the annual production of yarn of those counts was more than half of the total consumption. Whichever may be the truth I do not know. I am entitled to rely on the statement of the Tariff Board that.....

The Honourable Sir George Rainy : Mr. President, on a point of explanation, there is no statement in the report of the Select Committee that the figure given is for the year 1925-26.

Mr. Jamnadas M Mehta : I thought that this was the last year for which we had got figures, and if it is for a later year, I am willing to admit that it may be so for that year but, that is different from saying that is the *annual* production.

The Honourable Sir George Rainy : I have already said that it is for 1926-27.

Mr. President : The Honourable Member is not bound to give way.

Mr. Jamnadas M. Mehta : Thank you, Sir, I am anxious to be scrupulously fair in this matter. Sir, all that I say is that the figures given by the Tariff Board do not warrant the statement that the annual production of these counts of yarn in India is more than half. If the figures of the Tariff Board are right, it is not merely half but nearly 60 per cent. of the total quantity of yarn which will be subject to the additional duty proposed in this Bill. And if the handloom industry consumes 25 million pounds of this yarn, the remaining 6 millions, of the imported yarn are consumed, I would assume, by the 25 weaving mills in this country which have no spinning department at all. We have it also, on the authority of the Tariff Board, that there are nearly 25 weaving mills only, and they must require yarn, and I say these 6 millions must be required by the exclusively weaving mills. I may tell my friend Sir Victor Sassoon that these 25 weaving mills also would be affected by the import duty which is now proposed on yarn. Sir, an added reason is given, which was not present to the mind of the Tariff Board, except indirectly. That reason is that conditions in China will make it possible for the producers there to dump yarn in this country at prices cheaper than the present ones. Sir, if this is so, I should be sorry. But the responsibility for that should be laid on the Government of India in its Finance Department, and not on anybody else. They have sold 92 lakhs ounces of silver. They have depreciated the silver market all over the world, and there is no wonder that the Chinese exchange to-day has in consequence depreciated 4 per cent. and that is the handicap against the mill industry in this country. So, if there is any fear of further dumping the whole responsibility for this added handicap must be laid at the door of my Honourable friend the Leader of the House. Sir, I do not stand isolated in that opinion. I have other authority besides that of my humble self, and that authority is the *Statist* newspaper. What does it say about this latest performance of the Finance Member in its issue of the 13th of August, 1927 ? It says :

"The undertone of the silver market continues very weak. The effect of the Indian Government's sale of fine silver held in the currency reserve is making itself

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felt gradually but unimstakably. Sentiments in the two great countries, India and China have been greatly disturbed. In India it had been generally anticipated that the Government would follow the recommendation of the Indian Joint Committee which had urged that the redundant silver in the Reserve should be handled with more regard to the silver market than the bare recommendations of the Currency Commission appeared to promise. These hopes are rudely shattered by the announcement of the sale and hence rapid deterioration in speculative centres. The transactions during the week have been on a large scale. India and China not only are selling previous purchases but building up a bear position of considerable magnitude."

I need not quote further. It is now established that as a result of the sale of silver, the silver market in the world has been greatly affected. There has been depreciation in the Chinese exchange and for their latest misfortune the millowners of Bombay should hold the Leader of the House directly responsible. But that cannot be allowed to prejudice the handloom weaving industry. Because one wrong is done by the Government of India, we cannot associate ourselves with doing another wrong to the handloom industry in this country.

Lastly, Sir, I must warn the Government of India that, whatever may be the individual merits and demerits of millowners, the people of this country will reagrd and do regard the mill industry with great affection, and they want it to rise rapidly to the point of being able to supply all the requirements of cloth in this country. They want that Government should give us a genuine measure of protection, not the weak, halting, half-hearted, meagre, niggardly Bill verging on the point of meanness in the question of its protection to the national industry of this country. I want to read in this connection only one quotation, from the statement of an Honourable Minister of the Australian Commonwealth. What does that gentleman say ? This is from the *Manchester Guardian* of July, 1926. The Honourable Mr. H. E. Pratten, Minister for Trade and Customs for the Commonwealth of Australia says :

" .... owing to our isolated position and somewhat elementary development it is necessary for us to adopt a policy of protection..... I have told your manufacturers (namely, British manufacturers) that no Government and no Parliament would allow an efficient industry established there to be smashed by foreign competition, and that the security for British capital invested in industry in the Commonwealth is absolute, because of the strong national sentiment of the whole people."

And to vary the language, we can say in the terms of the report of the Tariff Board that no Government and no Assembly ought to allow this national industry to be crippled by foreign competition. I shall finish by reading that quotation :

" A great industry is in a serious condition, and our proposals have been inspired by the belief that, in spite of a comparatively long spell of adversity, it still retains sufficient vitality and capacity for self-help which only require to be stimulated into action and this stimulus our modest scheme of state help is calculated to provide."

That modest proposal of State help—you have driven a coach and four through that proposal and reduced it to nullity, and I am compelled to oppose this, because this measure is not a genuine measure of protection to the textile industry but only a pretended measure and the reluctance to tax imports is clearly traceable to an unwillingness in any way to tax the imports from Lancashire and Manchester. The millowenrs of Bombay committed the greatest blunder of their life in not having led sufficient evidence for protection against Lancashire as well, and the

results of that blunder are being visited upon them by an ever clever and skilful Government who have turned the tables on them and are merely pretending to give a measure of protection which is no protection at all. The two Bills that are proposed to-day, one this and the other that follows, will leave the British manufacturers, whether of cotton or of machinery alone, and will save them lakhs and lakhs of rupees, while imposing further handicaps on the industry here and also on the exchequer. For these reasons, unless a genuine measure of protection is produced, I am unable to associate myself with the consideration of this Bill. Sir, I have done. (Applause.)

Mr. M. S. Sesha Ayyangar (Madura and Ramnad *cum* Tinnevelly : Non-Muhammadan Rural) : I feel quite thankful to the Honourable the Commerce Member for what I should call a fair presentation of his case. He practically conceded that whatever is proposed under the Bill will certainly and adversely affect the handloom industry ; but he added that so far as counts above 40*s*. are concerned the degree to which it will be affected would be inappreciable. But, unfortunately for the House, no statistics are offered by the Honourable the Commerce Member. Similarly, as regards counts below 30*s*. he also says the same thing, that it will be inappreciably affected. Here, again, there are no statistics given. Probably, the Honourable the Commerce Member thought that the House, being on the duty on yarn, might as well indulge in the pastime of spinning for itself. We are absolutely groping in the dark as to what probably the statistics will be as regards the inappreciable extent to which the Honourable the Commerce Member says counts above 40*s*. and counts below 30*s*. will be affected. But he says, that, so far as the medium counts are concerned, certainly the handloom industry will be affected seriously. Lastly, he wants the support of this House for the Bill on the ground that, inasmuch as there is a national industry that needs protection, the House might well consider the propriety of examining that attitude. My Honourable friend, Mr. Duraiswamy Aiyangar, a Swarajist as he is, naturally grew righteously indignant over this application of the word " national " to the mill industries. But even assuming that the Honourable the Commerce Member meant the word " national " in the sense in which I think he took it—even there I submit to the House that the handloom industry is not less national, for what do we find in Appendix IV ? We find, so far as the total consumption of piece-goods in this country is concerned, it is 4,479 million yards of cloth, of which the imports give us 1,529 million yards, the mills about 1,700 million yards, the handlooms about 1,160 million yards. So that, if the handloom industry is able to give us about 26 per cent. of the total consumption of piecegoods in India, the mills supply us about 40 per cent., or a little less than 40 per cent., and from the net imports we have about 35 per cent. Even there, considering these figures, I submit to the House the handloom industry is not less national. In this connection, I would beg leave to correct my Honourable friend, Mr. Duraiswamy Aiyangar, when he gave us the figures of handlooms in this country which he culled from the Census Report—I would beg leave to correct him and say that the last Census Report excludes the handlooms in the United Provinces, the Central Provinces, and many Indian States. So that certainly a larger number of people would be affected by the introduction of this Bill. In this connection, I would also beg to submit to the House that so far as the attitude of the mill-

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owners in the Bombay Presidency is concerned, it has never been friendly, for what do I see ? I see a passage in the Famine Commission's Report of 1901, page 75, paragraph 226, to the following effect :

"The Famine Commission of 1898 agreed with the Commission of 1880 that it was desirable, where convenient, to relieve artisans of whom weavers are the most numerous, through their own trades, one of their reasons being that it is important to maintain all crafts by which people are supported independently of agriculture. They were also of opinion that a carefully managed, businesslike scheme is not open to any of the objections usually urged against this class of relief ; and that it would probably not result in a greater loss to Government than that caused by employing the weavers on the ordinary relief works. This opinion is more than confirmed by experience, and is now, we believe, accepted in every province except Bombay."

I dare say that the Bombay Government is influenced mostly by the mill-owners of that Presidency. Again on the next page we find the following :

"It is sometimes objected that it is useless to prop up handloom or cottage weaving in the face of mill competition. But in fact the two industries supply different wants. The coarse and durable cloths of the handlooms are still preferred in many parts of India by field workers and labourers, while the more delicate and peculiar products of those looms still hold the market."

But, since then, there has been somewhat of a change of attitude, as we see from the small pamphlet issued, probably for the use of Members of this House, by the Bombay Millowners' Association, under the heading, "Indian Cotton Textile Industry. Need for Protection". I refer to page 61 therein. The Bombay millowners discovered that the Government were not anxious to accept the majority recommendations of the Tariff Report and that they were determined to turn it down. They were alive to the situation and expressed their views in these words :

"We do not wish to make light of the fact that the handloom industry should above all be protected. But we maintain that the best method of protecting both the mill industry and the handloom industry is by eliminating the unfair Japanese competition which cuts at the very root of the home industry. Japan is deliberately selling her yarn at low prices with a view to oust the home product so that once she has established herself in the market, she could raise the prices to the level she chooses. We have seen that the Tariff Board itself was fully alive to this well-known economic fact."

The reference made here is to this passage in the Tariff Board's Report on page 170 :

"From the point of view of the consumer therefore, the imposition of differential duty against unfair competition merely hastens the rise in prices which would in any event be brought about by the play of normal economic forces."

I submit, therefore, that the millowners have conceded the fact that nothing should be done in this House by the Government to impair the handloom industry. Then, what is there left outstanding which would gain the support for this Bill except the total rejection of the Bill as it stands ? We take it that the millowners themselves are also alive to the situation and they are at one with us who want to protect the handloom industry when we say that the Bill, while it does not give adequate protection to the millowners, actually affects adversely the handloom industry to a very large extent. There is also this fact that the majority of the Tariff Board favoured this view that no duty on yarn ought to be imposed ;

but if at all, a bounty can be suggested ; and lastly I would submit that my Honourable friend Mr. Duraiswamy Aiyangar has said that there are three classes of mills in this country. Let us confine our attention to those that take to spinning alone. Supposing they take to-morrow to weaving also ; that would necessitate the handloom industry seeking for imported yarn ; and if you raise by this Bill the duty on imported yarn it would mean that the effect would be adverse upon them ; and there would also be internal competition which would necessarily mean deterioration first, probably decay next and then death ultimately. So for these reasons I oppose the motion made by the Honourable the Commerce Member.

Pandit Nilakantha Das (Orissa Division : Non-Muhammadan) : I am sorry I have not yet heard anything in support of the motion except what Sir George Rainy spoke in moving the consideration. He did it in a halting manner, as if he was not sure himself of the grounds he was treading on.

The position, however, comes to this, that the mill industry in this measure does not get a good chance and the handloom industry is going to be ruined. I am not an expert economist but I was at any rate influenced to believe that in some way some protection is necessary for the mills, but then I never thought that any protection should be contemplated with regard to something which may be called half raw. I consider yarn as a half raw material. The imported yarn is used by mills to a certain extent but the major portion of the yarn in question here is used by the handloom weavers practically as raw material, and as we know handloom weavers are gradually dying, it is simply cruel and unjust to deprive them of the means of their living.

It has been said that the handloom industry is not a national industry. The statement is not quite without some foundation. There is a view, on account of this crushing Western industrialism, which is growing throughout the world among a class of people, that only the mills should remain and that cottage industries like handlooms should be destroyed. We all know that the agricultural nations with teaming rural populations strenuously strive against it, but I do not know whether even Members for Labour, like my friend Mr. Joshi, have seriously considered the very dislocation of society which await such nations if Western industrialisation is superimposed with unreasonable haste and without a proper study of existing conditions. What will follow if in India the handloom is destroyed ? In this connection Japan has been quoted by my friend Mr. Mehta. He said that the mill industry was protected in Japan, and in some 3 or 4 decades—nay even in 15 years (I am grateful to my friend Mr. Mehta for the correction), Japan has been able now practically to monopolise the Indian market in yarn from 31 to 40 counts. My friend Mr. Duraiswamy Aiyangar also says that if Japan wants, she can reduce her prices, and dump the Indian market with yarn only for the sake of retaliation, as it were. Yes, I think it is possible. But what has the Government done in Japan ? They don't leave the problem of unemployment in villages unsolved, or unconsidered like the Indian Government. They have carefully organised mill industries in village centres, so that the evils of hasty industrialisation do not affect the nation. Ours is a vast agricultural country. I do not know when the day will come when our Government will likewise

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organise small industries in village centres so that the grave question of our national unemployment may be on the way to be solved.

We have seen that the handloom industry has been already damaged by the abolition of the cotton excise duty. Mr. Mehta calls it a legitimate abolition. I grant it to him. But I do not know, what this measure, this illegitimate protection of yarn according to Mr. Mehta, will mean to our poor handloom weavers. We all know that they work day and night, morning and evening, day after day, without rest, leisure, or recreation. We are providing in this Bill against the Japanese double shift labour. But the poor handloom weaver in our villages works actually with not only double, or treble, but with quadruple shifts, or even more. He works night and day, man, wife and children, and as my friend Mr. Duraiswamy has queerly put it, even babies, all engaged. They all work to get how much ? Less than 3 annas per day.

I come from a part of the country where I have daily experience of the ways of these weavers. They are getting rapidly out of employ ment and are being turned into beggars in numbers every day. In my boyhood days I found them a happy and prosperous artisan class, but if you come to my part of the country you will find that 60 to 80 per cent. of the beggars are of these weavers. They are beggars not by choice but by compulsion and for want of employment. They are also going in numbers to foreign lands in search of employment. But alas ! no one knows what fate awaits them there ! The best that they can have, may not even be better than the fate of Indians in South and East Africa. They have no place here, nor there. What will they do ?

Now for argument's sake, I will admit that you may support the mill industry by any means you like. But it is the duty of the Government to look at this question of unemployment which is daily increasing at an alarming rate. If this measure is introduced, what will be the effect. The Government say that it will affect the handloom industry only to the extent of 12 lakhs of rupees. But my Honourable friend Mr. Duraiswamy Iyengar has proved that it will never be 12 lakhs ; it will be somewhere near 40 lakhs. I will not be surprised, if it is even more. The organised millowners will put higher prices on even lower counts. They will not rest content with raising it to 12 annas 3 pies, as my Honourable friend has put it. They may even raise it to 13 annas. There is nothing to prevent them from doing so. If they try in an organised manner, they may do that. But who will pay this additional price ? It has been said that it will affect the pockets of the consumer. I know, as a matter of fact, that it will affect only the handloom weavers. I have seen with my own eyes, the whole family labour 2 or 3 days and weave 2 or 3 cloths. Then comes the question of finding a purchaser. The father or any male member of the family knocks from door to door in the neighbouring villages for a customer. Do you ever think, Sir, that under such circumstances this additional duty will at all be transferred to the consumer, for the supposed reason that he wants quality ? I clearly find that a greater portion if not the whole of it will be paid by the handloom weaver himself. This burden can never be transferred to anybody else. Such being the case, is it not better and more just to tax the handloom directly to pay the mills ? One pound of yarn gives 4 yards of cloth—the product of one day's labour

for a family. At the rate of one anna it comes to a yearly tax of Rs. 20 per loom. Can you, Sir, conceive it ?

Then, what happens ? Our handlooms will inevitably lie idle in thousands and lakhs. Terrific unemployment will be the order of the day. If the Government of India in the Commerce Department are going to create it, then I do not know what the Industry Department will do to face it. There have been on other occasions several questions about unemployment and we were complacently assured there was none. But this kind of evasive dose will no longer have its desired effect, when the disease will grow intensely acute.

I submit, Sir, further that this question is not only one concerning the Commerce or Industry Department of the Government of India, but it also concerns the Provincial Governments. The opinions of all the Local Governments are here in those volumes. They were buried in the Library, and nobody saw them, as is put by my friend Mr. Duraiswamy Iyengar. My friend wants the credit of exhuming them from that burial. Let him have the credit. I don't grudge it. He has just quoted, however, opinions from Madras to Assam. Almost all the Local Governments, it is found, are against this protection. In fact, every Provincial Government is against this measure because it affects the cause of handloom weavers, and especially my province of Bihar and Orissa is the most affected in this respect. The Government as well as the Director of Industries of that Province have expressed very strong views against this duty on yarn. According to some calculations, 28 per cent. of the total cloth consumed in India is produced and supplied by the handloom. Others calculate it to be 26 per cent. Thus we have 26 to 28 per cent. of our cloth produced by handloom weavers in this country. But so far as my province of Bihar and Orissa is concerned, it is 40 per cent. I may say that our province has no mills at all. If this measure is passed, we shall be faced with the problem of unemployment all the more. The province of Bihar and Orissa, besides, has got to manage many flood stricken and famine stricken areas. As Honourable Members are aware flood and famine are a regular feature of my province. Consequently my province of Bihar and Orissa is very strongly against this measure.

I am glad that Provincial Governments are in this connection so well alive to their own interests, but I do not know what the Commerce Department is doing with the opinions of all these provinces. We, the representatives of Bihar and Orissa as well as those others whose provinces are likewise more directly affected, cannot think of voting for this motion. I am here to oppose this motion and support the motion of my Honourable friend Mr. Neogy, which amounts practically to the same thing in a different form of language. In this connection, I should however like to know how the Government are going to guide the votes of official Members who represent the various Local Governments, and particularly of the member who represent the Government of Bihar and Orissa. Those officials who come from Bihar and Orissa represent the Government of that province and they are presumably bound by the opinions forwarded by that Government and they must give their votes in accordance with the wishes of the Bihar and Orissa Government. And so also are the representatives of other Local Governments to be guided by their proper mandates, so to say. But we all know, as a matter of fact, how the Government Whips canvass votes. They manage to whip

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everybody mercilessly and without consideration. We also whip ourselves. (Laughter.) But our whip is not so vigorous. We often keep questions open. (Hear, hear.) I should like to know whether the Honourable the Leader of the Government Party in this House is going to make this question an open one, at least so far as the representatives of the Provincial Governments are concerned. (Hear, hear.) There is my Honourable friend Rai Bahadur Shyam Narayan Singh who represents my province. I should like to know whether the Government is going to allow him to vote in accordance with the wishes of the province he represents or in accordance with the wishes of the Government of India. (Laughter and Applause.) It will be very unfair if the representatives of Provincial Governments are in this particular business to be led by the nose into the lobby. I know my Honourable friend Shyam Narayan Singh is to-day busy as usual in the corridors and lobbies canvassing and collecting votes for the Government. (Laughter.) But I don't understand him. This kind of duty on his part, specially in this particular matter, is unthinkable. I may say, it is simply exasperating. I cannot conceive how the representative of the Government of my province should collect votes in support of this measure, not to speak of his own voting for it himself. In this particular case, there is no reason why my Honourable friend Mr. Shyam Narayan Singh should go contrary to the opinion expressed by the Government of the province which sent him here. (Hear, hear and laughter.) In justice and fairness the Leader of the Government party in this House should allow the representatives of Provincial Governments to vote as they like. In spite of this honest exasperation which I cannot but feel on this occasion, I appeal to the Leader of the Government party to be just to Local Governments, and permit their representatives to exercise their free and unfettered vote according to their own light and sense of duty. There must be complete freedom of voting in this matter.

I pathetically picture to myself specially the condition of handloom weavers in my province if this measure passes out of this House. My Honourable friend Sir George Rainy having served in my province of Bihar and Orissa might have very well known the conditions of my province. As the Commerce Member of the Government of India, I am sorry, to-day he is introducing this measure. But when he was in the Bihar Government, I am sure, he had opportunities to come into daily contact with the peasants and artisans of my province, and let him for a moment throw off the garb of a Commerce Member, and honestly as a man say how this measure will affect the handloom weavers there. Last of all I appeal to the House on behalf of the voiceless handloom weavers who have practically no real representatives, so to say, in this House to safeguard their interests, that they may not be led away to damage the defenceless toiling millions for an imaginary benefit of a few who know best how to protect themselves. This House entirely consists of rich men, millowners, lawyers, zemindars and several others many of whom have perhaps no time or occasion to picture to themselves how the poor toil in fields and villages, in mud and mire, even with one scanty meal a day. The Government who sometimes pose themselves in International Conferences as their trustees against the exploitation of the rich and the powerful are seldom, if ever, found honest in their pro-

fessions of that kind. The poor and the voiceless, therefore, go practically unrepresented. And it is in their name and for their sake that I again appeal to the House to rise up to their real duty, and help those that are in need of help.

With these words, I oppose the motion of the Honourable the Commerce Member and support the motion of my Honourable friend Mr. Neogy.

STATEMENT OF BUSINESS.

The Honourable Sir Basil Blackett (Leader of the House) : With your permission, Sir, I desire to make a statement regarding the Government business which we propose to place before the House to-morrow and Thursday. In view of the fact that it is not possible, in the present circumstances, to resume consideration of the Reserve Bank Bill this week, the Government consider it important to dispose of some at any rate of the business which would normally have come up during next week. We propose, therefore, to-morrow, Wednesday, the 7th, in the first place, to complete the disposal of the Indian Tariff (Amendment) Bills, the Bamboo Paper Industry (Protection) Bill, the Indian Securities (Amendment) Bill and the Volunteer Police Bill, or any of those Bills which have not been disposed of to-day, and the further consideration of the motion relating to accommodation in New Delhi. Thereafter, we propose to make the following motions :

(1) that the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Amendment of sections 2, 23, 28, etc.), be circulated for the purpose of eliciting opinions thereon ;

(2) that the Bills to amend the Transfer of Property Act, 1882, and to supplement the Transfer of Property (Amendment) Act, which have already been published under rule 18 of the Indian Legislative Rules, be introduced ;

(3) a motion will be made to take into consideration, and, if that motion is passed, to pass the Forest Consolidation Bill, as reported by the Select Committee ;

(4) a Resolution will be moved for the appointment of a Committee to examine and report on the system of censorship of cinematograph films.

Thereafter, Sir, the Government propose to give time for the consideration of the Report of the Select Committee on the amendments to the Standing Orders which was presented to the Assembly during the Delhi Session.

On Thursday, the 8th, we propose to dispose of any Government business remaining over from the preceding day and thereafter to undertake the following business :

(1) a motion to take into consideration and, if that is passed, to pass the Indian Lighthouse Bill, as passed by the Council of State ;

(2) motions to take into consideration and pass the Bill further to amend the Indian Succession Act, 1925, and the Married Women's Property Act, 1874, as passed by the Council of State ;

(3) similar motions as regards the Presidency-towns Insolvency Act, 1909, as passed by the Council of State ;

(4) motions to take into consideration and, if those motions are passed, to pass the Bills further to amend the Cantonments Act, 1924, and to amend the Indian Emigration Act, 1922.

Thereafter, motions will be made to move two Resolutions regarding :

(*a*) the draft Conventions concerning seamen's articles of agreement and the repatriation of seamen, and

(*b*) recommendations of the General Conference of the International Labour Organisation of the League of Nations concerning the repatriation of masters and apprentices and general principles for the inspection of the conditions of work of seamen.

Thereafter, we propose to give time for further consideration of the Report of the Select Committee on the amendments to Standing Orders.

Mr. A. Rangaswami Iyengar : May I know, Sir, if the Government will put down the Select Committee's Report on Standing Orders on Thursday if it is not reached on Wednesday ?

The Honourable Sir Basil Blackett : I am afraid, not. We must take precautions to see that the Government business which is not otherwise taken next week shall not be shut out altogether.

Mr. President : I thought the Honourable Member would ask the Leader of the House whether Friday would be available !

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 7th September, 1927.

LEGISLATIVE ASSEMBLY.

Wednesday, 7th September, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

MEMBER SWORN.

Mr. D. G. Mitchell, M.L.A. (Legislative Department : Nominated Official).

QUESTIONS AND ANSWERS.

MEDICAL EDUCATION IN AJMER-MERWARA.

892. ***Rai Sahib Harbilas Sarda** : (*a*) Will Government state, if there is a Medical College in Ajmer-Merwara ?

(*b*) If not, what arrangements have Government made for the medical education of students from Ajmer-Merwara desirous of getting it ?

(*c*) Is it a fact that the Lucknow Medical College maintained by the United Provinces revenues refuses to admit students from Ajmer-Merwara on the same terms as those from the United Provinces, but insists on the Ajmer-Merwara students paying tuition fees, which the United Provinces students are not required to pay ?

(*d*) If so, what is the amount of those fees ?

***Mr. G. S. Bajpai** : (*a*) No.

(*b*) Students from Ajmer-Merwara who require medical education have to obtain admission to medical schools and colleges elsewhere.

(*c*) and (*d*). The information asked for is being collected and will be supplied to the Honourable Member on receipt.

CUTTING OF THE RAILWAY LINE ABOUT THREE MILES FROM BALASORE RAILWAY STATION.

893. ***Mr. B. C. Roy** : (*a*) Are Government aware that some people in order to save their houses from further inundation were cutting the railway line about three miles from the Balasore railway station ?

(*b*) Is it a fact that railway lines without sufficient outlet for the discharge of water are one of the causes of flood and accumulation of water ? If so, what action do the Government propose to take in the matter ?

Mr. A. A. L. Parsons : The information asked for is being collected and will be furnished to the Honourable Member in due course.

Mr. B. C. Roy : Sir, I beg to withdraw the following questions.

Mr. President : All the remaining questions standing in the Honourable Member's name ?

Mr. B. C. Roy : Yes, Sir, Nos. 894-898.

†899*—903*.

CONSTRUCTION OF THE CALCUTTA CHORD RAILWAY (BALLY BRIDGE CONSTRUCTION).

904. *Mr. K. C. Neogy : (*a*) What arrangements have been made in the matter of construction of the Calcutta Chord Railway (Bally Bridge construction) ?

(*b*) What is the total estimated cost of the works, and how much thereof is to be entrusted to private contractors ?

(*c*) Have tenders been called for from private contracts in the matter if so, with what result ?

Mr. A. A. L. Parsons : (*a*) and (*b*). The work has been put in hand and is making very good progress. The latest figure of the cost of the bridge is about Rs. 2½ crores. A large proportion of the work will be done by contract, but I am unable to say at this stage exactly how much.

(*c*) Tenders for the caissons were called for and two suitable tenders were accepted. The design of the steel work for the girders is not yet completed, as tenders have not yet been invited.

RETRENCHMENT BY THE BENGAL-NAGPUR RAILWAY OF WORKMEN EMPLOYED IN THE WORKSHOPS AT KHARAGPUR.

905. *Mr. N. M. Joshi : Will Government be pleased to state :

(*a*) Whether it is a fact that the Railway Board has instructed the Bengal Nagpur Railway authorities to make retrenchment in the number of workers in the workshops at Kharagpur ?

(*b*) If so, will they be pleased to state the exact terms of their instructions ?

(*c*) Will Government be pleased to explain the reason for such instructions ?

Mr. A. A. L. Parsons : (*a*) No. The position is that the Bengal Nagpur Railway Administration, though their workshop methods at Kharagpur have not yet been completely reorganised, have carried out certain improvements which, coupled with a diminution in the amount of repair work to be done, enable them to effect a reduction of about 2,000 men in the labour force of about 12,000 men in the workshops there.

(*b*) and (*c*): Do not arise.

Mr. N. M. Joshi : Am I to understand, Sir, that the Railway Board had no correspondence with the Bengal Nagpur Railway on this subject ?

Mr. A. A. L. Parsons : We had no correspondence, Sir. The Agent of the Bengal Nagpur Railway came to Simla and saw the Railway Board

† Not put at the meeting, but the questions and answers thereto will be found at pages 4051—58 of these proceedings.

sometime towards the end of July, and informed us that this reduction of 2,000 men was necessary and discussed with us the manner in which it could be carried out.

Mr. N. M. Joshi : Is the Honourable Member aware that the Superintendent of the Workshop of the Bengal Nagpur Railway told the Union that this was being done under the orders of the Railway Board ?

Mr. A. A. L. Parsons : I have not received notice of any such statement but the facts are exactly as I have told the House.

Mr. N. M. Joshi : May I ask the Honourable Member to inform the House what improvements the Honourable Member refers to which enabled the Railway Board to do with a smaller number of people ?

Mr. A. A. L. Parsons : I have not details of the improvements, Sir, but I understand that Mr. Cole, the Chief Mechanical Engineer, or the officers under him have designed new methods of work in the shops. I shall have to ask for notice if the Honourable Member wants to know exactly what improvements have been made in the workshops.

Mr. N. M. Joshi : May I ask, Sir, why the renewals and repairs are diminished this year ?

Mr. A. A. L. Parsons : Because, as I think the House is aware, on most railways repairs were very behindhand throughout the period after the War and we have now on the Bengal Nagpur Railway, as on other Railways, caught up those arrears to a very large extent.

Diwan Chaman Lall : May I ask the Honourable Member if any of the permanent workmen who were involved in the last strike have been brought under the axe ?

Mr. A. A. L. Parsons : Judging from the latest telegraphic information I have from the Agent of the Bengal Nagpur Railway, there has been so far, up to yesterday or the day before, no actual action taken to discharge these 2,000 workers because, as the Honourable Member will learn from a reply that I shall give to a subsequent question, at present we are at the stage of voluntary resignations. I should like to take this opportunity of saying that there is no intention whatsoever in the mind of the Bengal Nagpur Railway Administration, as the House I am sure will know that there is not in the minds of the Railway Board, of any victimisation.

RETRENCHMENT BY THE BENGAL NAGPUR RAILWAY OF WORKMEN EMPLOYED IN THE WORKSHOPS AT KHARAGPUR.

906. ***Mr. N. M. Joshi** : Is it a fact,

(*a*) that the Bengal Nagpur Railway authorities have issued a communiqué in which they have stated their intention to discharge 2,000 men ?

(*b*) that 200 men are already discharged ?

(*c*) that among the men discharged there are some men who have worked regularly for more than 15 years ?

Mr. A. A. L. Parsons : (*a*) The Bengal Nagpur Railway authorities issued a notice intimating that the number of men employed in the Kharagpur workshops would be reduced. I lay a copy of the notice

on the table. It invited voluntary resignations from the men and offered certain privileges to those who resigned, but it also pointed out that in the event of an insufficient number of men resigning voluntarily it would be necessary to resort to compulsory retirements. I may mention that though, in the notice, the 27th August, 1927, was given as the date before which voluntary resignations must be received, this date was subsequently extended to the 7th of September, 1927. I should also mention that the Agent of the Railway was in close touch throughout with the Labour Union and kept them fully informed of the methods whereby the reduction in staff would be effected.

I should perhaps add to that that on, I think, the 21st of August, the Agent met the Labour Union and discussed fully with them certain points which they wished to put forward with regard to the way in which these resignations or these retirements should be effected and that on a very considerable number of these points he met their wishes. He has throughout kept very closely in touch with the authorities of the Labour Union in this matter.

(*b*) and (*c*). 178 men were, I understand, discharged some time before the issue of this notice because there was not work for them. Discharges were then suspended, since in view of the considerable reduction, which it was found necessary to effect, the Agent considered that before proceeding further he should let the Labour Union know what action was proposed. Government are not aware of the exact length of service of these 178 men, but it is quite possible that some of them had more than 15 years' service.

DRAFT NOTICE.

With effect from 30th September, 1927, the number of men employed in Kharagpur workshops will be reduced.

2. Special benefits will be given to men who voluntarily resign *before 27th August, 1927.* Such men will be granted all leave, gratuity and Provident Fund bonus that may be due to them under the rules and in addition they will receive a bonus of one month's pay. They will be granted service certificates stating particulars of service, and reason for leaving "Resigned of own accord", *not* "Discharged on reduction of establishment". Those men will be permitted to leave immediately on their giving notice or at any time thereafter up to one month from the date of their notice.

3. In the event of an insufficient number of men resigning voluntarily under the above terms, the necessary reduction will be made from amongst men approaching or past the age of 55, excepting individuals who may be specially required in the interests of the Company's service, and from others by selection.

4. Men thus compulsorily retired will be given one month's notice and such gratuity, Provident Fund bonus and leave benefits as may be due to them under the rules, but no bonus of a month's pay.

Mr. N. M. Joshi : Is it a fact that the Labour Union requested the Agent to reduce, if necessary, first the junior men instead of reducing the senior men ?

Mr. A. A. L. Parsons : I have no information to that effect, Sir. The Labour Union made certain inquiries whether employees with short service, who were brought under reduction, would get a gratuity. But I find nothing in the memorandum which has been given to me of the conversations between the Agent and the Union which suggests that they put forward that request.

Mr. N. M. Joshi : May I ask whether the Railway Board will recommend to the Bengal Nagpur Railway Agent that persons who have been engaged during this year should first be reduced before people who have put in longer service ?

Mr. A. A. L. Parsons : I will consider the Honourable Member's suggestion and bring it to the notice of the Agent of the Railway. I must point out, however, that, I think probably quite advisably, the first men the Agent proposes to retire are those who are nearing the age for retirement, *i.e.*, nearing the age of 55. I am not sure that it will be desirable to alter that particular provision in the manner suggested by the Honourable Member.

Mr. B. Das : Are Government aware that owing to the floods there is already severe distress in the district of Midnapur and the districts of Chota Nagpur and Orissa, and in view of the fact that any retirement of the staff on the Bengal Nagpur Railway will affect the people inhabiting those districts and enhance the distress of the Oriya people as well, will Government see their way to recommend to the Bengal Nagpur Railway authorities not to reduce the staff, at least under the present distressing conditions ?

Mr. A. A. L. Parsons : I am afraid I could not recommend to the Agent of the Bengal Nagpur Railway to continue to keep on staff for whom there is no work.

Mr. B. Das : Will the Honourable Member recommend that these men be utilised in any other capacity on the Bengal Nagpur Railway, especially in the affected area where the railway lines are breached ?

Mr. A. A. L. Parsons : Is the Honourable Member asking whether I will recommend to the Agent that any man who has been discharged from the Kharagpur Workshops should be given other employment on the Railway in places where they can find him suitable employment ? I think it is almost certain that the Agent has already taken that into consideration, but I will convey the suggestion to him.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member kindly state whether the Railway Board has any authority to interfere with the personnel of Company-managed Railways and whether it considers it advisable to interfere with the personnel of Company-managed Railway Workshops ?

Mr. A. A. L. Parsons : I am not aware, Sir, that any charge of interference with the personnel of these workshops has been levelled against the Railway Board. We have been acting entirely in consultation with the Agent, who himself consulted us Our relations with the authorities of Company-managed Railways are extremely intimate, and they would certainly consider themselves bound to consult us when action of this sort has to be taken.

Mr. Varahagiri Venkata Jogiah : Will the Government be pleased to state whether the Bengal Nagpur Railway authorities, while discharging old workers, have been extending the service of men who are over 55 ?

Mr. A. A. L. Parsons : If the Honourable Member will wait, there is a further question, on which, though it does not exactly answer his question, I think that it will more appropriately arise.

Mr. N. M. Joshi : With reference to the supplementary question of my gallant friend, Colonel Gidney, may I ask the Railway Board whether most of the capital of the Company-managed Railways is supplied by the Government of India ?

Mr. A. A. L. Parsons : That is so.

Mr. K. Ahmed : One supplementary question, Sir. In view of the fact that more workmen will be required for the repair of the damages caused by the floods, do Government propose for the benefit of these workmen and for the benefit of the country, to keep these men on until the works are finished and the damages are repaired ?

Mr. A. A. L. Parsons : I am afraid I can find very little connection between work which is done by skilled artizans in the Kharagpur workshops and the earth work which is being done on mending the lines on the East Coast section. I have already said that I will convey the suggestion to the Agent of the Railway that, if possible, other work should be found for these men on the Railway.

Mr. N. M. Joshi : May I inquire whether the Railway Board will consider the suggestion of the Labour Union that instead of reducing the men all at once, they should wait for vacancies taking place in the natural course ?

Mr. A. A. L. Parsons : I think I have already answered that I am afraid the Railway Board cannot justify the continuance of employment in the Kharagpur workshops of men for whom there is no work.

EXPENDITURE INCURRED BY THE BENGAL-NAGPUR RAILWAY ON SUPERIOR OFFICERS AND SUBORDINATE SUPERVISING STAFF.

907. ***Mr. N. M. Joshi** : (*a*) Are Government aware that during the last three years their expenditure on the Bengal Nagpur Railway for superior officers and for subordinate supervising staff has gone up considerably ?

(*b*) If so, will they be pleased to state by how much the above expenditure has gone up ?

Mr. A. A. L. Parsons : Final figures of the expenditure on superior and subordinate supervising staff on the Bengal Nagpur Railway for 1926-27 are not yet ready, but I will send the Honourable Member the information that he requires as soon as they come in.

Mr. N. M. Joshi : May I ask, Sir, whether, if the expenditure on the superior and subordinate supervising staff has gone up considerably, the Railway Board will be prepared to reduce that expenditure ?

Mr. A. A. L. Parsons : We should only be prepared to reduce expenditure if it was thought that it was not being wisely incurred. I think, when the Honourable Member sees the figures, he will find that there has been a considerable drop in expenditure last year as compared with the year before.

Mr. N. M. Joshi : My question was whether the expenditure has not gone up during the last few years, and if the expenditure has gone up, whether the Government of India will reduce that expenditure.

Mr. A. A. L. Parsons : The answer to the Honourable Member's question is that we addressed the Agent of the Bengal Nagpur Railway, as well as the Agents of all other Railways, to see whether they could not, by revising their arrangements, and without loss of efficiency, succeed in obtaining a reduction of administrative charges.

RATES FOR DAILY WAGE STAFF IN WORKSHOPS OF THE BENGAL NAGPUR RAILWAY.

908. *Mr. N. M. Joshi : Will Government be pleased to state whether after the last strike of the Bengal Nagpur Railway employees any improvement in the conditions of service of the workers has been made and, if so, will they be pleased to state what it is ?

Mr. A. A. L. Parsons : Yes. The pay of workers drawing under eleven rupees per mensem has been raised in all departments except the Locomotive Department where proposals are under final examination. Meanwhile, the Chief Mechanical Engineer has already been authorised to adopt from the 1st September the following minima rates for daily wage staff in workshops :

Skilled labour, twelve annas a day,

Unskilled adult men, nine annas a day.

DISCHARGE OF OLD WORKMEN OF THE WORKSHOPS AT KHARAGPUR.

909. *Mr. N. M. Joshi : Will Government be pleased to state whether :

(*a*) while old workers are being discharged in the Kharagpur workshops, some new workers are being engaged ?

(*b*) articles manufactured in the shops are being obtained through contractors ?

(*c*) articles manufactured in the workshops are being obtained from foreign countries ?

Mr. A. A. L. Parsons : (*a*) No.

(*b*) Certain articles such as bolts and nuts below three quarters of an inch diameter and some casting, etc., have always been obtained through contractors. Probably what the Honourable Member wishes to know is whether there has been any recent alterations of practice. If so, the answer is in the negative.

(*c*) Here again there has been no alteration of the practice on the Bengal Nagpur Railway, which is much the same as that of other Railways.

Mr. Varahagiri Venkata Jogiah : May I ask, Sir, whether the Bengal Nagpur Railway have been discharging old workers and at the same time granting extensions to those who have completed the age of 55 ?

Mr. A. A. L. Parsons : Not so far as my information goes, Sir.

Mr. N. M. Joshi : May I ask, Sir, whether it is not a fact that articles so far manufactured in the Kharagpur workshops are now ordered to be obtained either through contractors or through foreign countries ?

Mr. A. A. L. Parsons : The information given me by the Agent of the Railway, which I have just read out to the House, appears to me to show that that is not the fact, for he states there has been no alteration in the practice.

Mr. N. M. Joshi : Though there may not be an alteration in the practice, there may be alteration in the amount of the articles made in Kharagpur, and I want to know whether the Railway Board will be willing to convey the sense of this House that it is not right and that it is not in the interests of the workers of this country that they should get these articles from foreign countries.

Mr. A. A. L. Parsons : I am not sure that I understand to what articles the Honourable Member refers, nor am I sure that he expresses the sense of this House.

Mr. N. M. Joshi : The Honourable Member is aware that this House has given protection to many industries ?

DISCHARGE OF 12 CLERKS BY THE LOCOMOTIVE AUDITOR AT KHARAGPUR, BENGAL NAGPUR RAILWAY.

910. ***Mr N. M. Joshi** : (*a*) Is it a fact that the Loco. Auditor at Kharagpur has in the name of economy discharged 12 clerks and purchased equipment and machinery worth nearly Rs. 50,000 and is incurring an additional monthly expenditure of about Rs. 1,000 ?

(*b*) Do Government propose to enquire into this matter ?

Mr. A. A. L. Parsons : A reference has been made to the Railway Administration, but up to the present no reply has been received. The information will be communicated to the Honourable Member on receipt.

NUMBER OF INDIAN GUARDS AND DRIVERS ON PASSENGER TRAINS ON THE MAIN LINE OF THE GREAT INDIAN PENINSULA RAILWAY.

911. ***Mr. N. M. Joshi** : With reference to the reply given to my unstarred question No. 29, dated 18th August 1927, will Government be pleased to enquire how many Indian guards and drivers are running on the main line of the Great Indian Peninsula Railway for passenger trains, and if there are none, why ?

Mr. A. A. L. Parsons : I will obtain the information for the Honourable Member.

NUMBER OF RAILWAY EMPLOYEES DISCHARGED AFTER PERIODICAL MEDICAL EXAMINATION DURING THE YEAR 1926.

912. ***Mr. N. M. Joshi** : (*a*) With reference to the reply to my unstarred question No. 38, dated 18th August 1927, will Government be pleased to enquire how many men in railway service were discharged after periodical medical examination during the year 1926 ?

(*b*) Will they also be pleased to state how many of the men discharged were Indians and how many Europeans ?

Mr. A. A. L. Parsons : I will obtain the information for the Honourable Member.

QUESTIONS NOT PUT, OWING TO THE ABSENCE OF THE QUESTIONER, WITH ANSWERS TO THE SAME.

BOOKING OF MOTOR CARS AND LIVE STOCK FROM DIGHA GHAT, BENGAL AND NORTH WESTERN RAILWAY, ACROSS THE RIVER DURING THE RAINS.

899. ***Khan Bahadur Sarfaraz Hussain Khan** : Will the Government be pleased to state :

(*a*) If they are aware that booking of motor cars and live stock from Digha Ghat, Bengal and North-Western Railway across the river remains closed during the rains ?

(*b*) If so, for how many months in the year ?

(*c*) What other course is open to the public to send live stock and motor cars during the period ?

(*d*) Is it a fact that the other routes for their transport are very costly ?

(*e*) Do Government propose to take necessary steps to give relief to the public in this connection ?

Mr. A. A. L. Parsons : Enquiry has been made and the result will be communicated to the Honourable Member.

REPORT OF THE INDIAN SUGAR COMMITTEE.

900. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) When did the Indian Sugar Committee submit its Report ?

(*b*) If it has, what action have the Government taken since the submission of the Report ?

(*c*) If not, when is the Committee expected to submit the report ?

Mr. A. R. Dalal : (*a*) In 1921.

(*b*) A statement showing the action taken by Government on the Reports is laid on the table of the House.

(*c*) Does not arise.

X.—ACTION TAKEN BY THE GOVERNMENT OF INDIA ON THE RECOMMENDATIONS OF THE INDIAN SUGAR COMMITTEE.

Recommendations.	Action taken.
I.—General Agricultural Recommendations.	
Recommendation No. 225.—The importance of agricultural engineering should be recognised by the incorporation of Agricultural Engineers in the I. A. S.	The Government of India abandoned the proposal to include the Agricultural Engineers in the cadre of the I. A. S.
Recommendation No. 230.—The mycological needs of cane will be met, if laboratory facilities are provided at the Sugar Research Institute and when necessity arises, a Mycologist from Pusa is lent to the Institute.	Action on these was postponed pending the creation of an all-India Entomological Service.
Recommendation No. 231.—An additional Entomologist should be appointed to the Pusa staff principally for the investigation of cane pests throughout India.	The consideration of this proposal has been postponed pending the receipt of the recommendations of the Royal Commission on Agriculture.

Recommendations.	Action taken.
Recommendation No. 232.—The power of the Imperial Sugarcane Expert to import cane from other countries without a certificate of freedom from disease should be transferred to the Director of the Sugar Research Institute when it is created.	The Sugar Research Institute has not been established yet.
Recommendation No. 233.—Till then the power should also be given to the officer in charge of the Research Station at Shahjahanpur.	This recommendation has been given effect to.
Recommendation No. 234.—The water requirements of cane should be investigated on all agricultural stations working on cane.	Left to local Governments for necessary action.
Recommendation No. 235.—The establishment of the proposed research station in the Punjab for the investigation of the water requirements of all crops should be expedited and a Soil Physicist or Physical Chemist should be placed in charge.	
Recommendation No. 236.—The possibility should be considered of meeting the cost of lining canals on which a concentrated cane area is to be served by increasing the water rates.	
Recommendation No. 237.—The system of selling irrigation water by volume has great advantages and conditions are more favourable for its adoption than when the Irrigation Commission first expressed their preference for it when practicable.	Under consideration by the Public Works Department.
Recommendation No. 239.—Early action on the recommendations of the Committee on Weights and Measures is required in the interests of the cultivator.	Necessary action has been taken by the Commerce Department.
II.—*Other sources of Sugar.*	
Recommendation No. 258.—A unique opportunity appears to be afforded of opening a combined cane and beet sugar factory in the Peshawar Valley.	Left to the local Government concerned.
III.—*The Manufacture of Gur.*	
Recommendation No. 287.—The Industrial Commission's recommendations for the grant of loans for small or cottage industries are well suited to encourage the gur-making industry, except that the disposal of these loans should be entrusted to the Agricultural Department and not to the Department of Industries.	Referred to the local Governments who agreed to grant loans where necessary.
IV.—*The Sugar Factory and its Raw Material.*	
Recommendation No. 313.—To enable monthly settlements to be made under the scale proposed, the Director of Statistics should issue monthly a statement of the average wholesale prices in the principal markets of white sugar manufactured in India.	This is covered by recommendation No. 375.

Recommendations.	Action taken.
Recommendation No. 319.—There are several projects for new lines in North Bihar the execution of which would be of great benefit to the factory industry there. *Recommendation No. 320.*—Other schemes that should be proceeded with are for branch lines or extensions in Gorakhpur (United Provinces), Kamrup (Assam), Ganjam (Madras) and Poona (Bombay). *Recommendation No. 321.*—On existing lines the chief need is a prompt service of open trucks with low sides.	Necessary action has been taken by the Railway Board.
Recommendation No. 322.—With the development of the industry there will be a growing need for privately owned light railways to convey cane to the factory; and the authorities controlling existing roads and railways should as far as possible afford the necessary facilities.	Necessary action has been taken by the Railway Board.

V.—*Manufacture of Sugar.*

Recommendation No. 342.—Government should, therefore, erect a pioneer factory in Upper India outside the present factory zone, possibly in the Karnal or Rohtak district of the Punjab. *Recommendation No. 343.*—It should be run on purely commercial lines by a directorate of five—a managing director. the Director of the Sugar Research Institute (*ex-officio*) another official nominated by Government and two non-officials nominated by the Sugar Board. *Recommendation No. 344.*—The nanaging director and factory staff should be recruited on special agreements and participate in profits. *Recommendation No. 345.*—Should Government be unable to provide the funds, a loan should be raised in the form of debentures carrying a guaranteed interest of 7 per cent free. of income-tax and a half share in all profits above 7 per cent. up to 13 per cent. *Recommendation No. 346.*—The Factory should be required to carry out general experiments for the benefit of the sugar industry and should receive no privileges which would not be given to a private factory.	The establishment of a pioneer factory in Upper India was postponed owing to financial stringency. It must now await the recommendations of the Royal Commission.
Recommendation No. 352.—The period of notice for the submission of tenders should not exceed six months. *Recommendation No. 353.*—The possibility should be considered of adopting as the contract rate a sliding scale based on the market price of the distiller's basic material.	Necessary action has been taken by the Commerce Department.

Recommendations.	Action taken.
VI.—*The Tariff Question.*	
Recommendation No. 358.—A quantitative duty is preferable to an *ad valorem* duty; but the present time is not opportune for the change.	A quantitative duty (23 (D. S. and above Rs. 4-8-0 per cwt., between 8 and 23 D. S. Rs. 4 per cwt.) has been imposed with effect from the 1st June 1925.
Recommendation No. 360.—If Imperial preference is adopted generally, it should be adopted in favour of Empire sugar by means of a proportional reduction on the present tariff.	No present action is called for.
VII.—*Statistical.*	
Recommendation No. 373.—A certain amount of re-arrangement would considerably improve the "Agricultural Statistics of India."	The changes recommended have been accepted.
Recommendation No. 374.—The "Commercial Statistics of India" should include statistics of cane crushed and sugar and molasses turned out by sugar factories.	The publication known as "Commercial Statistics of India" have been replaced by the "Statistical Abstract," in which no separate figures for sugar factories are given. It was not considered desirable to give effect to the recommendations of the Sugar Committee.
Recommendation No. 375.—The monthly sugar price returns recommended in Chapter XIX should be reproduced in "Prices and Wages in India."	Held over pending final orders on the question of the discontinuance of "Prices and Wages in India" volume.
Recommendation No. 380.—Detailed improvements are suggested in other Tables of "Prices and Wages in India".	
Recommendation No. 381.—Imports and exports of sugar should be recorded in tons in the "Annual Statement of Seaborne Trade".	This is now being done.
VIII.—*Formation of an Indian Sugar Board.*	
Recommendation No. 382.—The organisation of the Indian Sugar Industry on the Java model is essential to progress.	The establishment of a Sugar Research Institute and a Sugar Board was postponed on grounds of financial stringency and economy. It must await the recommendations of the Royal Commission on Agriculture. The question of establishing research stations in the provinces has been left to local Governments.
Recommendation No. 385.—In the first instance all members will have to be nominated by Government; but the first duty of the Board should be to evolve a scheme to secure representative appointments.	
Recommendation No. 386.—Members should then hold office for three years and their tenure should be honorary.	

Recommendations.	Action taken.
VIII.—*Formation of an Indian Sugar Board*—contd.	
Recommendation No. 387.—An Imperial Sugar Research Institute should be established with three divisions, agricultural, chemical, engineering, each with its own independent head, and it should control the work on the various research stations already proposed for the provinces. *Recommendation No. 388.*—A director required for the administrative control of the whole Institute and to keep in touch with the sugar work of the Province. *Recommendation No. 389.*—In addition to the more obvious lines of work the Institute should consider the needs of the small gur manufacturer, investigate the possibilities of the beet sugar production and assist the palm sugar industry. *Recommendation No. 390.*—The first Director and heads of divisions should be recruited on special terms, and other officers of the research organisation as members of the Indian Agricultural Service. *Recommendation No. 391.*—Subsequent Directors and heads of divisions should be appointed by promotion and given the status and pay of provincial Directors of Agriculture and officers in the selection grade of the Indian Agricultural Service respectively. *Recommendation No. 395.*—Factories should be encouraged to maintain their own agricultural advisers provided and controlled by the Sugar Research Institute. *Recommendation No. 396.*—The sugar industry should be expected to contribute towards the cost of the Institute from the outset; and the first representative Board should evolve a practical system of contribution. *Recommendation No. 397.*—Peculiar conditions in India, especially the importance of the gur industry, preclude the complete elimination of Government interest in the Institute; and when the industry is in a position to take over the main control, its funds should be provided by a levy on factories supplemented by a Government subsidy to ensure consideration of the interests of the small grower. *Recommendation No. 398.*—The functions of the Sugar Board would be to control the policy of the Research Institute and the administration of its funds, to advise Government on matters affecting the sugar industry and to supervise the issue and receipt of returns by the Institute. *Recommendation No. 399.*—The cost of the Sugar Board would be negligible; that of the Research Institute, the sugar school and the sub-stations is estimated at 35½ lakhs non-recurring and 12 lakhs recurring; but the latter should be largely reduced by the earnings of the sub-stations.	The establishment of a Sugar Research Institute and a Sugar Board was postponed. It must now await the recommendations of the Royal Commission on Agriculture. The question of establishing research stations in the provinces has been left to local Governments.

Recommendations.	Action taken.
VIII.—*Formation of an Indian Sugar Board*—concld.	
Recommendation No. 400.—Profits on the research stations should be devoted to the expansion of the activities of the Institute.	The establishment of a Sugar Research Institute and a Sugar Board was postponed. It must now await the recommendations of the Royal Commission on Agriculture. The question of establishing research stations in the provinces has been left to local Governments.
Recommendation No. 401.—The submission by factories to the Institute of returns approved by the Board should be made compulsory by legislation; but proceedings for default should only be taken on the complaint of the Board.	
Recommendation No. 402.—The Research Institute should be located where it can serve not only the existing factory industry of Upper India but also the great cane tract further west and north: and a site in the Basti or Kheri district of the United Provinces would fulfil these requirements.	
Recommendation No. 403.—The same place should be adopted as the headquarters of the Board, though the Chairman should have power in case of necessity to convene meetings elsewhere.	
Recommendation No. 404.—The Sugar Bureau should be continued pending its absorption in the Research Institute.	
IX.—*Coimbatore.*	
Recommendation No. 406.—The Coimbatore cane-breeding station and the post of cane breeding expert should now be made permanent.	The Coimbatore Cane breeding station has been made permanent and brought under Imperial control with effect from 1st April 1925. Funds amounting to Rs. 1,03,600 for providing additional staff and for the purchase of land, etc., were provided during 1925-26. Additional land has been acquired and extra staff is being recruited. A sum of Rs. 1,00,000 has been provided for further expansion of the station during 1926-27. A Second Cane-breeding Officer has been appointed to conduct research on thick canes.
Recommendation No. 407.—The station should be transferred to Imperial control.	
Recommendation No. 412.—More attention should be paid to the breeding of new varieties of thick canes for Peninsular India, Burma and Assam.	
Recommendation No. 413.—The area of the station should, if necessary, be increased by some 25 or 30 acres for this purpose	
Recommendation No. 414.—Coimbatore should also become a cane research station for South Madras.	
Recommendation No. 416.—In addition to undertaking branches of work indicated in Chapter X, the research station should carry out special investigations into the water requirements of cane.	
Recommendation No. 417.—A second cane-breeding station is required mainly for the raising of seedlings from parents that will not produce fertile seed at Coimbatore.	
Recommendation No. 422.—The cane-breeding expert should control both breeding stations, making Coimbatore his headquarters.	

Recommendations.	Action taken.
X.—*Sugar Schools.*	
Recommendation No. 426.—One of the greatest needs of the Indian Sugar industry is a properly trained staff of chemical, engineering and agricultural assistants.	Owing to financial stringency consideration of the proposals was deferred. It must now await the recommendations of the Royal Commission on Agriculture.
Recommendation No. 427.—The specialised technical training which will qualify men to enter the sugar industry as competent workers should be provided in the country.	
Recommendation No. 428.—Of the educational institutions in other countries which give courses of instruction in sugar technology the Audubon Sugar School of the Louisiana State University and the College of Hawali furnish the most instructive precedents for India.	
Recommendation No. 429.—The school for India should provide a thorough training in sugar agriculture, chemistry and engineering and should form an integral part of the Sugar Research Institute.	
Recommendation No. 430.—The ultimate standard of training to be aimed at should be worked up to gradually with due regard to the immediate needs of the industry.	
Recommendation No. 431.—Prior to admission students should have taken the first two years' course of an Agricultural or Engineering College with some additional instruction in chemistry and physics.	
Recommendation No. 432.—The Sugar School course should extend over 2½ years and three crushing seasons; and should be conducted in two sections, an agricultural section and a chemical and engineering section, though a part of the training would be common to both.	
Recommendation No. 433.—Practical field and factory work should form the most prominent feature of the course; and for this purpose the school should have its own farm and small model factory.	

NOTE.—Other recommendations concerned local Governments and were left to them to take such action as they considered necessary.

CREATION OF SCHOLARSHIPS FOR THE STUDY OF THE SUGAR INDUSTRY IN FOREIGN COUNTRIES.

901. **Khan Bahadur Sarfaraz Hussain Khan**: (*a*) Are Government considering the desirability of creating scholarships for the study of the sugar industry in foreign countries?

(*b*) If the answer to (*a*) be in the negative, will the Government please give reasons?

Mr. A. R. Dalal: (*a*) and (*b*). The question of creating scholarships for the study of the sugar industry is under the consideration of the

Royal Commission on Agriculture. It will be taken up by the Government of India when the recommendations of the Commission are received.

PROPOSED BRANCH LINE OF THE BENGAL AND NORTH WESTERN RAILWAY BETWEEN MAHARAJGUNJ AND DRAULI.

902. *Khan Bahadur Sarfaraz Hussain Khan : Will the Government be pleased to state :

(a) When it is expected to open the proposed branch line of the Bengal and North Western Railway between Maharajgunj and Drauli in the District of Saran (Bihar and Orissa) ?

(b) Do they propose to ask the Company to expedite the completion of the scheme ?

Mr. A. A. L. Parsons : (a) and (b). This line has not yet been surveyed. If the Mashrak-Thawe line, which is under consideration, is taken up, it will serve the same area.

RUNNING OF THROUGH COMPOSITE FIRST AND SECOND CLASS CARRIAGE BETWEEN PAHLEZA GHAT AND THE MAIN LINE OF THE BENGAL AND NORTH WESTERN RAILWAY.

903. *Khan Bahadur Sarfaraz Hussain Khan : Will the Government be pleased to state :

(a) If it is proposed to run a through composite first and second class carriage between Pahleza Ghat and the main line of the Bengal and North Western Railway going to Cawnpore ?

(b) Is it a fact that passengers, specially ladies, are subjected to inconvenience during the rains and cold weather by walking a long distance on the Sonepur station platform to get another train ?

Mr. A. A. L. Parsons : (a) Enquiry has been made and the result will be communicated to the Honourable Member.

(b) Government have received no complaints to this effect.

MOTION FOR ADJOURNMENT.

RETRENCHMENT BY THE BENGAL NAGPUR RAILWAY OF WORKMEN EMPLOYED IN THE WORKSHOPS AT KHARAGPUR.

Mr. President : I have received the following notice of motion for adjournment of the House under rule 11 of the Indian Legislative Rules from Mr. M. K. Acharya :

"I desire under Rule 11 of the Indian Legislative Rules to make a motion for the adjournment of the business of the Assembly to-day (7th September 1927) for the purpose of discussing a definite matter of urgent public importance, namely, the decision of the Bengal Nagpur Railway authorities immediately to retrench 2,000 men of the Kharagpur workshops at a time when th eneighbouring parts of the country are stricken with the havoc caused by the recent floods, and while the said railway authorities are giving out on contract to private firms large quantities of work till recently done in the railway workshops by the workmen themselves."

This notice of motion came into my hands one minute before 11 o'clock. It is extremely inconvenient to every one concerned, particularly to the Chair and to the Department that Members should give such notice just at the eleventh hour. I must have some time at any rate to consider the question of admissibility to enable me to pass orders on it. I hope, therefore, that Members who desire to give notice of motions for adjournment of the House under rule 11, will at least give a few minutes to the Chair, so that the Chair might communicate with the Department concerned and have their view. This is, of course, for future guidance. As for the particular notice which I have just read to the House, I should like to know from Mr. Acharya on what date this decision of the Bengal Nagpur Railway authorities was arrived at ?

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : Sir, from the papers that I have got, notice seems to have been given on the 15th of last month and it is to take effect before the end of this month. It is specifically stated in the notice that arrangements should be made so that the whole of the surplus is eliminated before the beginning of the Puja holidays. It says :

" The notices to the staff whose services are dispensed with compulsorily should be issued so that they will expire by the 29th September at latest ".

I got this two days ago. I was thinking over it and consulting friends as to the action that should be taken. I hope when the occasion arrives I shall be able to show that it is not only urgent but that, inasmuch as it affects the welfare of 2,000 workers and their families, it is of great public interest, and I hope I shall be able.....

Mr. President : I only want to know from the Honourable Member when the decision of the Bengal Nagpur Railway was arrived at ? On what date ?

Mr. M. K. Acharya : I cannot say. I have got only the letter of the Agent addressed to the Chief Mechanical Engineer giving instructions to bring about retrenchment before the 29th September at latest.

The Honourable Sir George Rainy (Member for Commerce and Railways) : I think, Sir, I can supply the information for which you have asked. The decision of the Agent was communicated to the Labour Union at Kharagpur on the 15th August last. I remember myself seeing in one of the Calcutta newspapers a public announcement on the subject,—in a paper which reached Simla on the 18th August. I take it, therefore, that it must have been actually published in Calcutta either on the 16th or the 17th. As regards the admissibility of the motion, Mr. President, I should like to make two submissions. In the first place, the House has heard the answers given by Mr. Parsons to the questions on this subject. I would submit that it is very difficult to say that this is a matter of public importance. I do not say that a large reduction in the labour force in a railway workshop might not be in given circumstances a matter of real public importance : but I do think that a great deal would depend upon the circumstances, and as far as I know, there is nothing in the present case which would justify the belief that it is, in fact, a matter of great public importance. It is obvious, I think, that if matters of this kind were invariably so regarded, the time of this House would be constantly taken up with discussions on subjects of this kind.

[Sir George Rainy.]

Then, on the second point, Mr. President, namely, as regards the urgency of the motion, I would submit that, since the decision of the Agent was announced as long ago as the 15th August and was actually published in the papers as long ago as the 16th or 17th August, if the matter was regarded as of such importance and urgency as to require discussion in this House it ought to have been brought up at an earlier date. The Honourable Member who has given notice of the motion has had a number of opportunities on which he could have brought the matter up, and I do submit, Sir, that it cannot now be regarded as a matter of urgency within the meaning of the rule.

Mr. N. M. Joshi (Nominated : Labour Interests) : I want to say one word about the question of importance and also of urgency. The importance of the matter lies in the fact that, although most of the capital which is required for running the Bengal Nagpur Railway is provided by the Indian tax-payer, the railway authorities are sending away a number of men, while at the same time they are ordering things from abroad which could be made in the workshops. I think that the tax-payer has a right to say why Government should not follow this policy. The urgency of the matter lies in the fact that, although the notices were issued as early as the 15th August, the Union was negotiating with the Agent and I think no action could be taken for some time.

Mr. President : Unlike the Commerce Member, I am clearly of opinion that the matter is of great public importance. But I am not convinced that the matter is urgent. I should have certainly admitted this notice of motion for adjournment if it had come to me on the 18th August. The decision proposed to be questioned was arrived at on the 15th August. It was published in the newspapers on the 16th or 17th August, as Sir George Rainy has said, and there is absolutely no reason why the Honourable Member should not have given a notice of motion for adjournment on the 18th. In these circumstances.....

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : Would you hear us on that point ?

Mr. President : It is not necessary to hear any more speeches. I rule that the motion is not in order.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Council of State :

"I am directed to inform you that the Council of State have, at their meeting held on the 6th September, 1927, agreed without any amendments to the following Bills which were passed by the Legislative Assembly on the 18th and 24th August, 1927 :

A Bill to amend the Indian Bar Councils Act, 1926, for certain purposes.

A Bill further to amend the Indian Merchant Shipping Act, 1923.

A Bill further to amend the Indian Divorce Act for a certain purpose."

BILLS PASSED BY THE COUNCIL OF STATE LAID ON THE TABLE.

Secretary of the Assembly : Sir, in accordance with Rule 25 of the Indian Legislative Rules, I lay on the table the following two Bills which were passed by the Council of State at its meeting of the 6th September, 1927 :

1. A Bill further to amend the Indian Divorce Act for a certain purpose.
2. A Bill further to amend the Assam Labour and Emigration Act, 1901, for certain purposes.

THE INDIAN TARIFF (COTTON YARN AMENDMENT) BILL—*contd.*

Mr. President : The House will now resume further consideration of the following motion moved by the Honourable Sir George Rainy on the 6th September 1927 :

"That the Bill further to amend the Indian Tariff Act, 1894, in order to safeguard the manufacture of cotton yarn in British India, as reported by the Select Committee, be taken into consideration."

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division : Muhammadan Rural) : I rise to oppose the amendment proposed by my friend Mr. Neogy. I think, Sir, my friend Mr. Neogy has not sufficiently realised the serious situation in which the mill industry of Bombay is passing. The light-hearted manner in which he dwelt on this subject shows that he has not understood the present situation at all and the arguments that he put forward are to my mind very frivolous, because he found fault with a particular millowner in Bombay regarding the purchase of coal, and therefore he says that the millowners are not sympathetic and therefore the national industry should go to ruin. That is his argument.

Diwan Chaman Lall (West Punjab : Non-Muhammadan) : How is it a national industry ?

Mr. Fazal Ibrahim Rahimtulla : I am going to show you how, if you will wait. As regards the point of the purchase of coal, if a millowner buys coal at Rs. 22 per ton in preference to Rs. 21-4-0 per ton which is to his interest I think he must have got very good reasons and I leave it to the official spokesman of the Millowners' Association, to deal with this matter in detail, but I say, Sir, that that is not the argument for rejecting the Bill which is now before us in the shape of the Report of the Select Committee. Sir, while criticising the attitude of my friend Mr. Neogy, I must say, Sir, that I was considerably surprised to find my friend Mr. Jamnadas Mehta supporting the amendment. Coming from Bombay and praising Bombay to the skies on the floor of this House yesterday, he has thought it his duty to request us to reject this Bill and to support the amendment, knowing full well the present situation through which the industry is passing. He said that the millowners must support the yarn Bill because beggars cannot be choosers. While saying that, he contradicted that statement the next minute. What did he say ? He said that the millowners ought to stand up and dictate to Government that, if they do not give us real protection, we will not have it. I hope, Sir, the Honourable Member will tell this House what methods the millowners or the representatives of this nation should adopt in order to compel Government to give that protection which my friend desires.

[Mr. Fazal Ibrahim Rahimtulla.]

Sir, there are two points which have been discussed in this House, which I think require some consideration. The first point was that the present Bill is not sufficient to protect the mill industry. The second point was that it hits the handloom industry. As regards the first point, I would just read a few lines, from the Millowners' Report to show why this yarn Bill has been justified and is necessary in the present circumstances :

"The greatest value of the duty in the opinion of the millowners is that it would act as a powerful weapon against the dumping of yarns of coarse counts which are the lifeblood of the Indian industry. Even during the last four years of depression the millowners point out that by selling their yarn at a loss they have been able to keep out imports of coarse counts, but they fear that with a continuation of the unsettled conditions of the Far Eastern markets, the Japanese and Sino-Japanese mills will attempt to dispose of the coarse yarns in India at dumping prices, which under normal circumstances would have been sold in China. Already Sino-Japanese yarns of medium counts are being sold in Bombay at 20 to 25 per cent. below the bare cost of production in India, and the latest shipments indicate that the movement is extending to yarn of counts below 20. This, to our mind, constitutes a very valid reason for supporting the duty which the Government's Bill proposes."

As regards the argument of my friend Mr. Jamnadas Mehta that the Tariff Board Report has said nothing about the yarn duty. They have said on the contrary that the yarn duty if levied would go against the handloom industry. I would draw his attention to page 192 where it is said :

"At the same time, it must be recognised that conditions in this respect may change and that large quantities of coarse yarn may be placed on the Indian market at prices with which the Indian mills may not be able to compete. The possibility that Japan may, owing to the disturbed conditions in China, seek an outlet for yarn of lower counts in India at such prices cannot be overlooked. Should this happen and, especially, should it happen before the industry has had time to effect the internal economies and the reorganisation we have suggested, we are of opinion that a contingency will have arisen in which an additional duty on yarn would be fully justified."

Sir, I leave the matter at that and leave it to the Members to judge why the millowners have come forward to support the Select Committee's Report or in other words the Government measure. As regards the handloom industry there is no doubt that it is going to be hit. I do not think, Sir, there is anybody in this House who will deny that statement. The point is whether the handloom industry is going to be hit to-day or whether it is going to be ultimately hit by some other causes and consequences which will be much more serious. I shall point out to my friends here who are as keen as I am about the handloom industry to read page 170 of the Tariff Board's Report :

"It should be pointed out that, even if no counterveiling duty is levied, a rise in price is inevitable since, unless Japan is able to supply all the requirements of India at the low prices at which she is able to supply part of them, it is to her interest, once she has established herself in the Indian market, to allow prices to rise to the level at which other competitors can sell without loss but which would yield her larger profits. A rise in prices in this way would, however, be far more gradual than that which would follow the imposition of a differential duty and in the meantime serious and perhaps lasting damage might have been inflicted on the home industry. From the point of view of the consumer, therefore, the imposition of a differential duty against unfair competition merely hastens the rise in prices which would, in any event, be brought about by the play of normal economic forces."

Sir, I have dealt with these two points and now I must congratulate my friend, barring these two points, on the excellent speech which he

delivered. I entirely agree with Mr. Jamnadas Mehta that the Government have placed this House in a dilemma. If they had adopted the Tariff Board's recommendations they would have secured the unanimous support of this House. Instead of that, by bringing forward this yarn Bill they have created a conflict of interests, and instead of having the relief for which the millowners were fighting we are now asked to fight amongst ourselves. The millowners, as you know, Sir, asked the Government to appoint a Tariff Board to go into the question of preventing the unfair competition from Japan. What do we find now ? Instead of having the Tariff Board's recommendation to prevent unfair competition from Japan, we find that the mill industry has to fight against the representatives of the people in connection with the handloom industry. Sir, I may be permitted to mention here what the Japanese Government themselves have done for their own staple industries and what they are doing in order to safeguard their interests. I would call upon the Government, which call themselves the Government of India, to look after the interests of India and to see that the unfair competition is not allowed to go on while the staple industry of India is ruined. Sir, I will read from an extract from a Japanese financial and economic monthly for February 1927 :

" In response to any enquiry put by the Department of Commerce and Industry, the Commission on the Promotion of National Industry has recently drawn up a basic policy for laying solid foundations for the staple industries of the country and the means to be employed for carrying it out. By taking into consideration these important results of study by the Commission, the authorities of the Department of Commerce and Industry soon completed a draft of a basic policy for the helping of staple industries of the country which they had been studying. The draft policy which has already been transferred to the Legislative Bureau, will shortly be decided upon at the Cabinet Council. As a result, the financial expenditure required for the protection of industries for the financial year 1927-28 will be submitted to the Diet in the form of an additional estimate. To state in outline the basic policy for the helping of staple industries for ten to fifteen years to come (according to industry) the Government is to render pecuniary help to staple industries to the extent of roughly Yen 45,000,000 per year."

Which means 6 crores of rupees per year. Take other things about shipping companies. Here is an extract from page 191—The Indian Cotton Excise Duty :

" The leading steamship company of Japan receives an annual subsidy of 6 million yen—(which means 80 lakhs of rupees)—supposedly for carrying the mails, but it is difficult to resist the conclusion that such a huge subsidy is paid to enable the company to quote extremely low rates of freights to Japanese merchants and mills, because for a period of ten years before the late war, although this particular steamship company made a loss on each year's working, the subsidy enabled them to wipe out the loss and pay a dividend of 10 per cent. per year."

Take another instance. This is an extract from a report on the Cotton Spinning and Weaving Industry in Japan by Mr. W. B. Cunningham, His Majesty's Consul, Osaka :

" The Osaka Shosen Kaisha runs a monthly service to the East Coast of Africa, calling at such ports as Kilindini, Mombasa and Dar-es-salaam, which brings cotton to Japan. A subsidy of 400,000 yen (which means 5½ lakhs of rupees per annum) is paid to this service, which was inaugurated in 1926.

I come now to another extract about low freights :

" The freight for cotton from India to Japan is 4.56 yen per bale subject to a discount of 1.40 yen per bale to Japanese spinners. This works out at 2 pies per pound. The freight on piecegoods from Japan to India is 14.5 yen per ton less a discount of 10 per cent., which works out at 2.1 pies per pound. The total freight on

[Mr. Fazal Ibrahim Rahimtulla.]

both raw cotton and piecegoods thus amounts to 4.1 pies per pound, which it may be noted is the railway freight on piecegoods alone per pound from Bombay to Sholapur."

I hope, Sir, that this will serve as an eye-opener to the Honourable the Commerce Member and show him that the time has arrived, if he wants to do justice to the staple industries of India, to take such measures as Japan is taking to safeguard these industries, and I will say that he will not fail in having the support of this part of the House in any measure of this kind that he may bring forward. Sir, as regards the unfair competition from Japan, I think the Honourable the Commerce Member has already admitted this fact. If he has not then the telegram from Japan which we have received here would amply show that there is no doubt about the unfair competition. Reuter's telegram of August 31st announced :

"London: Osaka Committee of Japanese Cotton Spinners' Association has decided to employ every means in its power to prevent the passage through Indian Assembly of Cotton Yarn Bill."

I think, Sir, the Honourable the Commerce Member will not forget to bring forward at a very early date the Cloth Bill which my friend Mr. Jamnadas Mehta is so keen about and which I think he will whole-heartedly support. As regards the question of labour, I think my friends here are already aware that the labour conditions in Japan are not the same as those of India. I have got various extracts with me here from Japan and other places.

Diwan Chaman Lall : From Anglo-Japanese sources ?

Mr. President : The Honourable Member might put them on the table if he likes. (Laughter.)

Diwan Chaman Lall : Will the Honourable Member inform us whether they are from Anglo-Japanese papers or not ?

Mr. Fazal Ibrahim Rahimtulla : No, Sir, they are not. I have here an extract from the Japanese Year Book for 1924 ; an extract from a petition presented in the Japanese Diet by women and children working in Japanese factories in 1926 urging the immediate abolition of night work.

Diwan Chaman Lall : Is not that extract from an Anglo-Japanese paper ?

Mr. Fazal Ibrahim Rahimtulla : It is a petition from the Japanese women workers.

Diwan Chaman Lall : Has the Honourable Member seen the original petition ?

Mr. Fazal Ibrahim Rahimtulla : Sir, I will now turn to another point which I think is also important. As the House is probably aware, India was exporting bales of yarn to China. In 1905 we exported 6,51,870 bales of 400 pounds each. In 1925 we exported 28,623, and in six months of 1926 we find that only 3,000 bales were exported. That is due to China and Japan having mills in Shanghai and other places, and they are taking every precaution to see that the staple industries get adequate protection : every facility is provided by their Government to give them that protection which is needed to make them stand on their own legs. But here we find, Sir, that the Government is creating a conflict

of interests. Sir, there is another important point that I think must be brought forward before this House, and it is this. I shall give an extract from the Asahi English Supplement, Present day Japan, 1927,—page 99 :—The Cotton Industry :

"It is also notable that the Toyo Raw Cotton Company purchased the Diamond Mill (with a spindleage of 34,552) at Bombay and began to run it under the style of the Toyo Podar Mills with a capital of two million rupees, while the Nippon Raw Cotton Company bought up several spinning and packing mills in Tanganyika and Uganda in Africa."

I am informed, Sir, that no foreigner is allowed to buy a scrap of land in Japan. And what do we find here, Sir ? Japan can purchase any amount of land, can purchase your mills, and, if the depression continues, they will become the masters of your mills here.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Why do the Bombay people send cotton to Japan ?

Mr. Fazal Ibrahim Rahimtulla : Because there is more cotton than your mills can consume. The Mill Industry is in a precarious condition and, if Mr. B. Das is not inclined to support the Bill, there will be more cotton going out of this country unless the Member wishes the mill-owners to run their mills at a loss.

Diwan Chaman Lall : What happened to your profits in the past ?

Mr. Fazal Ibrahim Rahimtulla : Sir, I shall now conclude my speech by pointing out to this House another aspect of the question from the point of view of the cotton grower. There is a resolution in my hand passed by the Indian Central Committee, which is an all-India body, and that resolution was passed at their annual meeting in last July. What does it say :

"As it is understood that the Resolution of the Government of India on the Report of the Indian Tariff Board (Cotton Textile Industry Enquiry) is now under consideration, the Central Cotton Committee request that the whole question be considered with reference to the needs of Indian cotton growing.

Whilst expressing no opinion on the Tariff Board's recommendations they desire to emphasise the fact that a healthy and prosperous Indian cotton spinning and manufacturing industry has an important bearing on the welfare of the cotton grower and on my Committee's own efforts to improve the quality of Indian cotton."

I hope. Sir, that will be enough to show to this House why the millowners are justified in supporting the Government and why it is necessary and essential that no postponement should take place, and that if you want to give some protection to the mill industry of India, you should support the measure that is now put forward in the shape of the Select Committee's Report.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Sir, as one of the signatories to the majority report of the Select Committee, I would like to say a few words about the reasons that weighed with me in agreeing to the imposition of the proposed additional duty on cotton yarn. In doing so, I do not think it necessary at this stage to say anything about the depressed condition of the textile industry in India and the case that has been made out for giving it adequate protection ; nor is it necessary for me to follow the Honourable the Commerce Member in his subtle and metaphysical disquisition about the difference between a safeguarding and a protecting Bill. I would like to answer some of the criticisms that have

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been urged against this measure by those who have taken up the advocacy of the handloom industry of India.

Mr. B. Das : Are you speaking as a director of a cotton mill ?

Mr. R. K. Shanmukham Chetty : I am speaking as a Member of this House. Sir, those who have opposed this measure have based their criticism on two main grounds ; firstly, that the Tariff Board itself did not recommend a duty upon imported yarn, and secondly, that any duty on yarn would prejudicially affect the handloom industry in India. It is true that the Tariff Board did not recommend the imposition of a duty on imported yarn ; but the Tariff Board pointed out certain circumstances which if they came into existence, would not merely justify but necessitate the imposition of a duty on cotton yarn. These circumstances have been mentioned in the passage on page 192 of the Report which my Honourable friend over there read to the House just now. In that passage the Tariff Board pointed out the possibility of Japan dumping more yarn on the Indian market on account of the disturbed conditions of China, and they have proceeded to say that under those conditions an additional duty on yarn would not merely be justified but would be absolutely necessary to safeguard the Indian textile industry. I maintain, Sir, that the conditions and circumstances foreshadowed by the Tariff Board in that passage have already come into existence. Though the Tariff Board thought that Japan, on account of the disturbed conditions in China, may dump more yarn into the Indian market, the present position is that yarn from the Chinese mills themselves is being dumped on the Indian market. For the first five months of 1926 the total import of yarn into India from China was about 8,000 lbs., and for the first five months of 1927 the total import of yarn from China amounted to two million pounds ; and in this connection I would like to draw the attention of the House to the fact that this enormous increase in the import of yarn from China took place during the first five months of the year 1927, that is long before the Government of India placed their surplus silver on the market. It is anticipated that yarn of even coarser counts might be dumped on the Indian market from China. It has been brought to my notice, Sir, that coarse yarn is actually on its way to India from China at the present moment. I therefore maintain that the contingency that the Tariff Board expected might happen has already happened, and it would therefore serve no useful purpose to say that the Tariff Board itself was against the imposition of any duty upon yarn.

I will now come to the second objection—the effect of this duty upon the handloom industry in India. Sir, the object of a protective duty is to protect an industry ; and if a protective duty is to be effective, it must be paid by somebody or other. If the protective duty is not going to affect anyone, then it ceases to be a protective duty.

Mr. C. Duraiswamy Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Should it be paid by another industry ?

Mr. R. K. Shanmukham Chetty : If the Honourable Member will wait, he will hear my arguments. It is therefore no use denying that anybody is going to be prejudicially affected by this additional duty on

cotton yarn. But there is one inconsistency in the arguments of the advocates of the handloom industry. They would say that the effect of this duty upon the Indian textile industry is very negligible, that the benefit that would be conferred upon the mills is very small, and in the same breath they would say that the handloom industry would be killed. Well, Sir, they cannot have it both ways. If the effect on the Indian textile industry is going to be small and negligible, the prejudicial effect on the handloom industry will also be necessarily small and negligible. (*An Honourable Member* : "Why"?) Sir, it is certainly our duty to consider how far the handloom industry will be prejudicially affected by this additional duty. I am prepared to concede at the very outset that the handloom industry will be affected to some extent, but I am not prepared to go so far as to say that the effect of this additional duty will be altogether to kill or wipe away the handloom industry. Let us analyse what the effect of this additional duty will be upon the handloom industry. The total consumption of yarn in India is about 800 million pounds of yarn per annum. Of these 800 million pounds of yarn consumed in India about 420 million pounds are consumed by the Indian mills and 380 million pounds are consumed by the handlooms. We have therefore to appraise what would be the actual effect of this duty on the 380 million pounds of yarn consumed by the handlooms. Now, this 380 million pounds of yarn ranges into various counts, the coarser counts, the medium counts and the finer counts ; and let us try to find out what would be the probable effect of this duty on the various qualities of yarn that are used by the handloom industry. So far as the coarser counts are concerned, it is admitted that the quantity of the coarser counts that is imported into India is under 5 per cent. of the total. Such being the case, the selling price of the coarser counts will naturally be determined by the competition amongst the Indian mills themselves and not by the price of the imported coarser counts. Anyone who knows the large stocks held by Indian mills of coarser counts of yarn and the desperate efforts that they are making to get rid of this surplus stock will realise at once that by sheer competition amongst the Indian mills the price of lower counts of yarn cannot possibly be raised to any appreciable degree ; and I am therefore right in concluding that, so far as the coarser counts are concerned, the price will not be increased as a result of this duty. What about the higher counts ? So far as counts over 40s,—certainly so far as counts over 50s are concerned—the provisions of this Bill will not affect these counts. The Bill provides that the duty that will be imposed upon yarn will be either 5 per cent. *ad valorem* or 1½ annas per pound, whichever is higher. When you go above 50 counts, you find that the 5 per cent. *ad valorem* duty is higher than the 1½ anna per pound duty and therefore the price of higher counts will not be affected by this Bill. Now, this leaves us with counts between 30s, and 40s. It must at once be conceded that the price of counts between 30s and 40s will certainly be increased as a result of this duty and the effect on the handloom industry will be to the extent of the rise in price of these counts and nothing more. And what is the quantity of yarn of counts between 30s and 40s that is used by the handloom industry ? It is estimated that the maximum quantity of yarn consumed by the handloom industry of the counts between 30s and 40s is about 25 million pounds. I would ask Honourable Members to consider whether an industry which uses 320 million pounds of yarn will be wiped out and killed by a rise in price

12Noon.

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of 25 million pounds of the total quantity consumed, less than about 8 per cent. of the total quantity. Take again the money value of these 25 million pounds. Even if it is assumed that the whole of the imported duty will go to raise the price of this yarn, it will be 9 pies per pound on 25 million pounds of yarn, which means Rs. 12 lakhs ; and even supposing that the whole burden will fall on the handloom industry, the maximum effect will be Rs. 12 lakhs. Sir, what is the total produce of the handloom Industry ? I have not got accurate figures, but I am told it is somewhere in the neighbourhood of Rs. 30 crores per annum. I ask Honourable Members to consider whether in a total production of Rs. 30 crores per annum an increase of Rs. 12 lakhs in the cost of production is going to kill that industry.

Mr. B. P. Naidu (Guntur *cum* Nellore : Non-Muhammadan Rural) : It is enough to kill the industry

Mr. R. K. Shanmukham Chetty : It is enough to kill you and me but not the industry.

Mr. C. Duraiswamy Aiyangar : Rs. 12 lakhs is not correct.

Mr. R. K. Shanmukham Chetty : I refuse to believe that as a result of the increase of Rs. 12 lakhs the handloom industry which puts out on the market produce to the extent of Rs. 30 crores is going to be hit, much less killed. The handloom weaver would naturally try to shift a part of this burden on the consumer of the cloth. Now, it is possible that the price of the cloth woven in handlooms may not appreciably go up because of the competition of foreign cloth Taking it for granted then that the handloom weaver would not be in a position to shift any portion of these Rs. 12 lakhs on to the consumer, I maintain that the burden that is imposed upon him will not have the effect of hitting him hard. Sir, as I said at the outset, somebody or other must be prejudicially affected by a protective duty ; and in a case of this nature what the House has to consider is the question of balance of advantage on either side. Here we have got the Indian textile industry, in which in Bombay alone about Rs. 45 crores of capital has been sunk, an industry in which over 3 to 4 lakhs of labourers earn their daily bread, in danger of perishing ; and here, as against it, you have got the handloom industry, employing no doubt 6 millions of people, who may be prejudicially affected to a maximum extent of Rs. 12 lakhs ; and wherein lies the balance of advantage ? Honourable friends on this side wanted to present a gloomy picture. Is it worth while for you to save a few Indian mills, in which about 3 to 4 lakhs of labourers are employed, and wipe out of existence 6 millions of handloom weavers ? Thank God, we are not placed in this dilemma conjured up by these gentlemen. The problem that we are called upon to solve to-day is much simpler. The House has to decide on which side the balance of advantage lies ; and I was convinced, Sir, that the balance of advantage in this case lay distinctly on the side of the imposition of this duty. Sir, the Government took a serious responsibility upon their shoulders in not giving full effect to the recommendations of the Tariff Board, and if as a result of the policy that Government have pursued in this matter, the Indian textile industry is to be seriously hit then Government will have very much to answer ; and I would submit to Honourable Members that they

will be taking even a greater responsibility on their shoulders by rejecting this Bill. (Applause.)

Mr. William Alexander (Madras : European) : Sir, I rise to say a few words in support of this motion. It is not necessary for me to make much reference to the question of the handloom industry as my Honourable friends on the other side have practically said all that could be said on that subject. I only wish to point out that if the handloom weaver is to be penalised even to the extent of one rupee by the passing of this Bill, then that is a sufficient reason for rejecting it. Sir, I would like to say a few words with regard to the present position of this most important industry. Looking at a matter of this kind, it is necessary to visualise the whole situation. It is necessary to take the long view and to take the good with the bad. Looking at it from that point of view and turning to the figures given in the Board's Report on page 241, I would point out that for nine years, that is, 1917 to 1925, the average yearly dividend paid was 20 per cent. Now, Sir, to some of us there does not seem to be very much to complain about it in that, in fact it may be said to be a most excellent return on money invested. As regards the future, I would like to point out that since this outcry first began some of the most vital conditions surrounding the industry have changed,—and are now changing, rapidly. Firstly, this year there is a rise in the value of the raw article. During the past month or two cotton in Liverpool has advanced from 7*d.* to 1*s.* per lb., which is equal to a rise of 40 per cent. We assume that the millowners took the usual precaution of securing their supplies for a year ahead. In that case they have every right to anticipate that this year they will secure much larger profits than they have done for a long time past. Secondly, there is now stability in the rupee. Bombay millowners were always faced with the possibility—with the danger—of their markets being again flooded with cheaply bought Lancashire goods through an advancing exchange. They have now been secured against that. Thirdly, the value of the Japan yen has now appreciated in value, so much so as to be almost at par to-day. This has taken away much of the advantage which Japanese shippers had up to not so very long ago. I am quite aware that there may be something in those three points I have made which may be questioned but to some of us who have spent more years than we care to remember in very close connection with this cotton goods and yarns trade, watching all the signs in the sky of the industry, there is no doubt whatever that changes are taking place and that the Bombay millowners have not so very much to complain about and that they like all other people engaged in mercantile pursuits have just to wait for the general uplift in trade which will bring back prosperity to the industry.

And, Sir, there is a fourth point I would like to make with regard to which I do not think there can be any controversy. I refer to the increase of purchasing power which is coming to the consumer through a big harvest of plentiful crops following an unusually heavy monsoon. This result should be seen in a very few months.

And so, Sir, prospects taken all round are better than they have been for a long time past and for those reasons and looking to the danger and risk involved in raising a trade war with a country which buys from us three times the value of what we sell to them and with whom we have for many years past been on the best of terms, I trust Honourable Members

[Mr. William Alexander.]

of this House will support this amendment which after all only aims at preventing the passing of a piece of hasty legislation,—a course which many of us are perfectly certain Government would have reason to regret later on.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I do not rise to take any large part in this debate, but there is something that has just fallen from the last speaker which I should like to refer to. I might begin by congratulating him on his maiden speech which was so optimistic in character and I hope there will be many more of them because it has brought real pleasure to the heart of a Finance Member who likes optimism. The last statement that was made by the last speaker was that the only purpose of this amendment of Mr. Neogy's is to give time so that the matter may be more fully considered. Now, Sir, almost every speech that has been made in support of the amendment has been a speech not in favour of postponement but in favour of rejection and I should like to ask all those who are thinking of supporting it to remember that if they support this motion which in form is a dilatory motion, they are quite definitely supporting a motion for rejection and therefore the responsibility for the failure of this Bill to come into law will be just as much theirs if they vote for its postponement as if they were voting for its rejection. Look at the position. It is a Bill which proposes to impose a safeguarding duty for a limited period of two and a half years. The amendment proposes that the Bill be circulated for eliciting opinion. That is to say, for six months at least nothing can be done. Six months of the two and a half years will in the meanwhile, have gone by. It is perfectly clear, therefore, that a motion for deliberate postponement at this stage is nothing less than a motion for rejection. I hope that some of my friends, such as Mr. Jamnadas Mehta who represents Bombay, although from his speech of yesterday he was apparently representing Lancashire and Japan, which is a mood that I had not previously observed to be frequent with him, will take to heart what I am saying. They are perfectly entitled, if they so wish, to come to the conclusion that even this measure of safeguarding which the Government of India propose for the cotton industry is not justified. But if they think that, on the contrary, they are simply telling the Government that it is desirable that they should do more, I would ask them whether saying that a limited measure is not justified is the best way to say that a larger measure is. If the Honourable Member will forgive me, I would also remind him that it is rather dangerous for him to use the argument that he has used about the handloom industry. If Honourable Members will examine that argument about the handloom industry carefully they will see that it comes to this. Supposing you had a state of complete free trade, then special measures ought to be taken to protect the handloom industry against the mill industry. It is a very strong argument for the cotton excise duty ; and I think the Honourable Member should be careful how he uses it, and I would warn others to be careful too. I do not wish to take up the time of the House any more, but I should like just once more to bring to their notice what has happened. The Government of India have, after carefully considering the majority and minority report of the Tariff Committee and coming to the conclusion that they could not accept either in that form, came to certain conclusions to which effect has been given in another Bill now before the House.

It was then pointed out to them that, although the Tariff Board had not recommended a duty on yarn, they had definitely said that there were special reasons for safeguarding the cotton yarn industry against what they regarded as unfair competition from Japan. Taking that into account, the Government have brought forward this measure for temporarily safeguarding the cotton yarn industry. If the House comes to the conclusion that that is not desirable, well and good, that is a natural use of the House's responsibility. But do not let it think that by introducing a dilatory motion it is in any way escaping its responsibility for giving or refusing protection to the cotton industry as proposed in this Bill.

Mr. Mukhtar Singh (Meerut Division : Non-Muhammadan Rural) : Sir, I want to congratulate the Government, not for the reason that has been advanced by another Member, but I want to congratulate the Government that they have been able to create a sort of conflict between the Members of this House and at the same time I must congratulate the Government that they have succeeded, in the first place, in hitting the Japan industries of yarn and at the same time they have been able to safeguard the Lancashire and Manchester interests. In order to prove, Sir, that they have hit directly the Japanese manufacturer of yarn, I may read a few figures from the Tariff Board's Report on page 36. There you will be pleased to notice that in 1922-23 the percentage of import of yarn from the United Kingdom was 51 per cent. while that of Japan was 48.6 per cent. In 1923-24, the import from the United Kingdom was reduced to 23.8 per cent. while the import from Japan went up to 76.8 per cent. In 1924-25 the import from the United Kingdom was further reduced to 10.2 per cent. while that of Japan went up to 89.7 per cent. In 1925-26 the import from the United Kingdom was further reduced to 7.3 per cent. and the import from Japan was increased to 92.5 per cent. And I suppose, Sir, that after a few years there is a possibility of ousting the manufacturer of yarn of the United Kingdom altogether from the Indian market. This is why I consider that the Government are so very anxious not to give effect to the recommendation of the Tariff Board ; but they have decided to levy a duty on yarn alone. I may further point out, Sir, why the Government have decided not to put a duty on piecegoods. On page 41 we find, Sir, that the import of grey piecegoods between the years 1920 and 1925 from the United Kingdom varied from 72.4 per cent. to 79 per cent., while the import from Japan has decreased from 25 per cent. to 20 per cent. That merely shows that the manufacturers of piecegoods in Lancashire and Manchester are not able to hold their own in this country, while they are unable to compete with the Japanese manufacturer of yarn. The recommendation of the Tariff Board in this respect has been clear and definite. They clearly decided that an import duty on yarn was undesirable. They have stated :

> " The majority of us consider, however, that the imposition of any import duty on yarn is undesirable in view of the effect that this would have on the handloom industry which in 1925-26 according the figures given in Appendix IV supplied 26 per cent. of the total consumption of the cloth in India."

They have clearly stated, Sir, that the import duty on yarn is not desirable. Not only that, Sir, they have pointed out that any differential duty on yarn of different counts is also undesirable. They have clearly found out that the only method of protecting the mill industry in this country is

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that of levying a duty on piecegoods. They have given very good arguments for that.

"The fourth method which the majority of us favour is, therefore, that of an addition to the present *ad valorem* duty of 11 per cent. on all cotton manufactures other than yarn. Such a duty has, in our view, four great advantages. In the first place it gives protection against unfair competition. In the second it avoids complications arising from discrimination against particular countries. In the third, it enables funds to be found to give a definite stimulus to the development of the industry on the lines we have considered desirable, and lastly, it obviates the necessity for certificates of origin which would be necessary to ensure that the goods of foreign origin are not passed off as goods from any part of the Empire."

The Government in their Resolution stated as if the main recommendation of the Tariff Board was that of a bounty and in order to find money for the bounty it was necessary for them to impose a duty on piecegoods. Here is what the Government Resolution says :

"A majority of the Board has proposed that the import duty on cotton piecegoods should be increased from 11 to 15 per cent. for a period of three years. *The primary object of this increase is to provide funds to meet the cost of the proposed bounty on the spinning of the finer counts, and of certain other proposals made by the Board,* but it will also serve to reduce the rigour of the competition from Japan from which the industry suffers. No increase in the duty of yarn is recommended by the majority in view of the effect that such a measure might have on the handloom industry. The President of the Board (Mr. Noyce) does not consider that an all-round increase in the import duty on piecegoods can be justified, but has recommended that an additional duty of 4 per cent. should be imposed on all cotton manufactures, including yarn, imported from Japan for a period of three years."

From this you will be pleased to notice that the main point that has been argued in this Resolution is that the primary object of this increase is to provide a bounty for the spinning of finer counts. I would submit, Sir, that this is not the case. We find that the heading under which this recommendation has been made is "additional import duty on yarn, cloth and other cotton manufactures." And further on, when they finish their recommendations on that point, they have taken up the case of State aid and other changes in the tariff. Under that heading they have decided that it is necessary to give a bounty to yarn manufacturers. This clearly shows that they have decided definitely that it is necessary and there is no other course open to the Government to protect this industry but to levy an import duty on piecegoods. It will be incorrect to say that they decided to levy this duty simply on account of the necessity for finding funds for giving bounties to the yarn manufacturers. I would submit, Sir, that from the time the question of protection has been raised in this country, the Government have been following a very bad procedure. The Government have been able to raise money by putting up tariff walls and by hitting the consumer, but they have not tried to use that money for the development of those industries for the protection of which the tariff wall was raised.

Mr. B. Das : Hear, hear. That is my view also.

Mr. Mukhtar Singh : That is why, Sir, the majority of the members of the Tariff Board have decided that this thing should be done away with If the Government raise a tariff wall for the protection of a certain industry, the whole amount so realised should be used for the protection of that industry. This is the reason why they have laid stress that the bounty system should be introduced. The Honourable the Commerce

Member has laboured at length in his speech to show that the bounty system is a very bad system and that the Bill he has given us is much better to protect the yarn industry in this country. I would submit, Sir, that there is a fallacy that lies underneath the whole argument, and it is this. May I ask whether we are protecting the yarn or whether we are going to protect the textile industry as such ? Is the yarn to be used for any purpose other than cloth making ? If we have not been able to protect our industry from the importation of cheap piecegoods from foreign countries, it is no protection at all. That is the main point to be considered. This is why the members of the Board clearly decided that it is but necessary to protect this country from the importation of cheap piecegoods. Suppose, Sir, for a moment that the spinning mills of this country are unable to produce surplus stock for the handloom industry and they consume the entire volume of cotton yarn that they produce What would happen ? Certainly the handloom industry will require the importation of cotton yarn for their manufacture of cloth, and the mill industry will in no way be a loser by this import. I would welcome the day when the whole amount of cotton yarn that is produced by the cotton mills in this country is used by themselves for the production of piecegoods. So, Sir, I do not understand why the Commerce Member lays stress on the idea that yarn should be protected. If we pass this Bill, it has been admitted by all the gentlemen who have spoken here that it will hit the handloom industry. Hitting the handloom industry means nothing else than the fact that the handloom industry will not be able to consume the surplus stock of yarn produced by the Indian mills and sell its piecegoods at a cheaper rate than the imported piecegoods. If you raise the duty on yarn and force the handloom weaver not to use certain counts, of which the price has been raised, the natural result will be that the consumption of yarn by the handloom weaver will be much less. What could you make of the surplus production of yarn by the cotton mills then ? Hitting the handloom industry in a way means nothing short of the fact that you reduce the consumption of yarn by the handloom industry, and the natural result would be that the amount of piecegoods produced in this country would be reduced further, and the importation of piecegoods from foreign countries into this country would be much more increased. It means that we invite in a way the manufacturer of piecegoods to send in more piecegoods into this country by hitting the handloom industry, and, on the other hand, we are in no way helping the mill industry of this country, because, after all, the surplus yarn that is produced, will be used by nobody else but by the handloom weaver himself. That is one reason why I submit that it is necessary to see whether it is at all required to put a duty on yarn as has been suggested in this Bill.

The other argument that has been advanced by the Honourable the Commerce Member is that the bounty is very inadequate. It works to 1 4|5th pie per pound while the Bill suggests that it will be one anna and six pies. I submit that this is also another fallacious argument. I have tried to calculate how much surplus yarn will be available for the handloom industry in this country. It has been suggested that the total yarn of 31s. to 40s. used in this country is about 50 million pounds, out of which about half is used by the handloom industry. The point is how much surplus is there left in the Indian cotton mills which is available for sale in this country. According to the Commerce Member it comes to about 10

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per cent. of 25 million pounds, that is, about 2.5 million pounds. According to the figures I have been able to find out from the Tariff Board Report, it is only 19.7 million pounds. It has been repeated in several places that 19.7 million pounds is the production of Indian mills of cotton yarn of counts from 31*s*. to 40*s*. I have tried to calculate and I find that the average production for the 11 years comes to 18.6 million pounds per year. If there has been an increase in this year, and if it is totalled and divided, it will make a very small and negligible increase. So, we find, that the total yarn that is produced by the Indian cotton mills is consumed by them, and they consume over and above that about 6 million pounds. If this is a correct figure, then we are also forcing the mills to purchase yarn at a higher price than they are purchasing to-day. If it is not so then in the other case, I would submit that, according to the best figures that have been given, there would be only a surplus of 2.5 million pounds which will be available for sale, and for the protection of this amount we are putting this duty on the importation of yarn. If that is so, the amount of help in both the cases will work out to exactly the same figure. That clearly shows that the bounty system is in no way less efficacious than the system that has been proposed. It has been admitted practically by all that the handloom industry will be hit hard by this proposed duty, while it is very doubtful whether the duty will be in any way useful to the mill industry. The Select Committee say :

"We recommend, therefore, that the Government should be asked to address Local Governments on the subject, desiring them to have special inquiries made and to report on the subject six months after the passage of the Bill into law."

It is very surprising that we are asked to pass a Bill, the effect of which on a very important industry of this country we do not know. Not only that, but we are forced to admit the arguments advanced by the Tariff Board and recommend to the Government that the effect of this duty should be watched for six months. It means that we are very doubtful—rather we consider that the handloom industry will be hit hard and therefore we recommend to Government that it is necessary to ask the Local Governments for their opinion and to watch the effect on the handloom industry. If it was so, it was the duty of the Government to place all the materials before this Committee. This matter has been before the Government for a very, very long time. They could have addressed the Local Governments earlier and if the opinions received had been that the handloom industry would not suffer to the extent that the Honourable Members of this House are afraid of, it would have been a very good case for the Government. Unfortunately, Government do not care, for the development of the industries in this country, and I am very sorry to note that the members of the Tariff Board have taken pretty good care not to go into the details of the manufacture of piecegoods in England—Lancashire and Manchester. They have clearly declined to go into that question at all. Why ? They say, "We are not going into this question because the millowners have not asked us to do so." I say, if you are really earnest to find out in what way the textile industry should be protected, it is your duty to go into the details of the working of the Lancashire and Manchester mills. Then, again, as regards the State aid in Japan, they have clearly refused to go into that question, though they had to

admit that the help given in Japan by the shipping subsidies and other methods was considerable. They declined to analyse that question simply because the textile industry in Japan has no preferential treatment. Rather, they seem to admit that in Japan every industry has a right, has a claim upon the Government for its protection and development. While the members of the Board seem to admit that, India being under a foreign Government, the people of this country have no right, have no claim on this Government for the protection and development of their industries. I would submit that the Tariff Board ought to have gone into the details of this question, and then they would have found why in this country, although we grow cotton ourselves—not only the ordinary cotton but also American cotton, the raw product which is the main part of this industry—why it is that our produce is not cheaper than that of Japan. Again, labour is much cheaper here than in Japan. There ought to be something very, very peculiar to this country if it is not able successfully to compete with Japan, or with England, or with any other countries in this world. Here was a time when Government could have washed off their old sins of killing this industry. But they refused to avail themselves of that opportunity and would not like the idea of developing this industry. What do we find in this Report itself ? It says, because there is unfair competition, therefore we would only go into details as to how far that unfair competition affects the industry. The Tariff Board refused clearly to enquire in what way the industry can be developed. I ask, sincerely ask, earnestly ask Government whether or not it is their duty to develop this industry ? Suppose there is no unfair competition from Japan and we find that this industry is not able to compete with the other foreign manufacturers. Is it not the duty of this Government to develop this industry in such a way that it may be able to compete with all foreign countries ? The case does not end there. Unfortunately, situated as we are, this Assembly is powerless and helpless to suggest any means by which this industry can be saved. This House cannot force the Government to adopt the recommendations of the Tariff Board, nor can they suggest any other alternative ? On the day when the Bill was introduced, some Honourable Members asked whether they would be allowed to go into the question of duties on piecegoods. The answer was a definite 'no.' That shows clearly that Government have decided that the Lancashire and Manchester mills should not be affected at all. Therefore, I submit in the first place that this Bill does in no way help the mill industry, and if it does, it is to a very, very insignificant extent. At the same time, it affects the handloom industry of this country very adversely. That has been admitted. I submit that the millowners can go on for at least 2 or 3 years at a loss, because they have gained much in the boom period. But may I take the case of the weaver ? What are his resources ? A poor weaver who works from morning to evening gets hardly eight annas a day. And you are taxing him, you are asking him to pay 1½ annas a pound by this duty. The members of the Select Committee, unfortunately, say that there is a likelihood that the prices of the piecegoods that the weavers will manufacture will be a little higher. I fail to understand the reasons for coming to this conclusion. Is it likely, as soon as this duty is raised, the Lancashire people, the Manchester people, the Japanese people, will raise their price of piecegoods also, or there will be more patriotism in the people of this country to purchase the cloth manufactured by these weavers at a higher price ?

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If this is not so, Sir, may I ask what is the material on which they have come to the conclusion that it is likely that the price of the cloth might be raised ? I submit, Sir, that there is no case made out for coming to the decision that the price of the cloth manufactured by the weavers will in any way be raised. If that is not so, I would submit that the price of the cloth will be increased by about 2 pice per yard, because, in the calculation they have taken, one pound of yarn is equal to 4 yards. So that will be about one pice and a half per yard. That is a very high increase in the price of the cloth manufactured by the weavers and therefore we should not light-heartedly support the Bill. It has been said that the handloom industry manufactures cloth in this country to the extent of 26 per cent. of the total consumption of cloth in this country. I may submit that that is not correct. 26 per cent. is the percentage of the cloth that is manufactured out of the yarn produced by mills or imported from foreign countries, but there is a large quantity of handspun yarn manufactured in this country, and if that is to be taken into consideration, this handloom industry does not only produce 26 per cent. of the total cloth but much more than 30 per cent., and in this way if you hit to a very small extent this industry even then you are hitting it hard. I would submit to Government, if they are really keen enough, why not decide to withdraw this Bill and put in another Bill raising the duty on piecegoods. The cotton millowners are not satisfied with this duty on yarn and I am sure that the spokesman of the cotton mill industry will have to admit that this is a very small measure of help, if at all, and if it is so, should we not stand up as men and ask the Government " If you are not going to give us anything which will really be conducive to the protection of the textile industry in this country, then we shall not have this ". After all how much will they get by the passage of this Bill ? According to the figures I have stated they get nothing, but even supposing that they get something it is not so high that they cannot afford to lose it, especially when they find that it is admitted on all hands that the sister industry will be hit hard and when they know that the sister industry is carried on by the poorest people in the country. Certainly the people who carry on the handloom industry have not the same resources. They have not the courage to represent the case to Government. Therefore, I submit that the cotton millowners should stand up and say " We are not going to take this Bill as it hits our fellow countrymen ". If they say so we shall put the Government in the wrong. Let the Government realise once for all that this protection of yarn is in no way a measure which protects the cotton textile industry. If the Government are sincere and consider that the protection of this industry is necessary, let them come up with a Bill for levying a duty on piecegoods. Not a word has been said by the Commerce Member nor any other Government spokesman about the duty on piece-goods ? The millowners want it, the country wants it and every Member wants it. Let Government come up with a Bill raising the duty on piecegoods and we shall unanimously support it. With these words I am sorry to say that I have to oppose this motion made by the Commerce Member.

Mr. A. H. Ghuznavi (Dacca Division : Muhammadan Rural) : I rise to support my Honourable friend Mr. Neogy's amendment. He comes from the same province and same division as I do. My reasons

for supporting my friend Mr. Neogy are these : It seems that this Bill is the outcome of the clamour of the Bombay millowners and not of the recommendation of the Indian Tariff Board, and I consider it my duty to point out that it is only fair and just that it should be circulated and the opinions of the Provincial Governments obtained, and if that is done I have very little doubt that, barring Bombay, the rest of India would not support the Bill. That it will stifle the handloom industry goes without saying. The Dacca Division in Bengal has a large handloom industry, and its Muslins, its *Dhoties* and its *Sarees* are known all over the world. The Chittagong Division in Bengal has also a large handloom industry, and my friend, Mr. Donovan, will bear me out that the same condition prevails in the Burdwan Division also. Therefore the whole of Bengal is very much interested in the handloom industry, and anything done to injure this handloom industry cannot possibly have our support. The Honourable Member from Bihar and Orissa, Mr. Nilkantha Das, also shares the same view. The Punjab, the United Provinces, the Central Provinces, Madras and Assam also think alike. It is, therefore, only fair that the Government should not thrust this Bill on us only because the Bombay millowners want it. It may placate the Bombay millowners, and they may accept it on the prudential consideration that " half a loaf is better than no bread ", but they are also evidently not satisfied with this crumb. Why should the rest of India also not have a voice in it ? The millowners may not want it but it is only just and fair that opinions should be elicited and that the Bill should not be thrust on the unwilling people of India to the annihilation of the handloom industry. Bengal is vehemently opposed to this measure as it will affect Bengal more than any other province. My friend Mr. Neogy has quoted chapter and verse and shown how indifferent the millowners are to the interests of Bengal. They had their supplies of coal from South Africa, even at a higher price than Bengal offered, which is a sufficient index of their mind. I however mean no quarrel with the millowners of Bombay, but I feel very strongly that justice demands that opinions should be obtained on a measure which is calculated to do harm to millions of poor people if it is passed. I am sorry I cannot agree with all the good things that my Honourable friend Mr. Jamnadas Mehta has said yesterday about the Bombay millowners. It is true that the Bombay mills have to a certain extent provided the cloth which India requires and restricted the imports from Manchester. But is it seriously contended that their object is to provide cheap clothing to India and not to fill their own pockets ? Sir, this takes me back to the year 1905, when I was known as the wrong Mr. Ghuznavi, because I was against the partition of Bengal. Lord Curzon by a stroke of the pen partitioned Bengal, and we in Bengal as a protest said we would not have any more to do with the Manchester goods and boycotted them. I had the honour of presiding at that boycott meeting held at the Federation ground in Calcutta in July 1905. About a lakh of people were present and we passed a resolution at that meeting that so far as we were concerned we would have nothing to do with the Manchester goods. And we relied on Bombay to supply our requirements. And what was the response from the Bombay people ? You are aware of how we were treated by them. We appealed to them, implored them to come to our rescue with their goods. Well, they

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did come, but with what end in view ? Was it to afford us relief or to profiteer ? They raised the price to double or treble the price which had been current in the market. That was the way they made money and that was how they paid back twice over to their shareholders and put tons of money into their own pockets. Not content with that they went further. They got Japan to send them goods of rough materials and they passed them on to the Bengal market as made in India. (Cries of " Shame ".) I have evidence of that. But they did more than that. At that moment their indents on Japan could not be immediately met. They therefore bought up all the Japanese stuff in the Indian market, and by tearing off 2 yards out of the piece of 40 yards and making each piece 38 yards instead of 40, marked it down as made in India and sold it at double the price. (Cries of " Shame ".) I know that for a fact. Sir, so far as Bengal is concerned we will not agree to anything that is likely to destroy home industries. The handloom industry is a great industry of Bengal, and it has to be supported at any cost. There is furthermore another matter. The industry in which Bengal is far more concerned with Japan is the pig-iron industry. I am pretty sure that if this Bill is passed the result will be that the Japanese will retaliate by increasing the duty on pig-iron and that will ruin the Bengal industry. I appeal, Sir, to the House to consider seriously whether we should not vote against the Bill of the Honourable the Commerce Member and vote for the amendment of Mr. Neogy, who only wants the Bill to be circulated and opinions obtained from all the Provinces, as to see whether the handloom industry is going to be affected by it and whether this measure is wanted. If it is the opinion of all the provinces that the handloom will not be affected and the measure is beneficial to us, we shall be only too glad to pass this Bill at the next Session at Delhi.

Mr. Kikabhai Premchand (Bombay : Nominated Non-Official) : Sir, I desire to support the Bill proposing to increase the duty on yarn imported into India. I am satisfied from a study of the Report of the Tariff Board and from my own study of the situation—no one can pursue his avocations in Bombay without being brought into intimate contact with the textile industry—that the Indian textile industry stands badly in need of a further measure of protection, and that this demand for protection can be justified up to the hilt. Cotton spinning and weaving is our one great indigenous manufacturing enterprise. It is therefore one which merits the close and sympathetic support of the Government and the Legislature. The industry has laboured, and continues to labour, under grievous difficulties. For longer than we like to remember, it was handicapped by the excise duty on cotton cloth woven in Indian mills. I will not develop that point now ; we are grateful that the excise has gone. The industry has suffered from the fluctuations in our own exchange and in the exchanges of some of our principal competitors. This is another point which I shall not labour ; the effects of all fluctuations in exchange are transitory, and given stability conditions must adjust themselves to the ratio. There is no doubt that many mills are suffering from difficulties of their own making—over-capitalisation (though it is not a general practice ; many mills have a comparatively low capital) ; the payment of excessive dividends, non-con-

servative finance, uneconomical management, and a too narrow range in the class of the finished product. That is to say the mill industry is a human organisation, with the defects which belong to our community ; improvement must come from within. But when the fullest allowance is given to these factors in the present depression—the variations in the exchange and the need for a better internal organisation—there still remain the basic facts that warrant this demand for protection. They are the refusal of certain competing countries to implement the terms of the Washington Labour Convention, and thereby to obtain a position of privilege in our markets ; and the period which must pass before our labour is trained to the habits of industrial efficiency, which will reduce labour costs.

We are in some respects proud of the record of this country in recognising international efforts to raise the status of labour and to improve its working conditions. I think I am correct in stating that India has more promptly accepted the recommendations of the Labour Conferences than any other country in the world ; none of us desires to go back on those decisions. On the other hand, we are painfully conscious that our humanitarian course imposes on our major manufacturing industry serious penalties. The nature and extent of these are now on official record. The Tariff Board after an exhaustive enquiry found that the competing advantage which Japan enjoys in the Indian market as the result of her refusal to implement the terms of the Washington Conference amounts to no less than four per cent. ; if a fair allowance for profit is given, as it ought to be given, the advantage is ten per cent. Whilst the special case of Japan has attracted most attention, for reasons known to all of us, this is not the only trade rival which benefits from a refusal to work in terms of the Washington Conference. I say therefore that India has a right, an indefeasible right, to a measure of protection at least equal to the advantage which other countries derive from their lower labour standard.

Much attention is devoted in the Report of the Tariff Board to the labour costs in the Bombay mills. One cause of this however is not sufficiently developed in the Report. After all, the Bombay millhand was an agriculturist, he is an agriculturist and he will continue to be an agriculturist. We cannot expect from the agriculturist who enters the mill for varying periods, interrupted by long spells of rest or work in his village, the same standard of regularity in attendance and technical skill as is manifested by the regular artisan. I am aware that the process of converting these intermittent agriculturists into regular craftsmen will be slow ; it needs not only the passage of time, but better housing and the improvement of the amenities of life in our cities. During this process the textile mills have a right to a fair measure of protection against countries with a trained and permanent corps of craftsmen to draw upon. For these reasons, Sir, I hold very strongly that the Indian industry is entitled to a further measure of protection. The only question, Sir, to my mind is that of ways and means—how can this protection be given with the greatest advantage to the industry and the least burden to the consumer ? There are certain countries whose products compete directly with the products of the Indian textile mills. In many of those countries the products in question are produced under wage conditions below the standard of the Washington Convention and below

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the standard that has been accepted by India. In my opinion, Sir, it would be quite equitable to impose an all round increase in the import duty *on cloth also* of at least four per cent. on the manufacture of those countries who have not abided by the Washington Convention. True, this would mean Imperial preference, but I would not mind it. It has been definitely stated by the millowners that cotton piecegoods of British manufacture do not compete with the Bombay industry. I therefore see no justification for imposing on the consumer a higher charge for these non-competitive goods ; they *shall* continue to be charged at the eleven per cent. revenue duty now in force and *shall* be exempt from this higher duty.

I am quite aware, Sir, that in making this suggestion I shall be bringing upon myself the wrath of certain elements in this Assembly. But I would urge with all emphasis that this issue should be determined not by prejudices, but by cold economic facts. There is no case for imposing on the community a higher cost for non-competing cloths. A tariff is a tax. We are justified in asking the community to pay this tax on competing cloths for the larger national interests involved ; we are not justified in taxing it on non-competing cloths beyond the revenue tariff. Nor am I frightened by the bogey of Imperial preference. (*Mr. Jamnadas M. Mehta* : " Bravo ! ") After all we are part and parcel of the Commonwealth (Hear, hear) and as I hope it is the general desire of the Honourable Members of this House to see that we shall be an autonomous Dominion ourselves (*An Honourable Member* : " Oh, yes "), it is to our interest to make the Commonwealth great and strong. I do not wish to take up the time of the House any longer. I only wish to impress upon the Government that the duty proposed on yarn would not by itself afford adequate relief to the industry and I do hope they will consider favourably the suggestion that a duty at 4 per cent. on cloth manufactured by those countries who have not given effect to the terms of the Washington Convention is desirable.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : Sir, I thank you for giving me the chance to say a few words on this very important measure before the House. I have listened, Sir, very patiently to the speech that was delivered rather read, by the last speaker. I was listening to it very patiently, and until he came almost to the last page, when he gave us some new ideas—or shall I say old bogeys ?—, I did not, unfortunately for my lack of sharpness, perceive any new argument or any new suggestions contained in the greater portion of that paper. Leaving that aside, I listened, Sir, with very great attention to the speech that was delivered a little while ago, as indeed I always listen to speeches delivered at any time by the Honourable Leader of this House. He wanted us clearly to understand—and I hope I have understood very clearly the meaning of his words he wanted us clearly to understand that voting for the motion of Mr. Neogy to circulate the Bill for eliciting opinion would mean not merely circulation but rejection ; and he wanted us to realize that the passing of that amendment, being tantamount to rejection, would practically make us responsible, *i.e.*, those who vote for the amendment—responsible for not affording to the millowners of Bombay the aid which they are supposed to need badly. Sir, I hope I have pretty clearly

paraphrased the warning given to us by Sir Basil Blackett. I am not afraid, Sir, of the implication that sending the Bill for circulation might mean practically rejecting it ; but may I, in all humility, ask on whom rests the responsibility for putting forth a Bill which we cannot accept, which we have perforce to send round for circulation, so that we may get more opinions about it before accepting it ? It is a Government Bill, and the Government ought to have put before us a Bill on which the bulk of us, especially back benchers like me, who were not mighty enough to be placed on the Select Committee, might have the views of at least a good majority of the Select Committee. I tried to follow, Sir, their opinions. And what are they ? They are as varied as the colours of the sun-beam : and if therefore we say that we are unable to understand all these conflicting opinions of the mighty experts, that we would therefore wish to get more opinion from others, probably bigger experts (or non-experts that I would always prefer), then certainly the responsibility for producing the Bill and placing it before the House in a form which is full of such conflicting views, rests upon the Government, not upon our shoulders. I did not produce the Bill, nor Mr. Neogy, for he too like me was not on the Select Committee. Therefore I hope, with regard to Sir Basil Blackett's clear warning that if we vote for sending this Bill for circulation or opinion, we shall practically reject the passing of this Bill, that he will clearly realize that the responsibility will lie on those who have produced this Bill, not on those who are unable to comprehend the Bill even with all the very eloquent utterances on both sides of the House by various people.

Now, I turn to my very eloquent friend Mr. Chetty. Of course, naturally, being a signatory, I suppose to the majority report, he has taken great pains ; and with his usual eloquence and usual rhetoric, he has tried to explain many things that we already knew, such as how much yarn is consumed by the handloom industry, how much by the mills and son on, and he came to the conclusion that the financial weight that may be imposed upon the handloom industry is almost negligible. Sir, my friend, Mr. Chetty is a rich man, and I, as a Brahmin, wish him to become richer still. A rich man does not know how the poor man suffers. It is not his fault. Just to-day we had an example. The Finance Member is very anxious that we should consider this matter as very urgent ; he said that the problem of the mill-owners, of 300 millowners, is urgent ; and if we now circulate this for opinion, we shall be failing in our duty. I wish, Sir, that Sir George Rainy had similarly told us that the distress of 2,000 poor fellows who are to be turned out of their homes with their families is as urgent as the distress of the 300 rich people whose interests Sir Basil Blackett wants to safeguard.

Mr. President : The Honourable Member himself did not consider it urgent ; otherwise he would have raised the question in time.

Mr. M. K. Acharya : I am commenting, Sir, on the opinion put upon the amendment by Sir Basil Blackett, not on your decision. However, Sir, I am passing on. I was just about to say that I am a philsopher ; and I know the Biblical proverb :

" Unto him that hath, more shall be given ; and from him that hath not, shall be taken away even that which he hath."

[Mr. M. K. Acharya.]

I therefore do not complain, Sir, about the ways of the Government. It is always the same. But I cannot understand Mr. Chetty's argument that the poor handloom fellows will not be affected. I would like to have the opinion of the poor rather than the opinion of the rich ; and I wish, Sir, that Mr. Chetty had listened carefully to the very very good speech that was delivered from this side of the House on behalf of the handloom weaver. I think there were many more arguments, in his speech than in Mr. Chetty's. For example, one argument in his speech was this ; I do want to repeat it in detail—the question is not how much yarn the handloom weaver consumes or turns out ; the question is what is the price of the cloth that he produces, and what would be the competition between hand-woven cloth and the mill-made cloth, whether made in India or imported from elsewhere. That is one most important point ; not how much yarn, or cotton is consumed ; the whole question is whether the cloth turned out from the handlooms will get a fair selling price in the market. Sir, it is admitted—admitted in this Report—that there is going to be some kind of infliction on the handloom weaver. Nobody has denied it. Now, the whole question is this : you are here penalising the handloom weaver to some extent. Nobody denies it. Even Mr. Chetty does not deny it ; he dare not deny it ; he says it is negligible. The question is whom are you going to favour ? Are you going to favour really the hard pressed mill industry of Bombay ? There is Sir Purshotamdas' opinion, and I think he knows the feelings of the millowners of Bombay far better than anybody else. He says :

"The protection offered by the Bill therefore becomes more of an eye-wash than a reality unless an attempt is made to import coarse counts."

You are here penalising somebody, and you are benefiting nobody. This wonderful Bill favours nobody but does hurt somebody. Sir Basil Blackett threatens us that if we put it off for opinion, the responsibility will be ours. The responsibility for producing this wonderful Bill is not ours. Sir, I cannot understand the argument, because I am a simple non-official and am not an official expert ! I contend that the responsibility is entirely on the shoulders of the Government. Here the evidence before us shows that the Government have not carried out the recommendations of the Tariff Board. All that has been dealt with in detail by others. Whatever may be the cause, here we have a Bill upon which there is not that amount of unanimity of opinion, even among those who consider that it should be passed immediately. And surely as somebody else has pointed out, the millowners of Bombay have broad enough shoulders to carry their weight ; even if they are not given this shadowy protection. Give them real help. What is the use of giving some shadowy help to a set of people and for that hurting others ? This Bill seems to be therefore neither fish, flesh nor good red herring. I cannot understand why we should pass this. The straightforward course would have been—but Governments are not expected to take straightforward courses—that Government should have tackled the whole problem in a very much more brave, courageous and honest fashion. If Japan was competing in a manner not quite fair, Japan ought to be penalised, whatever may be the consequences. If other countries are competing with India, if there is genuine desire

on the part of the Government of India to protect the native industries of India, the handloom or the mill industry, there ought to be a real kind of protection given by imposing heavy duties upon all foreign cloth imported into India. If we had a Government of our own we should have done it. Other Governments have done the same thing in other countries, because they love their own industries, their own trades, their own workmen, better than of course a foreign Government can love and cherish the industries and workmen of foreign country. However, Sir, there is no real remedy ; there is the evil, we admit. I for one, Sir, have nothing to say against the Bombay millowners. If they raised their prices, it was part of their human nature. Who has not done it ? What had the East India Company done in days of yore ? What has every company done ? That is the business morality of every merchant. Of course a philosopher like me or like Professor Ruthnaswamy may not like it. But the business ethics of merchants and our academical ethics are quite different. The whole ethics of the British nation has been the ethics of the business man, of the profiteer. Therefore there is no use of talking high ethics to the British Government either here or there. I repeat I have nothing to say against the Bombay millowners. Poor fellows, they had a good day ; they did not make good use of it ! They are now in trouble, in hot water. I would personally like to help the Bombay millowners, if I can without hurting anybody else. But this Bill does not help them, does not enable them to receive any help, without hurting the poor cottage handloom weaver. Therefore, Sir, I appeal to the genius of the Government Benches, to Sir George Rainy and Sir Basil Blackett, to kindly give us a better Bill which will really help the millowners of Bombay without hurting the handloom weavers of India. I join in the chorus of all who have sung that the handloom industry alone is in India a national industry. I am to-day almost in a mood to accept the Gandhian doctrine that all huge machinery is an evil. I wish that this doctrine will spread and place machine-made things at a discount, because I feel how the machineman, the millowner, will readily make use of the human element for his purposes so long as it suits him and pays him amply ; but if he can, by getting rid of his human labourers, and substituting machinery instead, get the work for two annas less, then it does not cause him the slightest pang how many are thrown out of work. Whether 2,000 or 3,000 and 4,000 men, they must go.

> " Theirs not to reason why,
> Theirs not to make reply,
> Theirs but to do and die."

That is the Capitalists' ethics for whose help indeed this Bill is before us.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. D. V. Belvi (Bombay Southern Division : Non-Muhammadan Rural) : Sir, I do not think that I should give a silent vote either in favour of the Bill or against it. But I may tell the House that I am not

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a millowner nor am I a handloom weaver. I come from the southern part of the Bombay Presidency in which there are not many cotton mills, but there are a good many handloom weavers and some of my voters happen to be handloom weavers. So it is my duty to see that their interests are safeguarded. Now, I find it rather difficult to understand the position of Government. Government has placed before us two Tariff Bills, one of which only is now under consideration. As soon as we have finished the consideration of this Bill, I believe that the second Bill will also be taken up. I have read the Report of the Select Committee on that Bill and I find from it that Government is in a position to forego a revenue of 85 lakhs of rupees a year. The Government proposal there seems to be to remit the import duties on certain machinery and stores. It is very difficult for me to understand the position of Government. If Government is in a position to forego an annual revenue of 85 lakhs, why should not Government give a bounty to these millowners who are crying for relief ? That is a very difficult question for me to solve. My second doubt is that we are told here that the handloom weavers will be mulcted to the tune of 12 lakhs a year. My Honourable friend Mr. Shanmukham Chetty was good enough to tell us that the loss of the handloom weavers will be the gain to that extent of the millowners. Am I to understand that the millowners are crying here for a crumb of 12 lakhs only a year ? It is said that 12 lakhs is not much in the case of these handloom weavers. It is a mere flea-bite in their case. Is it not a flea-bite in the case of the Bombay millowners who are applying for assistance in their difficulties ? These are the two points on which I should like to be enlightened by the Honourable Member who has introduced this Bill. Why should not a bounty be given to the millowners out of the 85 lakhs which we get annually by the duties on importation of machinery ? Where is the need of abolishing the import duties ? Are we to abolish these import duties for the benefit of the manufacturers of machinery in England ? Who wants this abolition of import duties on machinery and stores ? We know that there is a very strong agitation in favour of the millowners. It is true that the millowners are suffering terribly. There is no doubt on that point. I do not agree with the heavy indictment that was preferred against the millowners of Bombay by some of my Honourable friends. There may be sins of omission and commission on their part but we have to consider their industry which happens to be a very important industry in the country. If they have got a legitimate grievance and if that grievance can be redressed, it should be redressed by this Legislature. I find it difficult to understand the new habit which Government has unfortunately and dangerously for this country recently contracted. Government appoints committees ; Government appoints commissions and Tariff Boards, and spends lakhs of rupees on them. These bodies go round the country, hold inquiries and submit their reports to the Government, and when their recommendations are made, Government quietly sets aside their recommendations and proceeds with its own ideas. I find that the Government of India was pleased to appoint the Skeen Committee. They spent a good deal of money on that Committee. The Committee made certain recommendations, but the other day I found that Government opposed all those recommendations and did so successfully in another place. When the Resolution comes up here

for discussion on the 13th instant, I do not know how it may fare. I find the same thing here. Government appointed the Tariff Board and they have made a report. They have suggested a remedy and now Government for its own purposes has set aside the recommendations of the Board and has proceeded to legislate after its own fashion. It is very difficult for some of the Members of this Legislature to give their votes in this predicament. We are told by the Honourable the Finance Member that if this Bill is rejected or if this dilatory motion of Mr. Neogy is passed, the responsibility will rest upon our shoulders. That is an argument to which my friend Mr. Acharya has given a sufficient answer. I do not think I should repeat his arguments. It is not we who are to blame. We do not draft these legislative measures. Government has got at its disposal highly paid officers whose business it is to draft Bills. Government has got in its custody all the necessary material. It should draft Bills in time ; the Bills should be published for the information of the public. Public opinion should be invited and if it be necessary to consult Provincial Governments, that should be done in time. But what do we generally find ? Without resort to any of these salutary measures, all of a sudden Bills are sprung upon this Legislature and if we oppose them we are considered to be bad fellows. We are dubbed as irreconcilables. It is not out of cussedness that we sometimes oppose these Bills. More often than not we oppose them because sufficient time is not given to us to consult our constituents and to understand what the opinions of the various Local Governments are. Very often sufficient time is not given to us to consider these measures in detail. As a matter of form, every Bill is referred to a Select Committee. The Select Committee meets once or twice and it presents to us a report. Sometimes we find that the report is unanimous, and sometimes we find that there are divergent opinions. Now, take the case of the Bill which is under consideration. How is it possible for a man like me to follow the Report of the Select Committee ? I find that men of equal authority are ranged on opposite sides. I find that men like Sir Purshotamdas Thakurdas, a gentleman whom I have known for many years and who was my colleague for some years in the Bombay Council, says that this Bill is a mere eye-wash. Now, take the case of another friend, Raja Ghazanfar Ali Khan, who is a Muhammadan gentleman of light and leading. He says that this Bill is absolutely worthless and his opinion which is given in two or three lines is to the effect that this Bill should not be proceeded with. Take again the case of another gentleman, Mr. Jamnadas Mehta or Mr. Duraiswamy Aiyangar. Both of them say that this Bill is absolutely worthless and it should be dropped at once. It is thus very difficult for men like me to form their opinions. We have got very little material before us and there is no time for us to look into all the literature that is available. I submit that in view of the fact that sufficient time has not been given to the country and to the Legislature for the consideration of this measure, the amendment brought forward by Mr. Neogy should be passed by this House. I do not support it simply because I want to delay the passage of this Bill. If we receive the opinions of Local Governments in favour of this Bill, we may pass this measure in the next Delhi Session. The millowners will have to suffer very little during this period of two or three months because we are now told that the millowners are to get only 12 lakhs of rupees a year. This 12 lakhs would be the loss of the handloom weavers and whatever the loss is of the handloom weavers will be the gain of the

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millowners. I do not believe that the Bombay millowners are so very poor. I have known some of them. I know how many motor cars they each keep, how many bungalows they own and I know also the amount of income-tax and super-tax they pay. They are not so very poor as these poor handloom weavers are. Why should there be so much hubbub about only 12 lakhs a year ? If these two points are cleared up, I shall see my way to make up my mind as to whether I should vote in favour of the measure or against it. At present it seems to me that I shall be doing my duty if I vote in favour of Mr. Neogy's amendment and against the motion of the Honourable Member in charge of the Bill.

Diwan Chaman Lall : Sir, it is indeed with diffidence that I speak on this motion. I do not want the impression to go abroad that the attitude that we are adopting in regard to this Bill is one of mere delay, delay in order that we should wreck this Bill or the mill industry. Among my friends who have spoken on this side of the House, some waxed very tragic like Mr. Shanmukham Chetty about the woes of this industry ; others like my friend Mr. Rahimtoola waxed very patriotic, still others like Mr. Jamnadas Mehta became quite romantic, I may say that the latter waxed in turn both patriotic, tragic and romantic about this industry. He said that as far as this industry is concerned, " we " have a great affection for it. The reason why I want to oppose this Bill is because I have no affection for this industry as it is constituted. (*An Honourable Member* : " Shame.") My Honourable friend says " Shame ". When I relate before you the facts connected with this industry he will perhaps cry shame on the millowners and not upon us who are opposed to this Bill. May I call the attention of my friend Mr. Jamnadas Mehta to what has actually been said by a Union which gave evidence before the Tariff Board ? The Union was the Gimi Kamgar Textile Union of Bombay, with which neither my friend Mr. Joshi nor I are connected. They said that the millowners have made no efforts to increase the efficiency of the mill hands. They say :

" The wide powers of dismissals, fines, leave giving, etc., though technically in the hands of the higher authorities such as the managers, weaving and spinning masters, are in practice exercised by the head-jobbers and jobbers and are in many cases abused by them."

Are these the people who have an affection for this industry ?

" It is notorious that several jobbers, head-jobbers and the women overseers called the " naikins " in the Winding and Reeling departments receive bribes or *dasturi* from the operatives at the time of employment and even during the continuance of their service. The rate of the *dasturi* varies from Re. 1 to Rs. 5 per month. Instead of taking prompt steps to stop the practice, the Agent had the audacity to tell the Union that such practice of taking bribes prevailed in all the mills and that, if he were to take notice of it and adopt measures to stop it, he would soon require to close down his mill."

Then there is the question of dismissals which take place summarily without any regard to the well-being of the workers—and it is said in the report that the dismissals that take place are the normal feature of the working of these mills. Am I to take it that these workers, who are really the producers of the wealth of this industry, but who are thus abominably treated have an affection for this industry ? Am I to take it that those of us who want to see their condition bettered have an affection for this industry ? What sort of affection has my Honourable friend ? He says

that he is a " devoted servant " of this industry. Far better would it be if my Honourable friend were a devoted servant of humanity instead of being a " devoted servant " of any particular industry. Sir, the question that arises is, whether you are going to protect this industry at the expense of cognate industries, of workers and of consumers. I think my friend Mr. Rahimtoola used the expression that some of us wanted to kill the mill industry. He went beyond this and said that was a national industry. At 20 minutes past 11, I put a question to him whether it was a national industry, and at 5 to 12 when he sat down, although he had promised to give me a reply he did not. May I remind Mr. Rahimtula and Mr. Chetty who are so anxious to regard this industry as a national industry of a sentence, in Horace, " *Dulce et decorun est pro patria mori* "—Better for them, more proper for them, to die for their nation than to die for an industry which they consider to be merely national. If the industry is not in a better position to claim the support of the opposition and of public men in this country except by arguments of this nature, I say, Sir, that that industry does not deserve the support that it asks us to give it. On the contrary, I have facts and figures here to show that far from helping the poverty-stricken workers, this industry has been drawing enormous profits from 1917—1922, profits, I compute, ranging up to 178 per cent. I am sorry I made that mistake. The profits are not *all* the profits. These are but the dividends that have been distributed to the shareholders during the years 1917—1922. 178 per cent. of the total capital invested in this industry has been distributed in dividends to the shareholders of this industry. Why did not this industry, in this boom period, set apart a portion of its profits in order that it might meet a period of depression ? It was bound to follow what other industries have done. Take the jute industry of Calcutta. During the war period this industry made enormous profits. Then came the period after the war in 1921, when that industry discovered that it had produced goods 25 per cent. over and above the limit required for proper consumption, and the industry was naturally in a particularly bad way. What did those who control that industry do ? They immediately organised scientifically, and the result was that within a very short period they were in a position to pay equally good dividends after the war as they paid during the war.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Jute is a monopoly, cotton is not.

Diwan Chaman Lall : My friend says that jute is a monopoly. Is he not aware that cotton is practically a monopoly for consumption purposes in India ?

Sir Hari Singh Gour : No.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Absolutely not.

Diwan Chaman Lall : Let my friend look at the import and export figures. He will have a chance of replying to my arguments when he speaks. The question that arises is this. Why did not this industry do what the other industry did ? I will tell you the reason why it did not do so. They were more concerned with their profits. They were more concerned with taking as much as they could from their shares ; they were more concerned with getting rich quickly. That was the real reason, and they know it perfectly well. It is no good coming to us

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and blowing hot and cold and saying, "We are nationalists ; we are patriots ; pray, for Heaven's sake, support us." The jute industry did not come with a begging bowl at the time of its need and ask us to support it in its period of depression. Why should the cotton industry now come before us and ask for protection ? I see no reason for their so doing, and I have not been able to find any reason except merely that they have been profligates. It is their financial profligacy that has brought them to their present position, and the result is—what they are asking us to do. They are asking us to impose a burden on the handloom industry, on the average consumer of coarse cloth in this country, in order that they may tide over this period of depression. Will my learned friends, who are representing the millowners in this House, give me a guarantee that they will not, as a result of this duty, be putting up the price of coarse yarn ? Do Honourable Members know that the actual amount of coarse yarn which is being used in this country is something like 260 million pounds ? The result of this duty will be, not as my friend Mr. Chetty put it, merely a burden of 11 or 12 lakhs The real burden will be on the coarser yarn, the price of which is bound to go up under these circumstances by at least one anna per pound. One anna per pound on 260 million pounds works out to about 1⅝ crores. Where is that going to come from ? Who is going to pay it ? The average consumer of coarse yarn is going to pay that sum. And who is he ? The poorest of the poor. That aspect of the question has not been mentioned in this House, because, if it had been mentioned, the reply would have been there, namely, that you are going to penalise the user of coarser yarn, penalise the poor man in the country. Who is there who wants to help the poor man of this country who is yet prepared to accept that argument ? I say, Sir, not one of these millowners—I should be very glad if they do it—not one of the millowners will be willing to give us a guarantee that he will not put up the price of coarse yarn. They cannot do it. In fact, all their plans are working on these lines, namely, that they are not going to get very great advantages out of the present duty as far as 31s. to 40s. are concerned, but that they will get a tremendous advantage by imposing an extra anna per pound on the coarser yarn which is consumed in this country.

Sir, in these circumstances, I want to know how it is possible for any man to help this indutsry at the expense of the poor consumer of this country. How is it, again, possible for us to help this industry at the expense of the handloom industry ? There are exponents of the creed which is being put forward on behalf of the millowners, who say that the handloom industry is not going to be hit hard. On the other hand, I have my Honourable friend, Mr. Rahimtulla, who spoke about the protection of cotton. He was really wanting to protect the wool industry. His arguments were decidedly woolly (Laughter). He said that he agrees with the argument that the handloom industry is going to be hit very hard. If the handloom industry is going to be hit very hard, should you not devise some other means of helping the mill industry ? Although you could have devised your means in your boom period, you did not do so, and you now call yourself a national industry. Precious little did you care for the nation at the time of its need. My learned friend wanted to know how it is possible for them to get something more out of the Government. What was my friend, and what

were his colleagues doing at the time of political stress in this country ? Did they join hands, did they join forces with the popular parties in this country to coerce the Government into granting the rights that are the birthrights of this nation ? No. If they had joned the national forces, they would have found the method of doing it. They would have learnt that unitedly you can demand from this Government your rights, if you have any rights, but by begging from this Government all that you will get is not protection that you require but a great deal of humiliation which you are experiencing to-day in this House and in the country. Take the handloom industry. The Assam Government says—the note presented by the Assam Government says :

"I do not think the handloom industry competes with the mill industry to any extent. On the other hand, it is the mill industry that tries to throttle the handloom industry by fair or unfair means."

Here is the verdict of the Assam Government. The agricultural population of Assam uses the handloom industry produce to a great extent, and that Government says that even now the mill industry is trying by fair and unfair means to throttle the handloom industry. Are you going to give another advantage to this industry and say, "Although you are already using fair and unfair means to throttle the handloom industry, we shall go beyond that and we shall give you protection in order that you may kill that industry outright." The Punjab Government again—another agricultural province—what do they say ? They say :

"As regards question 113, the object of the proposed increase in duty on imported yarn appears to be to give a better price to the Indian millowner. If it does this, the cost of production of handloom articles will necessarily increase. It is possible that the extra cost would be shared by the consumer, but the demand for cloth in India is characterised by one feature, *viz.*, it is a demand by a poor population for a cheap article. It seems therefore to be inevitable, if the price of yarn rises, that the demand for the handloom product will decline."

I need not quote any more extracts from the evidence that was tendered before the Tariff Board, but I think those two extracts are quite sufficient to indicate the fact that the handloom industry is going to suffer, and to suffer to an extent whch we cannot realise at the present moment. Therefore, as I suggested in my minute of dissent, we cannot be parties to what I consider to be an act of vandalism against the handloom industry.

Now, Sir, the question does arise as to why this industry has been in such a parlous state. Take the case of Japan. Japan imports its cotton, it has to pay freight from the importing country. It re-exports the goods which it produces, and it is said that the reason why Japan can compete favourably with countries like India is because the labour conditions in Japan are very much worse than labour conditions in India. A great deal has been made of the Washington Convention. It is said therein that night work by women has to be prohibited, and my friends fix upon that and say that because in Japan there is a double shift system and women work at night, therefore it gives a very unfair advantage to Japan. But do my friends realise that the wages of women workers in Japan even to-day are more than the wages paid to male hands in the mill industry in Bombay ? They have no knowledge of that. If that is

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the position, how is it a charge against that country that that industry is competing unfairly with the Indian industry because of the labour conditions in that country ? I admit, and I condemn the horrible condition of the workers in Japan. I admit that their condition is deplorable. But it is to be concluded that the condition of the workers in this country is not deplorable but that they are leading serene lives of cerulean happiness ? Every one of the millowners, every one of the supporters of the millowenrs knows that the mill hands in Bombay are leading the most miserable lives that any human being can lead. They know it perfectly well, but they do not want to discuss that question merely because it is not relevant to the issue as far as their own arguments are concerned. But as far as our arguments are concerned, it is the one issue that is really relevant. Now, Sir, let me take the question of Lancashire. There we have an industry in which the workers are fairly highly paid. I have an extract in my hand from a report regarding India and Piece-goods—"Lancashire Cotton Outlook" :

"There is one handicap to British industry in competing with the rivals which is always in evidence, the enormous increase in taxation both Imperial and local. An illustration of what this means to cotton was given by Mr. Dewhurst to the Shareholders of Williams Deacon's when he quoted the annual report of the Oldham Master Cotton Spinners' Association to the effect that for a typical mill in the Oldham district the actual percentage increase in cost over 1914 of one pound of weight of yarn was 174 per cent. for local rates, 277 per cent. for income-tax, and 640 per cent. for health, pensions, and unemployment insurance."

Even in Japan the mills have a system of health insurance which you do not have in Bombay, and here in Lancashire they have been paying 640 per cent. more than the 1914 rates per pound of yarn because of health insurance, unemployment insurance and pensions. Those charges our millowaners do not have to pay ; they do not pay those charges, and yet they are not in a position—they, who use the cotton produced in this country, they who pay practically the cheapest wages that are paid anywhere in the world—they are not in a position to compete with Japan or with China. I am really surprised that they should have brought this industry to this sorry plight. They have only themselves to blame for it. Their system of management—my Honourable friends will pardon me for referring to it, I do not want to refer to it with any bitterness, but I do want to make this point that their system of management has been faulty—let me put it at the lowest and say it has been faulty. (Hear, hear.) The managing agents—they are themselves interested often in the selling agencies. They take their little bit of profit from the selling agencies. They are often interested in the insurance companies with which they insure their mills, and in some cases—I have got a statement here—in some cases they will insure with companies which pay the largest rebates to the managing agents. Cloth is sold through agencies in which, as I have already said, the managing agents are interested ; and this is a point which is not well worth making, but nevertheless there it is, the directorates are merely the cliques of managing agents. The result is that this industry has been handed down from father to son as a heritage without a scientific outlook. In many cases this industry has been run upon an unscientific basis of finance and today it naturally finds itself in this difficulty. The report of the Tariff

Board says if they had only conserved the great profits that they made in the boom period they would not have been faced with this difficulty. They say that the profits from 1919 to 1922 inclusive were 40.1 per cent., 35.2 per cent. and 16.4 per cent. These are the profits. I know that my Honourable friend, Sir Victor Sassoon will get up, add up all the profits for the various years, he will then divide the total by so many years and he will say the result is 8 per cent., and 8 per cent. is a very small return for this industry. No. The point I want to make is this, that the total percentages, as I have worked them out, came to over 178 per cent. is for but a few years. These profits represent practically 1¾ of the total capital invested in this industry. If they had preserved these profits they would not have been in their present plight. Why should they come now on the plea that it is a national industry—a plea that they cannot substantiate—and ask the nation to support them. I would consider it a national industry if it were an industry in the hands of the State working for the people of this country—I consider it to be an anti-national industry because it is working for the benefit of the few mill-owners of Bombay and Ahmedabad. My friend Mr. Jamnadas stated that practically the whole of this industry has supported this demand for protection. He knows perfectly well that it is not so What has actually happened is this. Ahmedabad and Bombay have been very hard hit, not the upcountry mills. I am indebted for an extract I shall presently read to Sir George Rainy regarding the Delhi Cloth and General Mills. There is a statement in the Tariff Board's report of last year that these Mills paid 35 per cent. in dividends. There is the fact staring us in the face that these upcountry mills are in a prosperous condition, that they were not so badly hit as Bombay and Ahmedabad. Even in Madras there is no urgent demand for protection. (*Sir Hari Singh Gour* : " What mills have you got in Madras ?) " I am simply surprised at Sir Hari Singh Gour. (Laughter.) This is not the first time that he has surprised me. (Loud laughter.) Has he read the Tariff Board's Report ? If he has, he will no doubt have seen what sort of mills there are in Madras. Now, the report of the Delhi Cloth and General Mills says this : " The directors apprehended a *gloomy future for the industry*, if immediate relief was not given to it by the Government ". After recording their appreciation of the highly valuable services of Mr. So and So the directors declare a dividend free of income-tax of Rs. 45 per cent per annum ! (Laughter). As I said, this particular industry has been hit most in Ahmedabad and Bombay. When my friend Mr. Jamnadas makes the statement that there is a unanimous demand for the support that is being given to the industry, I would remind my friend Mr. Jamnadas of what the Tariff Board Report says. They say that they examined three out of the large group of upper Indian mills and they found that the costs of production were not placed before them. Of most of the evidence that was taken in this case, the emphasis that was laid in regard to protection came from Bombay and Ahmedabad. That is a patent fact. Nobody can deny it. Ahmedabad and Bombay are the two centres of cotton gambling and financial profligacy. These are the two centres that have been hit hard.

Now, Sir, let me refer for a minute to the question of the condition of the workers in this industry. What have the millowners done for this industry ? What is the state of literacy ? Is it not a fact that they

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have done next to nothing to improve the literacy of the workers in the industry ? Is it not a fact, when they complain about the inefficiency of the workers, that they took practically no steps to increase the efficiency of the workers ? Even the Tariff Board says that they wished that the millowners had taken the necessary steps in the boom period to improve efficiency. They regret that in the period of depression they are not in a position to take those steps. The reply of the millowners is that they have done all they could for improving the efficiency of the workers. It is for them to eat the humble pie now and admit that most of their trouble is due to the inefficiency of the workers. How can you have efficiency in the workers if the condition of these workers is as bad as has been painted in the official reports from the Labour Office in Bombay ? The Labour Office has stated that the condition of these workers is in the highest degree miserable. After considering 2,473 working class budgets they say that no less than 56 per cent. of the workers in Bombay subsist on food the quality of which did not reach the prison standard, the standard which is prescribed by Government for ordinary criminals in His Majesty's prisons. The general conclusion is that industrial workers in Bombay consumed a diet inferior to that prescribed by the Bombay Jail Manual. 96 per cent. of the families in Bombay were living in over crowded single rooms and 47 per cent. of the families in Bombay were in debt. Why pride yourselves on this so-called national industry ? These are the signs of " affection " these industrialists have for the 376,000 workers living on this miserable diet! I shall not refer to the question of hours of work or the question of wages. We know that the average wage that is given in Bombay to these workers is Rs. 30-10-1. We also know that it leaves practically no margin for these workers for any of the what I should call ordinary necessities of life barring food and rent and clothing. If these are the workers who are going to be forced under this new scheme that is being propounded, namely, that Indian workers in Bombay should work not two looms but four looms, then I say you are crying for the moon. My Honourable friend Sir Victor Sassoon knows perfectly well that recently when he tried to put that into force in Bombay there was a very serious strike and 20,000 workers marched out of his mills. Here is a telegram I have received from Bombay :

" Textile workers threatened 18 per cent. wage cut. Three loom device without improved materials or labour saving appliances."

You are asking the men who are working under these miserable conditions to put in more work. I say you are crying for the moon. As I understand it the workers in Madras work one loom a day. In the United States of America they work from 9 to 12 looms a day. In Lancashire they work from 5 to 6. I have no hesitation in saying that the first thing you must do is to make the workers more efficient but at the same time I want the millowners to realise that it is primarily their duty to see that the workers are efficient. It is their duty to see that the workers get more food to eat, more clothing to wear, that they are better housed than they are at present. Lady Chattarjee in her book refers to a case in Bombay where she discovered in a room 16 by 12, 30 people, men and women in a precarious state of health. Is that humane treatment for the workers. If

you want protection for your industry, your primary duty is to protect the workers who are engaged in your industry. Your primary duty is to see that the consumers in this country are not penalised at the expense of the millowners.

I hope you will pardon me if I refer to another little matter in regard to the imposition of this burden upon the average consumer in this country. It has apparently been the policy of Government in this country to go on increasing taxation not by direct means but by indirect means. The method of indirect taxation is such that it hits the very poorest of the poor in this country. The present position, as I take it, in regard to indirect taxation in 1924-25 is that 63 per cent. of our total taxation was indirect, 24 per cent. land and 13 per cent. only direct taxation. If you want to tax this country, the poor man in this country, tax him in an intelligent way, in an honest way, in an equitable way but do not go on imposing burdens upon him merely because at the present moment your millowners are crying for what I may call unemployment insurance (cheers). The millowners fear that they will be presently unemployed and therefore they come to us and ask us to insure them against unemployment. When we ask for unemployment insurance for the workers what reply do we get ? We get the reply that the matter is still under the consideration of the Government of India. Now, Sir, there is no doubt about it, and we have evidence of it, that in the past too the mill industry has been responsible for a great deal of unemployment in the handloom industry. For example, in textile, the 1911 report records a decrease in the number of textile workers by 6 per cent. in the preceding 10 years despite the extension of textile manufacture in India. That is a fact to which I want to draw the attention of Honourable Members. Why has there been a decrease of 6 per cent. during that decade in spite of an increase in textile manufactures in this country ? The reason Sir, and it is stated here, is that it is due " to the almost complete extinction of cotton spinning by hand ". That is the reason for it. And we have the evidence of the Tariff Board itself that the result of the imposition of this duty will be a burden upon the handloom industry. We have seen how the mill industry has worked in order to extinguish practically cotton spinning in this country by hand. The result of this duty will be not only to extinguish cotton spinning which is already practically extinguished, but also the cotton weaving industry by hand which is an industry in which hundreds of thousands are employed. This industry will be severely affected. Are we then going to support this measure in spite of the disadvantages that one can see accruing, accruing certainly not to the millowners but to the average man in the street ? And shall we, who have come in here on the ticket that we shall protect the interest of the man in the street, be parties to the passing of this measure ? Under no circumstances can we be parties to such a measure. I have not the slightest doubt, as I have indicated in my minute of dissent, that I would myself be a party to the discovery of a scientific system of protection, not only for this industry but for all industries, provided two things are made clear, first, that the prosperity of the industry will react favourably upon the prosperity of the workers in the industry, and secondly, that no undue burden is placed upon the consumers of this country ; and further, I may add, if it is also made clear that the time will come when this industry and all such industries will become really national, not pseudo national, and will

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really become the property of the nation, working not for the profit of the few but for the benefit of the people. (Applause.)

Sir Victor Sassoon (Bombay Millowners' Association; Indian Commerce) : Mr. President, I suppose that in the opinion of Mr. Jamnadas Mahta, and perhaps of Mr. Chaman Lal, I stand before you as the weak-kneed representative of a spineless industry. I regret therefore that my knees must hold me up for a longer period of time than I generally take when I address this House. I am afraid that my subject is so large that I will not be able to compress it within the usual 10 minutes or a quarter of an hour which I think is generally as much as this House ever cares to listen to my voice. So my knees must be stiffened for this afternoon at any rate. I have not only to deal with my Honourable friend Mr. Neogy's remarks and the points made by him and some of the other speakers, but I will have to deal with the question of the mill industry *vis-a-vis* the Government. Sir, Mr. Jamnadas Mehta's speech was, to say the least of it, unusual. He appears to possess a boundless admiration for the mill industry. He has assured this House, in spite of what may have been said by Members on the Benches opposite, that we are held by the people of India in great affection ; and then he tells us that he is going to vote against the measure, which though admittedly, as he calls it, a dole, at any rate does do something to help us in our present difficulties. The fact is that whilst I was listening to Mr. Jamnadas Mehta I could not help thinking of the well-known words, " It is all very well to dissemble your love, but why did you kick me downstairs ". (Laughter.)

Mr. President, I am afraid I cannot agree with Mr. Jamnadas and Mr. Neogy on the advisability of delaying this measure which is now before the House. On the contrary, the necessity of affording the mill industry of India any kind of help, however, inadequate, is an extremely urgent one, and the urgency lies in the present situation in China. The internal troubles over there which appear to have no end are of a two-fold danger. In the first place, the closing of the home market to their products makes it necessary for the Chinese industry, working as it does under even worse and more unfair conditions than does Japan, to find a market ; and in searching for this market it is up against Japan, who in her turn has also to find an outlet for that part of her production which the continent of China used to absorb. So that, we have not only China looking to India as an outlet for her surplus goods, but Japan doing the same. Now what will be the result ? The result will be that in the immediate future we shall suffer a dumping war between these two countries. That I think is a very sound reason for pleading urgency, for that war, which appears to be just beginning, is likely to develop to its fullest extent during the next couple of months. That is why we must have any measure of protection that we are going to have *now*. We cannot afford to wait until all these goods have been dumped on our shores. In such circumstances the question of the costs of production is a secondary one, and we may find not only the medium counts of yarn from these countries attempting to oust the admittedly small percentage of 3 per cent. of our production which is in these qualities, but what is much more serious their lower counts driving out the 25 per cent. of our production which is now consumed by the handloom industry in the

form of these lower counts. Now it is here that the duty of 1¼ annas offered is of value, amounting as it does to a protective duty of something like 13 per cent. on coarse yarn. This is no bogey which I am putting before the House. It is a very real danger. I am expecting at any time to hear that the namesakes of the firm of my Honourable friend Sir Alexander Murray will be dumping on this country not only yarn but drills and my great fear today is not so much that this infinitesimal measure of protection will raise prices to the detriment of the handloom weaver or the consumer, but that it will fail to stem the wave of surplus goods seeking so urgently a market from the Far East. Mr. President, I wish to assure Members opposite that we who are engaged in the power-driven industry have no desire of any sort to hurt much less to kill our brothers who work handlooms. If I thought that the proposed increased duty on 10 per cent. of their output would cripple their industry, which to my mind is just as much a national industry as ours is—if I thought that even under the least favourable conditions the burden of 12 lakhs on the 30 crores of finished goods which they produce would really prove a severe handicap to them I would not press this measure as I am now doing. It is because I do not believe that in practice the handloom industry will suffer any real detriment that I am so insistent. I honestly believe that as regards the yarns mentioned, the dumping countries will lower their prices by the amount of the duty proposed, as they did when the excise duty was removed, so that the handloom workers will not have to pay more for their yarn than they are paying to-day.

On the other hand, I am perfectly prepared to admit that we in the mill industry will therefore not benefit. (Hear, hear.) All we can say is that the Government will benefit to the extent of something like 12 lakhs at the expense of the Japanese and Chinese exporters. But it is in hopes of keeping out the coarse yarn which we are supplying to handlooms to-day at a loss of 10 per cent., *i.e.*, 10 per cent. below our cost of production, that I am so strongly opposing delay. I want the House to realise that, even as it is, this proposed duty may not be sufficient to safeguard the spinning side of our industry. The loss on this side may be so great that the mills will find they suffer less by closing down and importing yarn from abroad manufactured partly from Chinese cotton and partly from American cotton and use this yarn to keep their looms busy, at the same time selling the cotton which they have got in stock, which they can do at a profit.

Now, Sir, if this deplorable state of affairs comes to pass, what would be the position ? We shall have the handloom industry and the power-loom industry competing for this foreign yarn. And the mill industry, with its representatives in China and Japan, is likely to buy largely and so put up the price of this yarn against the small handloom buyers.

Will that be to their advantage in their competition with our mill-made cloth ? I say with the greatest confidence that they will suffer a great deal more than if, as at present, they are drawing their supplies from our spinning mills, spinning largely indigenous cotton at a price which is below the cost of production.

Think, too, of the position of the workers who will be displaced from the spinning frames. It is all right to say that they can go back to their homes upcountry, but those who understand these matters assure me that

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as regards at least 50 per cent. of the workers in Bombay, their poor little agricultural holdings cannot keep more than one member of their family, and the others can only be made welcome if they bring back in their pockets the money that they have earned at the Bombay mills.

What, then, is going to be the plight of these unfortunate men ? And, Sir, remember that I am only now speaking of one section of our industry, the one whose existence is sought to be safeguarded by this Bill, and that the position of the other side, the weaving side, is by no means a rosy one.

Now, before going back to the main lines of my argument, I want to refer to one or two points which were made by my Honourable friend, Mr. Neogy, in his speech. Mr. Neogy says, " Why not have an inquiry into the handloom industry now as to the effect of this proposed duty ? " I should have thought, Sir, the reason was obvious. The information which we want is, " What harm is this duty doing to the handloom industry ; what are the practical effects of this duty ? " What we want are facts, and not mere opinions, and you cannot get those facts until you put this measure into force, and indeed, it may take a very long time, even when these facts exist, before the necessary information can be collected, when we consider the very wide ramifications of the handloom industry, and when we realize that it took six months to inquire in a fairly cursory manner into the affairs of the concentrated power-loom industry.

Now, Mr. Neogy was to my mind rather unfair on another point in his suspicions of the Government, when he asked why counts of 31*s*. and 40*s*. were chosen for special reasons. I will later on show how I think the influence of Lancashire has shaped the general tariff policy of the Government. But as far as these counts are concerned, I frankly think Mr. Neogy has been barking up the wrong tree. Lancashire has to pay just as much duty as Japan has on these counts, and Lancashire has not.....

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : But it is retaliation.

Sir Victor Sassoon : I beg your pardon. The advantage that Japan has is unfair labour conditions.

Now another of the points that Mr. Neogy emphasised, and which must have appealed to the House as it did appeal to me, was the question of coal as supplied to the mill industry. Now I know the firm of Currimbhoy Ebrahim and Sons very well and have the advantage of a personal acquaintance with the head of the firm, Sir Fazulbhoy Currimbhoy. Those of the Members of this House who know Sir Fazulbhoy must have felt, as I felt, that it was inconceivable that he should have bought foreign coal at a dearer price than Indian coal, and so I wired to Sir Fazulbhoy, and I have received his answer, which is to the effect that all that he has done is to buy 1,500 tons monthly from a local coal merchant in Bombay, and he has asked for a selected grade Lodna Bengal coal but that he has put a clause in the agreement that at his option he can take some of the Natal coal already bought for import, if economy necessitates such action. Now, Sir, that is a very different thing to saying that he has refused to buy the cheaper Indian coal and

preferred to buy at a higher price. I am quite sure that if he is going to pay more for that Natal coal actually per ton of the Indian coal, it must be because the calorific value of that Natal coal is much higher ; it has more heating properties, and is therefore actually, in work, cheaper than the other : and the mill industry of Bombay is not in such a state that it can afford not to buy in the cheapest market. We have to economise all our resources, and I do not think that Sir Fazulbhoy can be blamed for buying in the cheapest market. But at any rate I have now received a second telegram from Sir Fazulbhoy, and it says that he is prepared not to exercise his option to take Natal coal, although it is more economical. I hope, Sir, that on the other hand my friend from Bengal will use his influence with the Bengal producers—I think we have one here (Laughter) : May I appeal to the Honourable Sir Alexander Murray that he will see that the actual price of Bengal coal of equal calorific value is at any rate no higher than what Messrs. Currimbhoy Ebrahim would have to pay for their Natal coal ? Sir, I have been asked to say that this would depend to a large extent on the question of freight. (Hear, hear.) I would appeal to Sir George Rainy to reduce the freight on coal from Calcutta, especially as I have a recollection that if he will look through his files, he will find that the Millowners' Association have lately been making representations to this very effect. As a matter of fact the question of coal for our industry is not as large a one as people might think, due to the fact that out of 83 mills, 72 are now operating by electricity which we get from the Hydro-Electric Works, and of the balance, five or six are now applying to get electric power ; so I am afraid that my Bengal friends must not look to the Bombay mill industry as an outlet for very much of their coal.

Now, one last word and I shall have done with Mr. Neogy. He, and I think another Member, was afraid of retaliation from the Japanese. I for one do not complain of any action which may have been taken by our Japanese competitors. Their industry has to live just as much as ours has, and their industry at the present time is in an even more difficult position than ours is, because their industry already supplies all the textile needs to their own people and therefore they have to look for an outside market. We are in a position of not even being able to supply all the needs of our home people. Now, whatever may be thought of the Japanese nation, I think it will be admitted that they are a very clever commercial nation, and I think I can assure Mr. Neogy with no inside knowledge or any special knowledge, that the Japanese nation buys our pig-iron, for instance,—he mentioned pig-iron—not because she has any special feelings of brotherly love or affection for India, but because pig-iron is a very necessary raw material which she needs and it is cheaper from India than it is from America or any other country. I shall, however, tell Mr. Neogy that Japan is at the present minute developing the production of her pig-iron and I have no reason to doubt that when she has a sufficient output of pig-iron from Korea to satisfy her own needs, there will be a duty on not only our pig-iron but on all foreign pig-iron, whether you pass this Bill or you do not. And the same applies to the other main exports of this country to Japan, for instance, cotton. Is Japan going to put a duty on all cotton ? The House must remember that as under the treaty we are debarred from singling out Japan, similarly Japan is also debarred from singling us out. To carry into effect the point

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mentioned by Mr. Neogy, Japan must put a duty on all pig-iron, on all cotton and on jute products and if she does so, I think that will be a case of cutting her nose to spite her face ; and therefore I do not think we need have any fear of any retaliation on that score. Now, I have done with Mr. Neogy.

I am not able to deal with the remarks that have been made by some speakers, because on this side of the House owing to the accoustics I am afraid we lost the advantage of appreciating what the eloquence of Mr. Duraiswamy Aiyangar, for instance, was about ; so I must leave that to another speaker. But I did hear, I think, that a handloom weaver only made three annas a day. If I did, surely that cannot be the normal wage of a handloom weaver all over India ; otherwise I may find my friend Mr. Joshi, and probably even Mr. Chaman Lall, asking me to try and get a loan from the Government to increase our industry, so as to be able to employ all these poor handloom weavers. For, at the present moment, if what we are told is right, it must really be a sweated industry. Even the very poorest wages paid in India—and these wages I may say are a great deal lower than what we pay in Bombay. Let me take the wages in Pondicherry, where, I find, that they pay their hands anything from 50 per cent. (higher rate) down to 33 per cent. of what we do in Bombay. Madura pays anything from 75 to 44 per cent. of what we do in Bombay. And yet, even those miserable wages will be better than the three annas a day which we are now told is all that the handloom industry is paying. Sir, if that is true.....

Mr. B. Das : What about the cost of living in Pondicherry ?

Sir Victor Sassoon : I do not care how low the local cost of living is. The real wages of those unfortunate people must be better than those of anybody earning only three annas. And if this is really the case, the great problem before this House is what to do to alter the situation that allows anybody in this country to only earn three annas a day, and before trying to attack an industry or particular part of the industry, like Bombay, which does pay an average of Rs. 30 per month to its workmen, it seems to me that there is a large beam to be taken out of somebody else's eye.

Mr. C. Duraiswamy Aiyangar : You shift your mills outside Bombay.

Sir Victor Sassoon : Now, Sir, I would like to deal with one or two other speakers. We are very much interested in the remarks made by Mr. Alexander and I am sure we all hope he is right and that world conditions will change and that prosperity will come to this country. I have not been in this country as long as he has, but I know that for the last three years we have had fairly good monsoons, and I have always been told that things were going to be better, and they have not been. And as my informants have all been in this country for something like 30 years I cannot feel, even after hearing Mr. Alexander's remarks, as optimistic as I might be. Mr. Alexander made an assumption, which, I am afraid, I am in a position to contradict. He assumed that all the mills bought a year's stock of cotton, I take it, at the beginning of the year. Of course those mills which bought their year's supply of cotton in the beginning of this year, when cotton was down, will naturally not make a loss this year ; but that, by no means, is the general state of affairs and the House

will soon realise that if you buy a year's supply of cotton you are gambling in cotton, because what would have been your position two years ago when the cotton market slumped. You would have got dear cotton on your hands and would not have been in a position to compete with mills which had not stocked their cotton and therefore were enabled to buy cheaper raw material. As a matter of fact, it is generally considered undesirable for a mill to speculate in cotton. It does so in this country to some extent ; it has to ; but on general principles, I do not think that you could count a speculative profit as a legitimate trade profit, because it might as easily have been a speculative loss.

Mr. Chaman Lall—I regret he is not in the House just now—has made certain charges against the mill industry, which I feel bound to refer to, although it may mean that I am taking more time than I had intended. He made a general statement that no efforts to increase the efficiency of the millhands had been made by the millowners. It is true that he practically contradicted that same statement, because a little later on he admitted that in my own group of mills there had been a strike because we had tried to increase the efficiency of the millhands and they did not want to have their efficiency increased. In that connection Mr. Chaman Lall says that we did not give them the necessary labour-saving devices. I can assure the House that in my group of mills they have just as good labour-saving devices as they would have in Lancashire or Japan or anywhere else. We naturally gave our men everything that they needed to enable them to look after 3 or 4 looms. We naturally, instead of letting them go and supply themselves with weft, have supplied them with facilities for it being fetched for them. The accusation is frankly inaccurate. We are trying our best to increase efficiency because it will not only increase the wage of the millhand but will enable us to reduce our cost of production which at the present minute means not that we are going to make a bigger profit but that we are going to make a smaller loss during the very critical period which we are now going through. Mr. Chaman Lall also says that millowners have approved of bribes being taken by jobbers. I can only speak for our own mills. I can only speak about what I know and we have done everything we can to stop these jobbers taking bribes. Our difficulty has been that not even one man has ever told us that he was asked for bribes. It was only when we dismissed a jobber as we did for something quite different, and after the men threatened to go on strike if he were dismissed, that we found out after he had gone that they were very glad that he had gone because he had been taking bribes from them. But they were frightened to tell us before so as to enable us to get rid of this obvious injustice. Mr. Chaman Lall then referred to the profits of the millowners. He has an extraordinary method of calculating profits. He apparently thinks that if you take the profits for a period of years—it may be 5, 10 or 15 years—and if it comes to over 100 per cent., then capital is not entitled to anything more. He apparently follows the tenets of my Mussalman friends who object to any interest being earned on money. He is entitled to his own point of view, but this is not the usual commercial point of view. When you want to know what profit an industry has made, you naturally divide the profit by the number of years and so get the figure of the yearly profit. Although Mr. Chaman Lall may be entirely right when he mentions that there was something like 175 per cent. profit for a term

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of years, I am equally right when I say that the average yearly profit for 10 years including the boom years is only 7½ per cent., taking into account the amount required for depreciation. Now, as the Tariff Board themselves admit, 8 per cent. is a fair return. The consumer, if I may use a slang expression, has nothing to kick about? Whatever we have taken away from the consumer in the boom years we have given back to him since. So he really owes us ½ per cent. per annum. I take it that this small measure is supposed to represent that ½ per cent. average for 10 years which we have not yet got out of the consumer.

Now, Sir, I should like to deal if I may with my friend the Honourable Member in charge of this Bill and here I am in somewhat the same position as my friend Mr. Jamnadas Mehta because, although I am supporting the Bill, I am going to attack my Honourable friend. My Honourable friend objects to the word "protect" and prefers the word "safeguard", the word which we altered in the Preamble of the Bill in the Select Committee. Personally I do not care which word he uses as long as it carries out the dictionary meaning of the word. What I say is this: whatever words you may be using, this Bill is not going either to protect or safeguard the industry if in spite of it the yarn industry cannot live. Can you say that you safeguard an industry if that industry dies? Some of the remarks of my Honourable friend were extremely interesting. I was reading over his speech when he moved the reference of this Bill to a Select Committee and I noticed with peculiar interest a remark of his that an Indian cotton manufacturer was entitled to come to the Indian Legislature and say: "If I am to be subjected to a restriction from which my rivals from other countries are free, then I ought to be compensated in some way, because these restrictions raise my cost of production." The Honourable the Commerce Member added that it was "a perfectly tenable line of argument". So, I take it that my Honourable friend is in agreement with his own statement. (Laughter.)

Now, Sir, the exports of our mill products to the Levant and East Africa have increased during the last year which I see is looked on with approval by certain trade journals. The reason why these exports have increased was that most of us decided that we must try and get back our lost markets and therefore we sold our products at any price irrespective of the fact whether that price showed a profit or a loss. As a matter of fact, the prices at which these goods were sold have shown a loss. I may here point out to the Honourable the Commerce Member that the exchange policy of his colleague the Honourable the Finance Member is responsible for the fact that the manufacturers in this country have found themselves at a disadvantage as compared with their competitors in other countries. (Hear, hear.)

I now take up what my Honourable friend terms "a perfectly tenable line of argument", and ask him whether this action has not raised our cost of production in terms of foreign currencies resulting therefore in a form of unfair competition and whether adequate relief should not be afforded us. Further, the Commerce Member has stated that this duty has been put on to make up for the unfair competition of Japan, but it is no secret that the Japanese themselves consider that they are seriously handicapped

by the even more unfair competition that takes place in China. When I was there the mills were working two shifts of 12 hours each with half a day off every other week, and I have seen with my own eyes children of 8, 9 and 10 years working at ring frames without any pay as a favour to their parents. It sounds rather ridiculous, but the parents say that they want their children to work even without pay because after they have worked for a short time and learnt their business, they could then go to earn their livelihood.

Now, Sir, what adequate relief has the Honourable the Commerce Member offered to us. He has pointed out that there is no treaty with China such as we have with Japan, so he can put a special import duty on Chinese goods. He must know the conditions of work in China and yet there is no suggestion in his speech that he is going to investigate these points at once and give us any relief for them. He merely says that if, when the Japanese have carried out the terms of the Washington Convention, it is found that we are suffering from the imports of yarn from China, then the present duty will remain on. But it ought to be clear on his own showing that we should get additional relief from China. I consider this a very unsatisfactory statement on the part of the Commerce Member and I consider as much as my Honourable friend Mr. Jamnadas Mehta or anybody else in this House that the mill industry is being scurvily treated by the Government.

Mr. President, if this had been Japan, if Japan had been in the position that we are in to-day, it is easy to imagine what steps would have been taken to mend matters. I have here a bulletin from the *Japanese Financial and Economic Monthly*. I do not propose to follow in the footsteps of my friend Mr. Duraiswamy Aiyangar and read it all.

Mr. C. Duraiswamy Aiyangar : You cannot afford to read the whole of it.

Sir Victor Sassoon : I would merely point out that the Japanese Government has laid down that in protecting industries half-hearted measures would do no good. If this were Japan I can see the Government in these conditions putting a penalising protective duty on high counts of yarn and cloth. I can also see the natural corollary that our mills will then turn to making yarn of higher counts and that our handlooms with adequate protection would buy this yarn and turn it into a high grade cloth instead of weaving the low grade cloth they do now—thus relieving the pressure on the mills in their output of low class cloth : then the whole industry would benefit, although admittedly this would be at the expense not only of Japan but also of Lancashire, but I suppose, no such heresy will ever be tolerated by the Government of this country.

So, as we have not got the benefit in this country of a Government like the Japanese Government and as we are poor beggars, we have to take whatever is offered to us. I know some of my friends opposite want me to join them in a heroic gesture. They want me to say, " We wanted bread, you throw us a crust ; we cast it back in your face ". But that is all very well for the politician. (Laughter.) We have to live on that crust, and if it prolongs our existence by even one hour, we cannot afford to be proud and spurn it.

[Sir Victor Sassoon.]

The position is that the mill industry is like a poor wounded man lying in the road. Mr. Jamnadas Mehta says, "This man needs an ambulance". Mr. Jamnadas is entirely right. He does need an ambulance to take him to the hospital, but all that is offered to him is a broken crutch. He cannot go far or fast on this crutch, but he takes hold of it and stumbles towards the town in the hope that somebody will help him on the road. But Mr. Jamnadas says he should not take the crutch but remain lying on the road while he apprises the municipal authorities. Unfortunately, Mr. Jamnadas cannot guarantee to us that we will ever get this ambulance or I would certainly join him. (*An Honourable Member* : "It might be the funeral".)

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban): If you work with me you will get it.

Sir Victor Sassoon : I say on the floor of this House that unless there is a change in world conditions, this protection which is offered us is not enough. I tell the Government that it is taking a very serious risk. I tell the Government that it is taking the risk of receiving the congratulations of our foreign competitors for having so successfully crippled, if not killed, the second largest industry in this country.

And so, I appeal to Mr. Neogy not to press his amendment, because, I know that the last thing in the mind of Mr. Neogy and his friends is to do anything to wreck the Indian industry for the benefit of foreign competitors. (*An Honourable Member* : "Not yet".) I know that. But I must warn Mr. Neogy and his friends that if he persists in his amendment and if he carries it, it means the dropping of this Bill : it means that the Government will have the right to say to him afterwards, if anything untoward happens to our industry, "Whatever the defects of our Bill it did afford protection to the coarse yarn manufacture of the country, and by rejecting this Bill, you have given India's foreign competitors the opportunity of attacking this vital spot, and had this not happened, the industry might have carried on?" It is because I know that the bulk of the Members of this House have no antagonism to the mill industry, which does not only consist of a few millowners, not only consist of a few thousand shareholders, but consists of a population of mill agents, shareholders, and working people, and know that everything that hurts us (the masters) is not going to be borne by us alone, but is also going to be borne by the work people, I feel that I shall not have made my appeal in vain.

Mr. T. C. Goswami (Calcutta Suburbs : Non-Muhammadan Urban) : I take it, Mr. President, that the Honourable Baronet who has just spoken attaches a particularly "high calorific value" to any crumbs that may be thrown by the Honourable gentleman opposite me, and possibly, he thinks that even a broken crutch supplied by the Government of India to a crippled industry possesses great "calorific value".

An Honourable Member : No, none at all.

Mr. T. C. Goswami : For, I think he and his friends have carried mendicancy to the last limit. Having themselves admitted that the measure of protection offered in this Bill is a very meagre one, I cannot understand why they are prepared to accept, with gratitude, the modicum

of mock sympathy which has been exhibited on the other side of the House. (*Sir Victor Sassoon* : " Not with gratitude ".) Since the time of Newton, and what could never have been intelligible to him, a new calculus, it seems, has been invented, by which the same set of figures can be juggled so as to produce any kind of inference. (*Lieut.-Colonel H. A. J. Gidney* : " Differential Calculus ".) For instance, my Honourable friend Mr. Chetty, this morning, worked out figures—and he is always strong in facts and figures—and he tried to prove to us that the effect of this Bill would be to hit the handloom weavers to a very small extent only. I noticed one device. He is a great statistician, I am not. He will pardon me if I am slightly sarcastic. He employed a method which I have seen in shops like Whiteaway Laidlaw when they have a " sale " on. When they want you to buy a pair of socks for Rs. 4, they generally put it down at Rs. 3-15-0, so that when you look at it at first, you feel that you are paying only Rs. 3 and something. Similarly, Mr. Chetty compared the 6 million handloom spinners and weavers to the 4 or 5 lakhs of workmen employed by the mill industry. I observed the juxtaposition of the two figures 5 and 6, but one was in terms of lakhs and the other in terms of millions. Even if we are to accept the figures of the Honourable Mr. Chetty that only 8 per cent.—I believe that was his figure—of the handloom industry would be affected by this Bill, I think it does not require a great mathematician to find out that even 8 per cent. of 6 millions works out to a higher figure than the percentage of the 4 or 5 lakhs of people who are employed in the mill industry, who, on the computation of the millowners themselves, would suffer if this Bill be rejected. Sir Victor Sassoon said that, if Mr. Duraiswamy Aiyangar's figures were correct, namely, that some of the people in the handloom industry get only three annas a day, then it was time that Sir Victor Sassoon and his friends should get them employed in his own mills. Well, Sir, I would invite the mill-owners of Bombay, or anywhere else in the world, to employ the six million handloom weavers in India. He might have made a debating point, and I don't grudge him that. But can he employ this large mass of the population of India who are engaged in the handloom industry and pay them at the rate of Rs. 30 a month ? Besides, Sir, figures are elusive. I do not, first of all, accept that in most places, the handloom people get only 3 annas a day. That is a figure which I am not prepared to accept. But I will accept this, that if their wages, their earnings, are very low, they have other advantages while they live in the villages. There is, for instance, always a little land attached to their handloom industry.

Mr. C. Duraiswamy Aiyangar : I would ask my friend to divide the production—over 30 crores are said to be the production—by the 6 million who work, and you will then get the figure.

Mr. T. C. Goswami : I do not think that sort of average appeals to me at all ; it is fallacious ; because, there are many people who may be getting only a very small wage in the handloom industry, but who may be occupied in other industries. I am not going into the mathematics of that. But I submit that their earnings from the handloom industry do not represent their total earnings. And when we calculate " real wages " we have to calculate the other advantages that are derived from their living in their villages. I hope, I need not pursue that further.

I think the Honourable Baronet is very wise in not calling this mill industry a national industry. That was the great mistake which was made

[Mr. T. C. Goswami.]

by my Honourable friend, Mr. Fazal Rahimtulla. Because, what do we find here in India ? We find here, as in every country, that these vested interests are the allies of the powers that be for the time being, and the powers that be to-day are powers which are not only not national but definitely anti-national. Sir, to think of the mill industry as a national industry, I have to forget that history of repression of strikes by means of fire-arms, that history which has been written in letters of the blood of my countrymen by the class of gentlemen who sit on those benches there (pointing to the Treasury Benches), the Collectors and Magistrates of districts.

Then, as regards Japan, the Honourable Baronet told us that Japan cannot under the Treaty erect a tariff wall against India. I find in the Bill presented by the Honourable Sir George Rainy that he has hardly been able to avoid mentioning Japan prominently even in his statement of Objects and Reasons attached to the Bill. This Bill is obviously intended to hit Japan ; and may not Japan retaliate ? The pivot of this Bill is—I would like to emphasise this point though it has been brought out already—the pivot of this Bill is to be found in certain figures given in the Report of the Tariff Board at page 19. There it is shown that Japanese yarn has been coming into this country in increasingly larger quantities, whereas Lancashire has been able more or less to maintain its export to India of piecegoods. It would be idle for any side of this House to pretend that this Bill is not aimed at Japan. I have no particular love for Japan, but I think every Indian patriot ought to realise that the history of India in the future may not entirely be determined by the Government of India Act, and that even in the near future we might be at a disadvantage if we alienate the sympathies of a great Asiatic power like Japan. Further, Sir, a Bill which deliberately aims at crippling Japan and upholding Lancashire, is and must be, an object of abomination to every patriotic Indian. And why ? Because our political dependence is bound up with our economic dependence,—the big battalions of the foreign powers here are maintained for the purpose of keeping England's economic hold on this country. That is a fact which no Indian patriot can afford to forget.

And, Sir, I appeal even to the millowners of Bombay, to reject what I have called this modicum of mock sympathy and to take a truly national view of this matter. There was a time, not very many years ago, when I felt proud to walk the streets of Bombay. There was a time, not many years ago, when the names of some of the Captains of industry in Bombay were names that were hallowed in every household in India. There was a time—when I for the first time visited Bombay—I was filled with pride to discover the contrast between Bombay and Calcutta, to discover that in Bombay it was not the sola *topee* but the *pugree* and the native cap—I use the word "native" deliberately—which predominated. I tell you frankly I felt that. Then it came to me as a great surprise 3 or 4 years ago that these great captains of industry of whom we had thought so much, had so utterly mismanaged their business that Bombay was in danger of an economic collapse. Sir, we, who come from the paddy fields of Bengal, could hardly dream of the crores and millions that were supposed to have been made and lost by the people of Bombay. Now we find that the mill

industry, that great mill industry of Bombay, has come with its begging bowl for a few lakhs of rupees. I do not say this in any spirit of provincial jealousy. Far from it, I say this from my heart, and I feel it very strongly, that my countrymen have mismanaged their business. As on their own admission this Bill does not give anything like adequate protection to the mill industry in Bombay, it is only consistent with self-respect, it is only consistent with a national attitude, that they should reject this offer.

I have very little more to say except this. I do not wish in the course of my speech to raise a point of order. But, Mr. President, you will remember that a few years ago, in 1924, a question was raised whether those Honourable Members who are directly interested in the vote of the House should be allowed to vote one way or the other,—a question which I shall not discuss beyond just mentioning to you. Probably the matter will receive your consideration.

(Several Honourable Members moved that the question be put.)

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, my only excuse for asking the indulgence of the House at this late hour is the great importance of the problem with which we are dealing. I do not think I need say anything to express my full and deep sympathy with the handloom weaver. I have the proud privilege of being able to say that to the best of my belief, excepting the socks, there is not even one inch of the clothing on my body which has not been made out of handspun yarn and handwoven cloth. I do not make any difference between Japanese yarn and English yarn, or any other outside yarn. To me the yarn that is not of India is foreign yarn, and even there I prefer handspun yarn and cloth to mill yarn and cloth. At the same time, I must say that the mill industry also has my full sympathy. I think my Honourable friend, Mr. Jamnadas Mehta, did extremely well when he pointed out the great service that the cotton mill industry has done to India. What would have been the position of India if the mill industry had not developed to the extent it has developed, and if it was not supplying about 40 per cent. of the cloth that we use ? Therefore, we have to look at both the mill industry and the handloom industry as national industries, and we have to extend our sympathy and support to both. I do not wish the mill industry to be benefited or helped at the expense of the handloom industry. But I wish to see what the danger at present is which is facing the cotton mill industry. And here I would ask my Honourable friends who are interested in India's welfare to look at the question from the national point of view. To me the question at this moment, is not the acts of omission and commission of the mill industry, nor the mistakes of some millowners. If they committed these, I do not apologise for them. I regret their mistakes. If they have not improved the conditions of the working of the mills to the extent that we desire, I regret it, and I join with my Honourable friends who have spoken on the subject in appealing to them to make those conditions as good as those existing in any other part of the world. This is not the time to discuss the shortcomings of our brethren who are engaged in this national industry. I am grieved to find an attitude of hostility against the millowners of Bombay and of other places. I have been grieved to hear remarks made against them in a spirit which would lead one to think that the millowners stood by themselves on one side and the workers and others on the opposite side. The millowners too are our own brethren, as patriotic and

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as much interested in the welfare of the country as any of us, and those of them that are not, will not be converted to our view if we go on abusing them and regarding them as opponents of the general welfare of the community. We have to think of the problem before us as one that concerns the whole country. The millowners as well as the mill hands are our brethren, and we have to see what service both can render to the country in developing this national industry and shutting out foreign manufactures. We have to look at the question in that light. As regards the question of protection which is now before us the point is whether the mill industry has been hit hard by foreign competition. Everybody has admitted that the mill industry has not worked under ideal conditions. This may be a legitimate point of complaint. We have to tell our friends the millowners of what more they have to do. I have no quarrel with anyone on that point. But that should not be the deciding factor in determining the course of action which we are to follow to-day. I submit, Sir, the question before us is whether this national industry does stand in need of help, whether it is being hit hard by foreign competition. We have the figures given by the Tariff Board and these have been cited by many people. Japan has been sending us over 20 million pounds of yarn for many years. And China which sent us only 4,000 pounds, a year ago, is now sending more than 2 millions of pounds of yarn. These are the facts that stare us in the face. Is it for the good of India that so much foreign yarn should come into this country ? I consider it a matter of deep shame for the Government of India and the people of India that India which grows so much of cotton should allow any of its cotton to be exported to Japan and not change it into yarn and cloth. Bearing that in mind, our determination should be to wipe off this shame. I have nothing to say against our Japanese friends. I honour them for their patriotism. I honour them for having developed this cotton industry as they have developed it. I wish them all prosperity and greater power. But we have to learn a lesson from them. That lesson is that the Government in charge of the country should unite with the people in giving real protection to the industries of the country and in building them up as Japan has done during the last thirty years. Japan takes cotton from India so many thousands of miles away and brings it back to India, spun and woven, and dumps the Indian market with it at a cost below that at which the Indian manufacturer is able to spin yarn. It has done so because of the help which the Government of Japan have given and the tender care have they bestowed upon the development of the cotton industry in Japan. That is what the Government of India have to do and we have to contribute our share towards it. Our share towards it will be that we should agree to pay the penalty for the crime of omission of the Government of India and of the people of India put together in not utilising all the cotton that India grows, for allowing any part of this cotton to go out of India to Japan or China or anywhere else. That price we have to pay because the mill industry is exposed to danger to-day. We have to pay the penalty by accepting even this miserable measure of support which the Government of India is extending to this industry. We are placed on the horns of a dilemma. It is the case of a woman who has got the husband to be hit on the one side and the son to be hit on the other. We are in that perilous position. India is unable to decide what is right for her people, not being given the power by our English

fellow subjects who have come by Providence to rule over us of deciding what is good for us. We are here left at the mercy of an irresponsible Government, which is neither responsible to this Assembly, nor responsible to the people of India, nor it seems responsible to God himself. In the situation, that Government decides what it shall give to India. It has got many considerations underlying its decision. We the representatives of the people have not the power even to get the Government to accept the Report of the Tariff Board which the Government itself appointed. The Tariff Board recommended that both yarn and piecegoods should be taxed. The Government have picked up the one item of yarn and they present it to us and say " You take this or perish ". We are now in this unfortunate position. If we say " We will not have it, you take it back ", then the result of it would be not merely the loss of 12½ lakhs to Bombay. I am not concerned at this moment with the small gain to Bombay, but I am concerned with this—that you are allowing the Chinese and the Japanese a great opportunity to send more and more yarn into this country and making it more difficult for the mill industry to produce that yarn and compete with the foreign manufacturer. That is the situation which confronts us. No doubt the handloom industry runs the risk of being hurt. I am deeply sorry that it is so, but let us take courage in both our hands and face the situation. If we have not the power to compel Government to put on an import duty on piecegoods, let us not reject the Bill before us. Let us accept it, knowing that it will hurt our fellowmen, the handloom weavers, to some extent. Why do I say this ? I say it in the same spirit in which we decided to use Swadeshi cloth. In the Congress of 1906 which was presided over by that Grand Old Man of India, Dadabhoy Naoroji, those who belonged to the two camps as they were then called, the moderates and the extremists, passed a Resolution that we should use Swadeshi cloth even at a sacrifice. My friend Lala Lajpat Rai was one of those who settled this matter with other friends, and from that time forward we have considered it a religious duty to our country that we should use Swadeshi cloth even at a sacrifice. I say " Let us at this juncture help the mill industry even at a sacrifice to some extent of the interests of the handloom weavers ". Let us unite and combine all our forces to force the Government to do what is right and just, namely, to put on an import duty, an additional import duty, on cotton piecegoods. But let us accept the Bill. When I ask my friends to do so, I do so with the consciousness that there will be some loss to the handloom weaver. I submit we should bear that loss. We should also remember that we do not want any cloth of foreign yarn to be manufactured in our country. I wish our handloom weavers to use more and more hand-spun yarn or if they cannot do so to use country-made yarn. I wish to discard the use of foreign yarn and foreign cloth, not that I have the smallest feeling of ill-will or any desire to hurt our fellowmen outside India. I honour them and love them as fellowmen. All that I wish to do is what they do in their own country. My Honourable friend Sir Victor Sassoon was perfectly right when he said that when the Japanese find that they are able to produce their own pig-iron, they will not hesitate to put on a duty on the foreign imports of that commodity. They have done so in the cases of other articles, and I expect them to do the same in the case of pig-iron if it becomes necessary for them to do so. We have to do the same here to-day. We have to shut out foreign yarn because it is a great threat to the Indian mill industry. We use

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all the weapons we have, even if we have to pay a somewhat heavy price for some of them. I appeal to all my friends on this side to look at the question in that point of view. I am pained that we should be in this position of helplessness before the Government. But I submit, let us not, because we feel the pain of it, because we feel the humiliation of it, because we feel the helplessness of it—let us not throw away this limited help that is coming to the Bombay industry. As I have said before, it is not the 12½ lakhs which count with me. They do not weigh at all in the balance. What weighs with me is not the gain of the Bombay mill industry to that small extent, but the danger we are exposed to of Japanese and Chinese manufacturers dumping their yarn in this country. They are in a position perhaps to reduce the cost price even further, and they may do so. Already you have heard that yarn of coarser kinds is coming from China. If they can send in more and more yarn and make the life of your industry more miserable and uncertain, where shall we be ? You must remember, as Mr. Jamnadas Mehta reminded us, that the cotton mill industry has grown up in India without any help from the Government of this country. It is a matter which cannot be disputed. It has grown in spite of the handicap which the Government placed upon it in the shape of the cotton excise duty. Now the industry has been freed from that incubus and it is struggling against other heavy odds. Let us by all means point out all the reforms needed in the management of our mills. Let us fight our friends of the Bombay industry on that account. Let us fight them in the interests of the labourers, the mill hands. Let us use all our strength to get them to do whatever justice demands. But let us be just. Let us study the conditions under which they are working ; and remember they are working for the nation, for the country ; that they are the servants of the motherland as much as we are. Let us see that we deal with them also justly. At the present moment the great danger is that if we do not put on this duty it will be easier for Japanese and Chinese merchants to dump their yarn in large quantities in our country. And when that has been done you will be yielding to the temptation to use that foreign yarn because it is cheaper. You are thinking of the loss to the handloom weaver. Did you forget the higher cost when you preached that hand-spun yarn should be used ? Do I not pay a higher price for cloth made of hand-spun, home-spun yarn than I would if I bought the foreign cloth ? But if there is a body of opinion which has deliberately decided to encourage hand-spun yarn and cloth, let that body of opinion remember the situation at this moment and decide the question from the true national point of view. It is quite easy for any foreign manufacturer to reduce his price and thereby compete with our own products. Will you yield to the temptation of the cheaper cost of cloth, or will you remember that this is an insidious poison which will poison the body politic of industry in India ; and remembering that, look at the question in the correct light and decide, even though it be with pain, with keen regret that we are not in a position to help the Bombay mill industry in the right way, in the way which would not inflict injury on the handloom industry. But decide that you will, though with very unwilling hearts, with a consciousness of your duty to the mill industry and to the country, accept this measure, accept it with a sense of sorrow and of shame that we have not the power to put the right measure on the Statute-book,

and that we are compelled by the circumstances in which we are placed, to accept this faulty and half-hearted measure. (Applause.)

The Honourable Sir George Rainy (Member for Commerce and Railways) : I should like at the outset of my speech, Mr. President, to clear away a small misunderstanding which occurred yesterday. More than one speaker was inclined to censure me somewhat severely under the belief that I had described the cotton mill industry as a national industry, and implied that the handloom industry was not a national industry. I was not conscious of any sense of guilt on the subject because I was pretty sure I had not used the words complained of. But I thought it better to await the reporter's notes of my speech, and I have found that the phrase " national industry " does not occur anywhere in my speech. The phrase " national interest " does, and on each occasion in the same context, when I was urging upon the House that in the conflict of interests which undoubtedly exists between the two industries it was in the national interest that in this case the interests of the cotton mills should be preferred. Obviously, unless I did hold that view, I could not have brought forward this Bill at all.

It would clearly be impossible for me, Mr. President, after the number of most interesting and able speeches to which we have listened from all sides of the House advocating many different points of view, to attempt anything like a complete survey of the debate. It will be necessary, therefore, for me to limit myself to the more important and obvious points with which I ought to deal. Indeed, quite naturally in the circumstances, the debate has taken a somewhat discursive course, and at a good many points cotton yarn has not been the subject which has held the most prominent place in the minds of speakers or in the mind of this House. But I think the House will recognize that, if I were to deal with all the questions that have been raised, I am afraid before very long, Sir, you would be asking how much longer my speech was going to go on. Now my opponents, the supporters of the motion moved by my friend Mr. Neogy, can be classified in three categories. There are those who genuinely apprehend that the consequences to the handloom industry may be very serious. There are those again who are apprehensive as to the consequences that the passage of the Bill may entail in the way of possible retaliatory action from another country. And there are those who will have nothing to do with the Bill because the Government of India ought to have done something else or something more. I will try to say something about each class. I desire in anything I say to speak with great respect of those who have urged the claims of the handloom industry, urged them with obvious sincerity and obviously under a deep impression of the injury which that industry might suffer if the Bill is passed. I believe myself after giving all the attention I can to the subject that those apprehensions are exaggerated. But if they are not exaggerated, then all I can say is that far from it being a reasonable thing to condemn this Bill as doing nothing at all for the mill industry, if it is going to inflict very serious injury on the handloom weavers it must equally give very substantial assistance to the mill industry. That is in the nature of the case. The only means by which this additional duty can operate is by raising the price of yarn, and to the extent that it raises the price, the mills will gain, and the handloom industry will suffer. That is unquestionable. But, as I have

[Sir George Rainy.]

already said, I have endeavoured to place clearly before the House the reasons which led the Government of India to think that only a comparatively small quantity of the yarn used by the handloom weavers would be raised in price. I do not want once more to go over the ground which I have already traversed, and it is the more unnecessary to do so as my friend, Mr. Chetty, put the substance of my argument with admirable clearness and brevity. But I would like to deal with just one point in this connection. It has been suggested that if we put on this 1½ anna duty on cotton yarn, what is there to prevent—it is said—the millowners combining to put up prices against the handloom weaver ? Well, I think the correct reply to that question is that there has been nothing in the previous history of the mill industry to suggest that such a combination is a probable development. Those who have studied attentively the Report of the Tariff Board will remember that on one point after another the Tariff Board drew attention to the necessity of greater combination amongst the millowners to protect their own interests, and pointed out how much they might do by combination to make themselves more prosperous. These passages in the Tariff Board's Report quite clearly indicate that a combination on the part of the millowners to exploit the public or to exploit the handloom weaver is not a development about which we need have any great apprehension. Indeed I should feel more hopeful about the future of the industry if I had more hope that the millowners might be able to combine. In moments of pessimism, I have sometimes been tempted to think that the laudable pursuit of overawing the Governor General in Council is almost the only inducement strong enough to bring them together. May I express the hope that perhaps the practical experience of combination they have had in recent months may not be without a salutary effect, and that we may in the future witness a closer combination of the millowners, not for the purpose of exploiting the public, and not for the purpose of inflicting an injury on the handloom weaver, but for the natural and proper objects for which trade combinations exist. I should like now, Mr. President, to deal very briefly with the apprehensions which have been expressed by certain speakers as to the consequences which the passage of this Bill might entail owing to action by other countries. I should like to deal with this very briefly, because it is not a matter about which much can wisely be said. Quite clearly, when India is claiming for herself the rights to administer her system of tariff duties having regard solely to the interests of India, and irrespective of other interests, then quite clearly we must expect that other countries also who are concerned will claim and will exercise the same right. Indeed to expect anything else would be absurd. Therefore, if the Imperial Japanese Government is of opinion that it is to their national interest that the duty on pig-iron should be raised, I imagine that unquestionably they will take action accordingly. But what I am prepared to say is this, that we have no reason whatever to believe at present that there is any measure in contemplation which would amount to discrimination against India. Were such a measure contemplated, that of course would raise the whole question about the trade agreement, just as the same question would have been raised had the Government of India accepted the proposal put forward by Mr. Noyce for a differential duty against Japan. But

we have at present no reason whatever to anticipate discriminatory action. We have seen a good deal in the newspapers which indicates that the pig-iron interests in Japan are agitating on the subject, just as the cotton mill interests of this country have been agitating here. What the result of that agitation may be, it is quite impossible for the Government of India to forecast, but what I wish to bring out at this point is that, at present, the Government of India have no reason to anticipate any discriminatory action directed against India. I will now come to the third category of my Honourable opponents, that is to say, those who hold that they will have nothing to do with the Bill, because the Government of India have refused to do something else or something more. Now I have the greatest personal regard for all the Members who have taken this line, but will they forgive me if I say that I cannot admire the method in which they conduct their thinking? It is an attitude with which I find it entirely impossible to sympathise, although their heroism or romanticism may perhaps deserve a certain amount of admiration. But I could not help feeling some sympathy with my friend, Sir Victor Sassoon, when he pointed out that it was all very well for those who were not directly interested to take a high line about these things and to say that unless one can get something really worth having, one will refuse to have anything at all. I would most seriously ask the House not to come to their decision on this question in a spirit of that kind, because I do very deeply feel that it is an attitude, however natural, which is not quite worthy of this House. After all, there is a serious question to be decided. Irrespective of what the Government might have done, the House has definitely to answer the question to-day whether they will accept the proposal in the Bill or will reject it, or will adopt the dilatory motion of my friend, Mr. Neogy, which, as the Honourable the Leader of the House pointed out, would be practically equivalent to rejection. I must retrace my footsteps for a moment because Mr. Belvi made an appeal to me, about one point—I think he asked about two points but I only got one of them down clearly. His question was this : " Why are the Government of India prepared to find a sum of Rs. 85 lakhs by way of removing or reducing duties if they were unable to provide the same sum in bounties ? " Well, I would like to draw attention to the fact that the Tariff Board proposed both a bounty and the removal of the duties, and they also proposed the removal of a large number of the duties in a form which was practically equivalent to a direct bounty to the cotton mill industry ; that is to say, a good many of the duties were not to be removed altogether but special arrangements were to be made by which the cotton mills would be allowed to import their stores free of duty or to obtain a refund after importation.

I think I explained in one or other of the speeches which I made earlier on these subjects that the Government of India were unable to agree either to the bounty or to an arrangement by which the cotton mill industry should import free of duty stores on which other industries had to pay duty, and for that reason they found it necessary to modify the Tariff Board's proposals and to go as far as they could in the direction of removing the duties altogether, so that there would be no discrimination between industry and industry. That is the reason why the Government of India were prepared to sacrifice a good deal of revenue by removing the duties, and were not prepared to grant a bounty to

[Sir George Rainy.]

the cotton mill industry, or to give a refund of duty in a form which was equivalent to a bounty. My friend, Mr. Goswami, spoke with some bitterness about what he believed to be the underlying intention of the Bill which, he said, was aimed at Japan and conceived in the interests of Lancashire. Now, Mr. President, after all what are the actual facts ? Here we have before us the recommendation of Mr. Noyce in the Tariff Board's Report, that a differential duty should be imposed against Japan both on cloth and on yarn. What would have been the effect of such a duty ? It would obviously have been in effect a measure of direct British preference. What did the Government of India do ? They rejected that proposal and what they actually did was this. Although the Tariff Board had found that Lancashire was in no way concerned in the competition which was injuring the Indian mills the Government of India have nevertheless proposed a duty which affects the imports from Great Britain and from all other countries in exactly the same way as the imports from China and Japan. If that is acting in the interests of Lancashire, it seems to me it is action which cannot be prompted by much intelligence, but if it is action, as I most sincerely say it is, Mr President, which the Government of India are taking in what they conceive to be the interests of India, what then ? However much my friends on the other side may think we are wrong and I honour and respect their opinions—I do ask that they will believe that those of us on this side who have to incur a great deal of responsibility in these matters are honestly doing our best in what we conceive to be the interests of India. (Applause.) I am not in any way ashamed to claim that, Mr. President, and I believe the time will come when the great majority of the people of India will concede our claim. I would like, in conclusion, Mr. President, just to remind the House once more of the decision which it falls to them to make. I endeavoured in my opening speech on this debate to state the case as fairly as I could and not to plead any point higher than it could fairly be pleaded. Undoubtedly the House has a decision to make and must come to a conclusion whether the danger to the cotton mill industry, if the duty is not imposed, exceeds the danger to the handloom industry if it is imposed. That is the real question which the House has got to decide to-day and nothing that may be said about the Government of India being really responsible can in fact prevent the House from deciding it. It will decide it. I do not disclaim responsibility on behalf of the Government of India for the position in which the House has to record its vote to-day. That would be an absurd thing to do. But, nevertheless, the House has a responsibility of its own which in the nature of things it cannot devolve on anyone else. Things are what they are ; the consequences will be what they will be. Why then should we deceive ourselves ? And I would again impress upon the House what my Honourable friend the Finance Member said this forenoon. If we put this question off, if we say we have not yet enough information to enable us to come to a decision, we shall nevertheless in fact decide it and decide it in the negative. Events will not wait for our tardy consideration. We cannot foretell what the next few months may produce. I do urge, Mr. President, that the information before this House is probably as much as we are ever likely to get on these complicated questions. I quite agree that if we ask Local Governments to express their opinions about the effect on the

handloom industry, we shall get a great many opinions, some of them valuable, some of them perhaps not so valuable, but in the end, we shall not know a great deal more as to the probable effect of this duty than we know at present. I would, therefore, as strongly as I can, urge upon the House, first, that the time has now arrived when the question ought to be decided, and, second, that there is no real escape from decision by way of delay, and that in fact and to all purposes if my friend Mr. Neogy's motion is carried, the House will have decided in the negative and the Bill will practically be dead. I will not at this late hour, Mr. President, weary the House longer with further remarks. I think that the question has been debated in a very full and very interesting manner and I hope that those Members to whose appeals for information I have not been able to reply will understand the reason that I am unwilling to weary the House at this time by a long speech. (Applause.)

Mr. President : The original question was :

"That the Bill further to amend the Indian Tariff Act, 1894, in order to safeguard the manufacture of cotton yarn in British India, as reported by the Select Committee, be taken into consideration."

Since which the following amendment has been moved :

"That the Bill be circulated for the purpose of eliciting opinions thereon."

The question I have to put is that that amendment be made.

(A division was called for.)

Diwan Chaman Lall : Before you put this amendment to the vote, may I request you, Sir, to give a ruling on the point raised by my Honourable friend, Mr. Goswami, as to whether those Members who have pecuniary interest in this measure are entitled to vote or not ?

Mr. S. Srinivasa Iyengar (Madras City : Non-Muhammadan Rural) : Sir, may I refer to May's Parliamentary Practice, page 368:

"In the Commons it is a rule that no member who has a direct pecuniary interest in a question shall be allowed to vote upon it : but in order to operate as a disqualification, his interest must be immediate and personal and not merely of a general or remote character. On the 17th July 1811 the rule was thus explained by Mr. Speaker Abbot. This interest must be a direct pecuniary interest and separately belonging to the persons whose votes were questioned and not in common with the rest of His Majesty's subjects or on a matter of State policy."

I understand, Mr. President, that your predecessor ruled that they could vote, though, I understand, Honourable Members who had an interest refrained from voting on their own responsibility. May I submit that directors of mills would certainly have a direct, immediate and personal interests ? Whether it would apply to shareholders or not is another question, but certain managing directors and agents of mills have a direct and personal interest. I leave it, Sir, to the Chair to decide.

Mr. President : What is the ruling that the Honourable Member wants ?

Mr. S. Srinivasa Iyengar : I want your ruling, Sir, whether they can vote or not ?

Mr. President : What is the Honourable Member's contention ?

Mr. S. Srinivasa Iyengar : My contention is that they are not entitled to vote.

Mr. President : My predecessor has already ruled on a similar occasion that they are entitled to vote. It is entirely for them to consider whether in the circumstances in which they are placed they should vote or not.

The original question was :

"That the Bill further to amend the Indian Tariff Act, 1894, in order to safeguard the manufacture of cotton yarn in British India, as reported by the Select Committee, be taken into consideration."

Since which the following amendment has been moved :

"That the Bill be circulated for the purpose of eliciting opinions thereon."

The question I have to put is that that amendment be made.

The Assembly divided:

AYES—37.

Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswamy.
Alexander, Mr. William.
Ayyangar, Mr. K. V. Rangaswami.
Ayyangar, Mr. M. S. Sesha.
Belvi, Mr. D. V.
Chaman Lall, Diwan.
Chunder, Mr. Nirmal Chunder.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Farookhi, Mr. Abdul Latif Saheb.
Ghuznavi, Mr. A. H.
Goswami, Mr. T. C.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jogiah, Mr. Varahagiri Venkata.
Kidwai, Mr. Rafi Ahmad.
Mehta, Mr. Jamnadas M.
Mitra, Mr. Satyendra Chandra.
Mohammad Ismail Khan, Haji Chaudhury.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Naidu, Mr. B. P.
Neogy, Mr. K. C.
Pandya, Mr. Vidya Sagar.
Prakasam, Mr. T.
Rao, Mr. G. Sarvotham.
Shafee, Maulvi Mohammad.
Shervani, Mr. T. A. K.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Siddheswar.
Suhrawardy, Dr. A.
Sykes, Mr. E. F.

NOES—68.

Abdoola Haroon, Haji.
Abdul Haye, Mr.
Abdul Qaiyum, Nawab Sir Sahibzada.
Abdullah Haji Kasim, Khan Bahadur Haji.
Ahmad, Khan Bahadur Nasir-ud-din.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.
Ayangar, Mr. V. K. Aravamudha.
Ayyangar, Rao Bahadur Narasimha Gopalaswami.
Bajpai, Mr. G. S.
Bhuto, Mr. W. W. Illahibaksh.
Blackett, The Honourable Sir Basil.
Coatman, Mr. J.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Courtenay, Mr. R. H.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Crofton, Mr. R. M.
Dakhan, Mr W. M. P. Ghulam Kadir Khan.
Dalal, Mr. A. R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr. J. T.
Dunnett, Mr. J. M.
Ghazanfar Ali Khan, Raja.
Gidney, Lieut.-Colonel H. A. J.
Gour, Sir Hari Singh.
Haigh, Mr. P. B.

Haji, Mr. Sarabhai Nemchand.
Hla Tun Pru, U.
Irving, Mr. Miles.
Ismail Khan, Mr.
Iswar Saran, Munshi.
Jayakar, Mr. M. R.
Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Jowahir Singh, Sardar Bahadur Sardar.
Kabul Singh Bahadur, Captain.
Keane, Mr. M.
Khin Maung, U.
Kikabhai Premchand, Mr.
Kirk, Mr. R. T. F.
Kunzru, Pandit Hirday Nath.
Lamb, Mr. W. S.
Malaviya, Pandit Madan Mohan.
Mitchell, Mr. D. G.
Mitra, The Honourable Sir Bhupendra Nath.
Muhammad Nawaz Khan, Lieut.-Sardar.
Mukherjee, Mr. S. C.
Parsons, Mr. A. A. L.
Purshotamdas Thakurdas, Sir.
Rahimtulla, Mr. Fazal Ibrahim.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Roy, Mr. K. C.
Ruthnaswamy, Mr. M.
Sams, Mr. H. A.
Sarda, Rai Sahib Harbilas.
Sassoon, Sir Victor.
Shah Nawaz, Mian Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Rai Bahadur S. N.
Tirloki Nath, Lala.
Tonkinson, Mr. H.
Wright, Mr. W. T. M.
Yakub, Maulvi Muhammad.
Young, Mr G. M.
Zulfiqar Ali Khan, Nawab Sir

The motion was negatived.

Mr. President : Does the Honourable Member from Bengal wish to proceed with his next amendment ?

Mr. K. C. Neogy : No, Sir.

Mr. President : The question is :

"That the Bill further to amend the Indian Tariff Act, 1894, in order to safeguard the manufacture of cotton yarn in British India, as reported by the Select Committee, be taken into consideration."

The Assembly divided :

AYES—68.

Abdul Haye, Mr.
Abdul Qaiyum, Nawab Sir Sahibzada.
Abdullah Haji Kasim, Khan Bahadur Haji.
Ahmad, Khan Bahadur Nasir-ud-din.
Aney, Mr. M. S.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.
Ayangar, Mr. V. K. Aravamudha.
Ayyangar, Rao Bahadur Narasimha Gopalaswami.
Bajpai, Mr. G. S.
Bhuto, Mr. W. W. Illahibaksh.
Blackett, The Honourable Sir Basil.
Coatman, Mr. J.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Courtenay, Mr. R. H.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Crofton, Mr. R. M.
Dakhan, Mr. W. M. P. Ghulam Kadir Khan.
Dalal, Mr. A. R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr. J. T.
Dunnett, Mr. J. M.
Ghazanfar Ali Khan, Raja.
Gidney, Lieut.-Colonel H. A. J.
Gour, Sir Hari Singh.
Haigh, Mr. P. B.
Haji, Mr. Sarabhai Nemchand.
Hla Tun Pru, U.
Irving, Mr. Miles.
Ismail Khan, Mr.

Jayakar, Mr. M. R.
Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Jowahir Singh, Sardar Bahadur Sardar.
Kabul Singh Bahadur, Captain.
Keane, Mr. M.
Khin Maung, U.
Kikabhai Premchand, Mr.
Kirk, Mr. R. T. F.
Kunzru, Pandit Hirday Nath.
Lamb, Mr. W. S.
Malaviya, Pandit Madan Mohan.
Mitchell, Mr. D. G.
Mitra, The Honourable Sir Bhupendra Nath.
Mohammad Ismail Khan, Haji Chaudhury.
Muhammad Nawaz Khan, Lieut. Sardar.
Mukherjee, Mr. S. C.
Parsons, Mr. A. A. L.
Purshotamdas Thakurdas, Sir.
Rahimtulla, Mr. Fazal Ibrahim.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Roy, Mr. K. C.
Ruthnaswamy, Mr. M.
Sams, Mr. H. A.
Sarda, Rai Sahib Harbilas.
Sassoon, Sir Victor.
Shah Nawaz, Mian Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Rai Bahadur S. N.
Tirloki Nath, Lala.
Tonkinson, Mr. H.
Wright, Mr. W. T. M.
Yakub, Maulvi Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir.

NOES—37.

Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswamy.
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Ayyangar, Mr. K. V. Rangaswami.
Ayyangar, Mr. M. S. Sesha.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Chaman Lall, Diwan.
Chunder, Mr. Nirmal Chunder.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Farookhi,, Mr. Abdul Latif Saheb.
Ghuznavi, Mr. A. H.
Goswami, Mr. T. C.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jogiah, Mr. Varahagiri Venkata.
Kidwai, Mr. Rafi Ahmad.
Mehta, Mr. Jamnadas M.
Mitra, Mr. Satyendra Chandra.
Mukhtar Singh, Mr.
Murtuza Saheb Bahadur, Maulvi Sayyid
Naidu, Mr. B. P.
Pandya, Mr. Vidya Sagar.
Prakasam, Mr. T.
Rang Behari Lal, Lala.
Rao, Mr. G. Sarvotham.
Shafee, Maulvi Mohammad.
Shervani, Mr. T. A. K.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Siddheswar.
Sykes, Mr. E. F.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir George Rainy : Sir, I move that the Bill, as amended, be passed.

Pandit Hirday Nath Kunzru (Agra Division : Non-Muhammadan Rural) : Sir, I venture now, as I did in the Select Committee, to place a suggestion before the Honourable Sir George Rainy that in view of the fact that the handloom industry would be handicapped to a certain extent by the duties we are imposing, particular care should be taken in the various provinces to help that industry as far as possible. That was not included in the Report of the Select Committee because it was that that was a matter which was within the competence of the Local Governments. At that time, Sir, our suggestion was a general one, but I should now like to place a specific suggestion before the Honourable Member for Commerce.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : The vote is against us. What is the use ?

Pandit Hirday Nath Kunzru : If this duty hits the handloom weavers to the fullest extent, they will lose about 12 lakhs of rupees on their total earnings, which are believed to amount to more than 30 crores of rupees. Now, this sum may well be placed at the disposal of the Local Governments for the development of the handloom industry. Our duty is not done when we have said that it should get cheap yarn, even though the yarn is sold in this country at a price below that at which it can be produced in indigenous mills. No industry, not even the handloom industry, has a right to ask that it shall get its raw product in such a way as to kill indigenous industries. But it might well ask that the total amount which it would have to pay might be used in such a way as to benefit it ultimately. There are certain improvements that have been proposed by various people interested in the handloom industry. At this late hour I should not like to go into the matter at any length, but I do think that it is one deserving of the serious consideration of Government. Government is willing to part with Rs. 85 lakhs of its revenue, partly to help the millowners, but partly also to simplify the tariff. It can therefore well afford to forego 10 or 12 lakhs of its revenue and place it at the disposal of the Local Governments so that it might be used for the development of the handloom industry.

(At this stage several Honourable Members rose in their places.)

Mr. President : I had allowed Honourable Members sufficient latitude on the consideration stage, and I hope they will not make any speeches on this motion now.

Pandit Madan Mohan Malaviya : I just want to say that I strongly support what has been said by my Honourable friend, Pandit Hirday Nath Kunzru.

(At this stage Mr. B. Das rose in his seat.)

Mr. President : Does the Honourable Member support the motion ?

Mr. B. Das : I will support it, but subject to certain observations. I am a protectionist and therefore I have no other alternative but to support this Bill and vote for the same. Government have put us in this predicament that, while we are very inadequately protecting the mill industry, we are at the same time killing another important industry—the handloom industry. I find that no Provincial Governments have sent in a note of warning to the Central Government or have protested against this measure. If industries are a transferred subject and no Provincial Governments have come forward with their opposition or protests to the Central Government, it is for them to find subsidies and bounties to

[Mr. B. Das.]

protect handloom industries in their provinces, and my Honourable friend, Sir George Rainy, would have done better if he had also introduced a measure of bounties to protect the mill industry than by introducing a measure which will do the greatest harm to another very important industry.

Mr. A. Rangaswami Iyengar : May I say only one word ? I was certainly somewhat amused that my Honourable friend, Pandit Hirday Nath Kunzru, after having voted against the handloom weavers, now lavishes sympathy upon them and wants the Central Government out of the revenue which is going to be foregone under another Bill to put some more funds in the hands of the Local Governments for the benefit of the handloom industry. When you have hit them directly, it seems to me useless to think of trying to prop them up indirectly.

The Honourable Sir George Rainy : I would only say a single word. I think the Honourable Member who made this suggestion as regards the use to which the increase of revenue arising from the cotton duties might be put, cannot possibly expect me at this moment, without any previous notice on the subject, to express any opinion about his suggestion.

The motion was adopted.

The Honourable Sir George Rainy : Sir, I beg to move that the Bill further to amend the Indian Tariff Act, 1894, as reported by the Select Committee, be taken into consideration. I do not think....

Mr. R. K. Shanmukham Chetty : I move that the House do now adjourn.

Mr. President : Under what Standing Order ?

Mr. R. K. Shanmukham Chetty : I suggest it to you, Sir.

Mr. President : Why should the non-official section of the House be always in a hurry to get away early. The Chair expects their co-operation in getting through as much business as possible.

Pandit Madan Mohan Malaviya : There is a conference at 5 o'clock of Hindus and Muslims and we have got to attend it. For that reason alone I most reluctantly submit to you that the House might adjourn now.

Mr. President : My remarks do not apply to this particular occasion, but it is a general remark which I hope Honourable Members will bear in mind. The House will now stand adjourned till 11 o'clock to-morrow morning.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 8th September, 1927.

LEGISLATIVE ASSEMBLY.

Thursday, 8th September, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

MEMBER SWORN.

Sir Denys de Saumerez Bray, K.C.I.E., C.S.I., C.B.E., M.L.A. (Foreign Secretary).

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Secretary of the Council of State :

"I am directed to inform you that at the meeting of the Council of State held on the 7th September 1927, the Council rejected the motion that the Bill to repeal and amend certain provisions of the Indian Criminal Law Amendment Act, 1908, and the Code of Criminal Procedure, 1898, as passed by the Legislative Assembly, be taken into consideration."

Mr. President : I have received a few short notice questions from Mr. Jamnadas Mehta. I have admitted them as short notice questions and the Department has agreed to answer them ; but the Honourable Member is not here to put them.

Mr. S. Srinivasa Iyengar : Mr. President, may I put them ?

(No answer was given.)

THE INDIAN TARIFF (AMENDMENT) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I move that the Bill further to amend the Indian Tariff Act, 1894, as reported by the Select Committee be taken into consideration.

I do not think it is necessary that I should say much in support of this motion. The general principle of the Bill has already been accepted by the House and the amendments made in Select Committee are purely minor and of an unimportant character. It will suffice, I think, if I merely reiterate the main points about the Bill, namely, that it is an essential part of the fiscal policy of the Government of India that the materials of industry and machinery should be made as cheap as possible and that therefore the duty should be kept as low as possible ; in the second place, that all industries should as far as possible be treated alike and that no one industry should be allowed to import free the articles on which other industries have to pay duties, but in the third place that when the time comes to give practical effect to the policy of Government it is permissible and legitimate to give precedence to those industries which are passing through a period of depression. Therefore, in selecting the particular articles from which the duty is proposed to be removed, we

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have chosen those the removal of the duty on which is likely to assist the cotton textile industry.

Sir, I move.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, I beg to move under Standing Order 44 that the Bill do stand recommitted to the Select Committee.

My reasons, Sir, for making this motion are briefly these : the effect of the Bill as reported by the Select Committee would be to cause a diminution in the revenues of the Government of India by a sum of Rs. 85 lakhs. This Bill has been definitely undertaken in order to give relief to the Indian textile industry. It is admitted that the total relief that the Indian textile industry can possibly get under this Bill is only Rs. 42½ lakhs and therefore we are asked to surrender from the revenues of India another sum of Rs. 42½ lakhs in order that the textile industry may benefit only to the extent of Rs. 42½ lakhs. I submit, Sir, that there is no warrant for this surrender of revenue and I submit that the Select Committee have not bestowed sufficient attention on the matter in order to see that only so much is taken out of the revenues of India as is absolutely necessary to give the relief which it is necessary to give to the textile industry. It will be recollected, Sir, that the special Tariff Board itself did not recommend that a general remission of duty upon all machinery such as is proposed in the present Bill should be given in order that the textile industry might benefit. The Tariff Board itself only confined its recommendation for relief to the duties on machinery pertaining to the textile industry. It was the Government in its Resolution declaring the policy of the Government in regard to the Tariff Board's recommendations that stated that this matter should be further examined. In paragraph 11 of the Resolution the Government of India have said as follows :

> "The removal of the import duty on machinery and on the materials of industry was recommended by the Fiscal Commission and is in accordance with the principle of the Resolution adopted by the Legislative Assembly in 1923 that the fiscal policy of the Government of India may legitimately be directed towards fostering the development of industries in India. In giving effect to this principle as revenue considerations permit, the Government of India are prepared to give precedence to articles used chiefly by industries which are passing through a period of depression, but they would be unwilling to differentiate between industry and industry by allowing one industry to import free of duty articles on which other industries have to pay duty."

Sir, it is the Government of India that decided to expand the recommendations of the Textile Tariff Board with a view to have the remission of import duty on all machinery imported into this country. It is not stated that other industries, whose machinery will be freed from duty under this Bill, asked for this relief or that in pursuance of the recommendations of the Indian Fiscal Commission and the Legislative Assembly in 1923 the time has arrived to remove the duty upon all the class of machinery that is now comprised in the Bill. On the other hand, we find that in respect of such machinery under some parts of the Schedule at least, the Government have found that there has been an agitation in this country with a view to the development of indigenous industries and have found themselves compelled to put down amendments to withdraw certain classes of goods, imported machinery and machine

made goods from the operation of this relief of duty. That shows, therefore, that the idea that there should be a general remission of duty upon all machinery is an idea which came into the minds of the Government of India unaffected either by the recommendations of the Tariff Board or by any demand from the people of this country. Sir, the Resolution of the Government of India having specifically referred to "revenue considerations", I consider it the duty of this House to examine whether it is necessary to make this large sacrifice of revenue for the purpose of affording a small relief to the textile industry. In doing that, I want to make it perfectly clear that we on this side of the House do not by any means want to take away any benefit which can properly be given to the textile industry by removing import duties upon stores or mill machinery. But what we do want to make clear is that the Government should not take advantage of this with a view to remove duties on other goods for purposes which, so far as we can see, we cannot divine.

Sir, it has been stated that it was difficult for the Select Committee to make a distinction between one class of machinery and another, and therefore when you want to relieve a particular kind of machinery on which duty is now imposed, it will necessarily have the effect of relieving the duty upon the same kind of machinery which might be imported for the use of other industries also. Sir, that is a matter upon which, I submit, this House has not had any guidance from the Honourable the Commerce Member. Neither the Tariff Board nor the Government in their Resolution have taken any such ground for putting this clause into the Bill. The Government definitely say that they would be "unwilling" to differentiate between one industry and another by allowing one industry to import machinery free of duty while making the other industry pay duty. It is not because it is not possible to make this differentiation in regard to the import duties, but because the Government are unwilling to make the differentiation. I say, Sir, that so far as we are concerned, while we are willing that the textile industry should have this relief, we are not willing that the revenues of this Government should diminish by more than the amount of this relief, for the extra revenue might otherwise be employed for far more profitable purposes.

The next point that I have got to make, Sir, is this, that so far as the difficulty of framing a Schedule which will give the necessary relief to the textile industry without making it necessary for the Government to relieve other machinery from duty is concerned, I say, Sir, the matter should be examined further. The Select Committee should have done their best to see that articles which could legitimately be kept out of the Schedule are kept out so that needless sacrifice of revenue is not made. I do not see, Sir, from the proceedings of the Select Committee that any attempt has been made to do this, and I want it to be distinctly understood that I do not want in making this motion to make any proposal of a dilatory character. All that I say is that this matter requires further examination and that this Bill should be recommitted to the Select Committee so that they may see that the actual relief that the textile industry gets is the actual loss of revenue that the exchequer has to bear. This is a point, Sir, which has not at all been examined, because we also find that the Schedules have been framed, no doubt, in a hurry,—and I can understand the difficulties of the Honourable the Commerce Member,—and therefore they do require re-examination. I find that the Honourable the Commerce Member himself has had to put down amendments in regard to the

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printing industry, in regard to the industry of type founders and various other classes of goods which they had included and which he now finds would be adversely affected by the proposals embodied in the original Bill. I therefore, think, Sir, that very much more attention has to be bestowed on this matter than it has been possible for the Select Committee to do, and I do hope that the Government will accept my motion and have this matter re-examined again by the Select Committee.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, I rise at this stage, because I want to tell the House, and especially my friend Mr. Rangaswamy Iyengar, that the point which he has just now mentioned did not escape the attention of the Select Committee. The first point that struck us in the Select Committee was, whether the revenues of India and the budget position as forecasted by the Honourable the Finance Member, could stand this substantial decrease in revenue which would, for the six months now to be gone through, amount to 42 lakhs of rupees. But we felt, Sir, that as the Government came out with the suggestion of this remission of Rs. 85 lakhs, it was not for the Select Committee to go into the financial side of the question. We took it for granted that the Government of India had satisfied themselves that the revenue and the budget position did admit of this substantial reduction, and I propose, Sir, simply to leave this matter here Perhaps if the Honourable the Finance Member thinks it necessary, he might enlighten us further on this matter.

But the main question raised by my friend Mr. Rangaswami Iyengar is, whether the whole remission of 85 lakhs indicated or involved in this Bill will go to the benefit of the textile industry. The reply to it that was definitely given to us in the Select Committee by the Honourable the Commerce Member was ' No '. I do not think that the Government of India claim that they have yet a scientific method of adjusting taxation, and I say—subject to correction by the Honourable the Finance Member—that a truly scientific system of adjusting taxation has yet to be devised. A reference to the Schedules attached to the Bill, especially under Item 8 of the Schedule, will show that the items marked 18A, B, C and D do not include only items of machinery concerning the textile industry, and the Honourable Member in charge told us that these items 18-A, B, C and D which were taken from the present Tariff Act, were settled by a committee of experts and that it would be dangerous and cause a lot of confusion if any changes were made in them. Sir, it is easy to say on what items we want to have reduction in import duty, but it would be very difficult for the customs authorities to distinguish those items that we really want for the textile industry from others of a very similar kind required for other industries, and hence the Select Committee accepted the explanation of the Honourable Member in charge when he almost pressed us not to disturb the various items included under 18-A, B, C and D. The only inevitable result is and must be that you must include in some of the items articles which would not benefit the textile industry.

Now, Sir, I was one of those who had doubts about some items like types, lead, etc., and I made it a condition when I signed the Report that if from further information which I was trying to get I found that

it would be wrong to exempt some items from the existing duty because similar articles were manufactured locally, the Honourable Member in charge would agree to my moving relevant amendments in this House when the Select Committee's Report came up before it. Whatever information I received either by letter or telegram, I have passed on to the Honourable Sir George Rainy, and the House will see from the amendments Nos 1 and 4 on the list of business that he has been good enough to give notice of relevant amendments. My friend Mr. Rangaswami Iyengar is quite right in saying that there is a strong feeling that the import duty on some of the articles in this Bill should be increased. But as the Honourable Sir George Rainy rightly pointed out to me in the course of correspondence on this subject, this is not the time for it, nor is this the Bill for increasing the import duty on some of the articles from 2½ per cent. to 15 per cent. I therefore, feel, Sir, that it is not possible to attempt any increase of duty in this Bill. Personally, as a member of the Select Committee, I feel that if the Government of India offer to remit 85 lakhs of rupees from this form of taxation, they must have made sure that the Budget and their finances can stand it. The Tariff Board recommended a remission of import duty on articles which affected the textile industry, and my friend Mr. Rangaswami Iyengar does not dispute that it would be undesirable to do so. You cannot do it unless you include the other articles which are indicated in items 18-A, B, C and D of the present Tariff Act. And hence I believe that, even if this Bill was recommitted to the Select Committee, it would be difficult for the Select Committee to make any change in the Bill unless the House were ready to wait for the best part of a year and the Government of India put up another committee of experts to distinguish and separate the items which affect the textile industry and other items coming under 18-(A), (B) and (C). I therefore feel that, unless further considerable delay was to be tolerated in this matter—and even then I am not sure that it would be feasible to separate these items very accurately—I feel it is for this Assembly to decide whether they would pass this as it is presented or not. If they do not mind delay, and there might be immense delay, probably even then it may not be feasible to separate these items. I therefore feel that the House has got to make up its mind whether it is going to accept this Bill as it stands or drop it.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I rise to support the amendment which has been moved by Mr. Rangaswamy Iyengar, and I generally endorse the observations which he has made in regard to the desirability of referring this measure back to the Select Committee. I would particulary refer to one or two items which have not so far been mentioned by the previous speakers. It is a welcome feature of the amended Bill, as it has now emerged from Select Committee, that the proposal to admit types and other things duty free has been omitted. I really wonder how the Honourable the Commerce Member came to make provision for the admission of types and connected things duty free when an inquiry is pending into the question whether the type-making industry is to be given protection. I hold in my hand a press communiqué issued on July 29th to the following effect :

" That the Indian Tariff Board has received an application from the Hindustani Type Foundry, Allahabad, asking that measures be taken to assist the type-making industry in India either by lowering the existing 15 per cent. import duty upon the

[Mr. K. C. Neogy.]

metals from which their type is made, or by increasing the present 2½ per cent. duty upon imported type."

On that a questionnaire has been circulated by the Government, and the last day for receiving written applications with regard to this matter was fixed as the 20th August last. I do not know, Sir, whether the inquiry has yet been completed. If I mention this point it is only for the purpose of showing that there has been some hurry on the part of Government to bring forward this measure, and I therefore think when we have got this evidence that the Government has not bestowed sufficient attention on all aspects of this Bill, there ought to be some more time given to the Select Committee to scrutinise it.

Sir, on the previous occasion I referred to the artificial silk yarn upon which the duty is proposed to be reduced from 15 per cent. to 7½ per cent. I am sorry to find that the Select Committee has not omitted this provision altogether. It is some relief to me to find, however, that there are two Honourable Members of the Select Committee who have submitted a minute of dissent saying that they do not agree that this reduction of duty should take place. Sir, one of the grounds on which this reduction of duty was sought to be justified by Sir George Rainy was that it would not in any event affect the indigenous silk industry at all because the price of artificial silk yarn is very low and the duty 7½ per cent. would in any event be a very low figure. Sir, this is an argument which to my mind cuts both ways, because if it is after all a very unimportant reduction so far as the manufacturers of indigenous silk in India are concerned, it is at the same time a very unimportant reduction also from the point of view of other people. That is to say, the import cannot be influenced to any very large extent by this reduction of duty. Sir, I was looking into the figures regarding the import of artificial silk yarn in India and comparing the figures for 1920-21 with the figures for 1925-26. I find that the increased import during these six years stands at about 30 times, that is to say in 1925-26 the quantity was 30 times that which came in 1920-21. I dare say that, in spite of this duty, the import has progressed at a very rapid pace. I do not know whether my Honourable friend considers that, even in the face of these figures, there is a very sound case for reducing the duty any further. He pointed out that the proposal for this reduction originated with the Bombay Chamber of Commerce and that the Bombay Millowners' Association also agreed with the proposal. But it is very unfair, I submit, on the part of Government to expect this House to come to a judgment on such an important question only on the authority of the opinion of the Bombay Millowners' Association and the Bombay Chamber of Commerce. We should have thought that here at least was a sufficiently important question which should merit the careful consideration of the Tariff Board. We have undoubtedly the ex-president of the Tariff Board in the person of the present Commerce Member, but even then I am not prepared to allow him to usurp the functions of the Tariff Board. I bow to his great authority in tariff matters. But still I venture to submit that it is highly improper on the part of Government to bring up such tariff proposals which have never been before the country in the past, and spring a surprise on the country by including this small item in a very big Bill so that proper attention could not be paid

to such an item. Sir, on the point as to whether this imported artificial silk yarn has at all had any prejudicial effect on the indigenous silk industry, I do not know whether my Honourable friend, Sir George Rainy, cares to read the Bengal papers. I have read one letter in the press coming from a place called Plassey. The name perhaps is not quite unfamiliar to the Honourable Member. It happens to be one of the centres of the struggling silk industry in Bengal. And here is an appeal made to the legislators of this House by a man who evidently knows very much about this subject. The appeal is to oppose the Government in their proposed reduction of this duty. This is what it says :

"The Government are not taking into consideration one very important question in this connexion. The condition of the Indian Silk Industry (I mean the industry of natural silk) will be seriously jeopardised, if further facilities are given to those European industries which are backed by enormous capital and do not, therefore, need any preferential treatment from the Government of India. In other silk-producing countries, the culture of silk is encouraged and the industry protected and developed by State bounty. But the attitude of our Government in this respect is too well known."

Then later on the writer proceeds to observe as follows :

"The heavy influx of artificial silk in our markets at this stage has been gradually driving out the natural silk from its own field of local consumption.

I therefore bring the real facts to the notice of our legislators, so that they may not pass this question over without due consideration, when it will come up for discussion in the Assembly at its next session."

Sir, I do claim that some attention is due to this opinion from Bengal.

Sir, there are few other provinces which are interested also in this question. Bihar and Orissa, for instance, Assam, and the Central Provinces, not to mention the two important Indian States of Mysore and Kashmir. I do beg of Government to have a little more time to consult all these Local Governments, if not the State, before they come to any decision on the matter. From this point of view also I think that the matter ought to be referred back to the Select Committee.

The Honourable Sir Basil Blackett (Finance Member) : Sir, the Honourable the Mover of this amendment desires the recommittal of this Bill for two main reasons. One is in regard to the individual items included in the Schedule, some of which he desires to be re-examined on protectionist grounds.

The other purpose in moving this amendment is in connection with the effect of the Bill on the finances of this year and of the following years. I will leave in the very capable hands of my Honourable colleague the Commerce Member the defence of the relief of taxation in regard to particular duties, including artificial silk, which have been raised by speakers thus far. I would only gently chide Mr. Neogy for his attack on the Government for rushing this measure. That is not the complaint that has generally been made against the Government over the way in which it has dealt with the Cotton Tariff Report. The Honourable Member who moved the motion quite rightly said that this measure has a very serious effect on the general financial position and I make no complaint that he desires that the connection of this Bill with the Budget for the year and for future years should be examined in public in this Assembly. The effect of this Bill is to threaten a reduction of something over Rs. 40 lakhs in the year 1927-28 and something between Rs. 80 and Rs. 90 lakhs in the year 1928-29. That is certainly not an entirely pleasant proposal

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from the point of view of the Finance Department at any time. We are of course always in a difficulty with a Tariff Bill. When a Tariff Report comes out which cannot be dealt with at the beginning of the year at the time of the Budget, and it is proposed in the middle of the year to deal with it, and additional revenue comes in, the hard-hearted Finance Member is accused of pocketing for his own benefit out of the hard-earned savings of the people money which should otherwise be applied, and it is suggested that it is not so much the stricken industry in question that is being protected as the exchequer of the Government of India. If, however, the opposite happens the Finance Member is quite rightly assailed for allowing his budget estimates of the year to be upset in the middle of the year by loss of revenue, which is given up not on grounds connected with the finances of the country but on fiscal grounds. We are in a real difficulty in the matter, and it is only possible to deal with each case as it arises. In this case, the Tariff Board recommended, among other things, that the duty on certain machinery and mill stores should be abolished in the interests of the cotton mill industry. They suggested that it should be abolished only for the purposes of the cotton mill industry and not generally. That involved special treatment of a particular industry and is open to general objections on the ground of principle. It is not desirable that you should have an import duty, which is supposed to fall equally on all, and then not collect it on a particular industry while allowing it to continue to fall on other industries. That is particularly so when *prima facie* the duty is objectionable in principle. A duty falling on machinery, so long as it is imposed purely for revenue purposes, is obviously in the nature of a tax imposed on the raw material. It adds to the cost of the finished product, and is therefore open to objection. It has been clear for some time that our very high revenue tariff as it was left after the big rise that took place in 1921-22 is objectionably high in certain directions in a way that is damaging to the interests of industries in general in the country, and we had been looking forward for some time to the opportunity of being able to reduce particular duties at some future date. That could only be done, of course, if revenue is available for the purpose. Here, we found ourselves faced with the recommendation of a Tariff Committee, which was to reduce these duties in the interests of a particular industry. We did not find ourselves in a position to accept all the recommendations of that Committee, and that perhaps strengthened the reasons for accepting these particular recommendations if we could possibly do so. We felt we could not possibly do so in the form proposed by the Tariff Board, that is, give a specially privileged position to one particular industry as compared to the others. We were faced, therefore, with the question, " Could we afford something over Rs. 40 lakhs this year and something over Rs. 80 lakhs next year " ?

Mr. A. Rangaswami Iyengar : And in subsequent years.

The Honourable Sir Basil Blackett : And in subsequent years. First of all, as regards this year, as the House is aware, there is no margin as a rule in the Indian Budget. It is not framed with a view to ending with any large surplus. A predecessor of mine once said that nothing is laid aside each year in the Budget against a rainless day, and I am sorry to say that I had not the foresight to lay anything aside against

a Rainy day. (Laughter.) What was the poor Finance Member to do ? We could not possibly postpone, as proposed by the Mover of this motion, any question of assistance to the cotton mill industry until the next Budget. That is the effect of this motion for recommittal, because it is obvious that the matter could not be taken very much further during the present Session if an attempt was made to recommit the Bill for the elaborate purpose proposed by those who have spoken in favour of this motion. The only thing therefore to do was either to regret our inability to assist the mill industry altogether, or to do what we regarded as wrong in principle, namely, to give a privileged position in the matter of customs duty to a particular industry, or to set free from duty as many of these articles of machinery as possible in the interests, first of all of the mill industry, and secondly of the industries of the country as a whole. We found ourselves faced, therefore, with this position, and there was no margin. Fortunately, however, my Honourable friend Sir George Rainy promises to return to me, at any rate so far as this year is concerned, some portion of the 40 odd lakhs that we are giving up in the form of additional receipts from the Railways. I cannot, of course, at this stage, and still less could I at the stage when a decision had to be reached, foresee how the year was going to work out. Up to date there is no particular reason to suppose that the estimates of revenue generally will be exceeded. There is no particular reason either to suppose that the estimates of expenditure will fall far short, if at all short, of what was provided for. In the particular matter of railway receipts, as things stand at present, there does appear to be a prospect that Sir George Rainy will give me back on the swings what he is taking away on the round-abouts. As regards next year, it is obviously impossible at this stage to make any useful guess as to what the situation will be. If things go well, we shall certainly find ourselves in a better position than we were at the beginning of this year. The automatic effect of the sinking fund provision is always to leave some margin at the beginning of the next year. On the other hand, this year we are, as the House is aware, giving considerable hostages to fortune in the matter of the provincial contributions. All that I can say as regards next year is that this 80 lakhs is an additional Rs. 80 lakhs over and above the Rs. 1½ crores which we have to find either by economies or by some other means in order to balance the Budget next year without calling for the renewal of the provincial contributions. I cannot, I think, usefully say more than that, but my object in rising to-day is to make clear to the House that the matter has been very fully and carefully considered by the Government of India and by the Finance Department, and that, all the pros and cons being weighed, we did feel that the recommendation made by the Tariff Board in favour of the cotton mill industry was one which we could not reject and that the only way in which we could accept it, or which would be in accordance with principle, would be to allow such remission as we gave to apply to machinery imported for the purpose of all industries and not only to machinery imported for the purpose of one particular industry.

Mr. N. C. Kelkar (Bombay Central Division : Non-Muhammadan Rural) : I rise to support the amendment of my Honourable friend, Mr. Rangaswami Iyengar. The net result of the Report of the Select Committee is to open the question of the tariff schedule at many points,

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and as my Honourable friend Sir Purshotamdas Thakurdas has pointed out, since this Report was known abroad a number of complaints have been received with regard to the Report and an amount of valuable material bearing on the points covered by the Report has also been received. Now, Sir, I quite admit that the proper moment for reopening the tariff schedule is really the month of February, that is, once a year. But if the Honourable the Commerce Member thinks that certain matters are so urgent that the tariff schedule may be reopened even in the middle of the year, then I contend he cannot insist upon opening at one end only. It must be reopened at either end, namely, in the direction of reduction as well as in the direction of enhancement, where reduction may be necessary or where enhancement may be necessary. There may be some delay, of course, if this Bill is recommitted to the Select Committee. But I think that the delay is unavoidable, and that delay is necessary in view of the contest that lies on many of the points covered by the report of the Select Committee.

My Honourable friend, Mr. Neogy, has already referred to the complaint in relation to the type foundry industry, and I have received a similar complaint from the Bombay type foundry industry. I will just place before the House a resolution passed at a meeting of the type foundry owners of Bombay on Tuesday, the 30th August 1927. The Resolution is as follows :

" This meeting of the Type Foundry Owners in Bombay, held on 30th August 1927, strongly protest against the amendment of the Indian Tariff Act of 1894, so far as it affects Types, Leads, Lead and Brass Rules.... by the proposed removal of duties thereon as the same will be detrimental and suicidal to the infant Type Foundry industry of this country and request the Government that with a view to protect and strengthen it, the existing duty on the above articles be enhanced to at least 15 per cent. *ad valorem* ".

The House will at once see that the ground of contest lies as wide as from the total removal of the duty to enhancing the duty to full 15 per cent. The field is very large, and the contest is, of course, very keen. Therefore, it could not be said that if you keep the duty only at 2½ per cent., or I will go further and say, if you keep it at 7½ per cent., the objection is not removed, for, as has been pointed out, I think, in the representation by the Chairman of the meeting of the Type Foundry Owners in Bombay to the Secretary to the Government of India in the Commerce Department, the fact is this. Even if you raise the duty to 7½ per cent. instead of removing it altogether, still a large disadvantage remains to this industry and in this way. There is, in the first place, the 12½ per cent. disadvantage owing to the ratio, and then, really speaking, the duty should be, as in other cases, at full 15 per cent. But instead of that, instead of having it at 15 per cent., if you only keep it at 7½ per cent., it comes to this ; there is 12½ per cent. owing to exchange, 15 per cent. not being there, that means a total of 27½ per cent., and you propose to remove the disadvantage to the extent of 7½ per cent. That means that the industry remains at a disadvantage still to the extent of 20 per cent. That, I think, is a legitimate complaint. The reasons for reopening the subject and having the full revenue duty are, briefly, these. At present, the raw material of this industry is taxed at 15 per cent., but curiously enough, whereas the raw material is taxed the finished products are not taxed if the duty is

totally removed. This type foundry industry is altogether new to this country. It has come into existence practically since the war and it has already begun to feel the pinch of competition with the German imports. Therefore, it is up to the Government to enhance the duty to the full 15 per cent. on the type foundry materials, so that protection may be given to the home industry. That, I suppose, makes out a case for reopening the question. No one is satisfied with the removal of the duty, no one is satisfied with the imposition of 2½ per cent. duty, and no one will be satisfied even if the duty is imposed at 7½ per cent. The demand is for full 15 per cent., and that is a question which I submit deserves to be considered in the Select Committee.

Pandit Hirday Nath Kunzru (Agra Division : Non-Muhammadan Rural) : Sir, I claim no infallibility for the Select Committee, but as one of its members, I must say that the Committee was not quite as negligent of the various interests which the Bill is concerned with as one might think from the speeches of the Honourable Members who have opposed the motion of my Honourable friend, Sir George Rainy. The question of the type industry was specifically considered, as has been asknowledged by my Honourable friend, Mr. Neogy. The Select Committee agreed to delete the word " type " from paragraph 8, Item 18-C. of the Schedule to the Bill. As regards the rest of the things to which Mr. Kelkar has referred, the opinion of the type foundries was specially invited, both from Allahabad and Bombay, and it is in accordance with the opinions forwarded by them that the Honourable the Commerce Member has agreed to delete certain items from paragraph 8, Item 18-C. namely, brass rules, galleys, etc.

Mr. N. C. Kelkar : Did you concede the full demand of that industry ?

Mr. A. Rangaswami Iyengar : We have conceded that in our speeches.

Pandit Hirday Nath Kunzru : You did, but Mr. Kelkar does not. As regards Mr. Kelkar's question, I will answer it presently. I have not explained the situation fully yet. There is the question of increasing the duty on type and other things so as to help the Indian type industry. That was a point the consideration of which was not omitted by the Select Committee. We were, however, informed by the Honourable the Commerce Member that the subject had been referred to the Tariff Board and that if the Board recommended that protection should be given to this industry it would. We would thus have another opportunity of discussing the matter and of increasing the duty should that be considered necessary. The Select Committee only concerned itself with seeing that the duty was not lowered below the existing level. We were not willing that, pending the grant of protection to the type industry, the little benefit that it enjoyed by the imposition of the duty of 2½ per cent. on foreign type should be taken away from it. We only agreed that the question of protection should be considered at a later stage when the Tariff Board presented its report.

Sir Purshotamdas Thakurdas : We had no option.

Pandit Hirday Nath Kunzru : Because we did not know what the amount of protection would be that would be needed by the indigenous industry.

[Pandit Hirday Nath Kunzru.]

Then, Sir, as regards artificial silk that was a point that was raised in this House and also considered by the Select Committee, and I for one thought that even those who had objected to the lowering of the duty on artificial silk yarn agreed that there was no harm in the course adopted by Government. It was pointed out both in the House and in the Select Committee that the difference between the prices of real and artificial silk was so great that there could scarcely be any reasonable fear that artificial silk would be used in place of real silk. An Honourable Member says that we were in the region of opinions, and not of facts, when it was accepted by us that real silk sold at 5¼ rupees per pound while the price of artificial silk was 1-12-0 per pound.

Sir Victor Sassoon : " I buy it at that rate. " The members of the Select Committee who know these things and who are connected with commerce and industry including my Honourable friend Sir Purshotamdas Thakurdas did not challenge these figures. It did not seem therefore to the members of the Select Committee that any harm would be done to the indigenous silk industry if artificial silk were subjected to a lower duty. On the contrary it seemed to us that so long as there was no competition between foreign and home products it might be well to let cheap artificial silk come in, so that the handloom weavers might benefit thereby.

Mr. K. C. Neogy : You are a friend of the handloom weavers.

Pandit Hirday Nath Kunzru : I believe we shall prove to be better friends of the handloom weavers than those Honourable Members who wished to help them yesterday at the expense of the indigenous industries.

The third point is that the Select Committee considered whether any of the exemptions proposed in the Bill would hurt the handloom industry. That was a point to which special attention was devoted by my Honourable friend Mr. C. Duraiswami Aiyengar and after he had gone through paragraph 8 Items 18-A. and 18-B. I at any rate thought that he was satisfied that the handloom industry would be under no greater disadvantage than at present.

Mr. A. Rangaswami Iyengar : There is a dissenting minute by Mr. Duraiswami Aiyangar.

Pandit Hirday Nath Kunzru : I was quite surprised when I saw this dissenting minute. We went through paragraph 8, 18-A and 18-B item by item and I do not remember that any objection was urged on behalf of the handloom industry to the inclusion of any item mentioned in this paragraph.

Lastly, with regard to the financial question I may say that, as explained by Sir Purshotamdas Thakurdas, we simply took the point of view that our revenues could bear a loss of 85 lakhs. We knew that the Tariff Board had recommended an exemption to the extent of 50 lakhs. Now it was evident on the showing of the Tariff Board themselves that the exemption of duty could not be entirely confined to the textile industries. It seemed to be impossible to devise any way which would not be open to objection of exempting particular articles from duty and confining the benefit of the exemption only to millowners. It

was evident therefore that, while the textile industry would gain largely as a result of the recommendations of the Tariff Board, other users of machinery would also benefit partly. Now the Tariff Board recommended that an exemption of about 50 lakhs should be granted. We may take it, considering the benefit that would have accrued to other industries, that we would have had to make an exemption of about 65 or 70 lakhs. Thus at the outside there may be an unjustifiable loss of revenue to the tune of 15 or 20 lakhs. On that point too the Select Committee considered the matter as carefully as it could within the short time at its disposal. It examined Mr. Lloyd of the Central Board of Revenue and after hearing both what he and Sir George Rainy had to say we came regretfully to the conclusion that there was no means of altering the Schedules to the Bill before us in such a way as to benefit the textile industry and at the same time to save the State from an appreciable loss of revenue. That, we were told, would have involved such an elaboration of the tariff and such a prolonged inquiry as would have prevented us from giving that help to the textile industry which it needed and which we were all desirous of giving to it. It was after taking all these things into consideration, that the Select Committee made the recommendations contained in its Report. It may be that the Select Committee was mistaken in one or two respects but it did not do its work half as perfunctorily as one may suppose from the speeches of Honourable Members who have attacked its Report.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : I rise to support the amendment of my Honourable friend Mr. Rangaswami Iyengar. Before doing so I would like with your permission, Sir, to refer to a short notice question of which I had given notice. I understand, Sir, that it has been placed on record that I was absent when the question was reached when as a matter of fact I did not even know that the question was admitted ; if you will permit me.....

Mr. President : Is it for this purpose that the Honourable Member has risen ?

Mr. Jamnadas M. Mehta : If you will permit me, Sir.....

Mr. President : Will the Honourable Member restrict himself to the motion before the House ?

Mr. Jamnadas M. Mehta : Very well, Sir. I confess, Sir, that the result of the division yesterday was very disappointing to me. But if it disappoints it does not discourage, because I believe that truth must be adhered to all along and always. To-day, Sir, I wish to raise two or three questions of importance in connection with this Bill. This is the second Bill which professes to give some protection to the mill industry. I think, Sir, the principles of protection were laid down by the Fiscal Commission and were subsequently followed by Sir George Rainy himself in the Tata iron and steel inquiry, and if I am not very much mistaken the main principle was that if, as a result of an inquiry, you decided to give protection to any industry, then you should give adequate protection. Inadequate protection, it was stated, was worse than no protection at all. Consider the strain on the consumer ; consider your finances ; consider the question from every point of view ; but once having decided to give protection give adequate protection or none at all ; that is the right principle of protection ; if you do not give adequate protection you waste so much public money. You penalise the consumer

[Mr. Jamnadas M. Mehta.]

without any advantage and in the end the industry gets no real assistance. The consumer consents or must consent to some temporary sacrifice and inconvenience, because as a result of the internal competition that will set in on account of protection he will get the protected article much cheaper.....

12 Noon.

Mr. President : Order, order. The Honourable Member must speak to the motion. The motion before the House is that the Bill be recommitted to the Select Committee.

Mr. Jamnadas M. Mehta : And I say, Sir, that it should be recommitted. This Bill does not give any real protection to the mill industry as it professes to do. I am pointing out that any measure which does not give adequate protection is against the findings and recommendations of the Fiscal Commission.

Mr. President : I am afraid it is too far-fetched an argument for the purposes of the motion.

Mr. Jamnadas M. Mehta : Is it far-fetched to show that this Bill gives no adequate protection and is therefore against the principle of protection ?

Mr. President : I have already said so.

Mr. Jamnadas M. Mehta : It is far-fetched ; very well. Then even if the Bill violates the principles of protection I should not say anything.....

Mr. President : The Honourable Member must confine himself to the motion before the House. I have often noticed that the Honourable Member begins from the commencement of the history of the question on which he speaks.

Mr. Jamnadas M. Mehta : With all respect, Sir, that is not correct.

Mr. President : Will the Honourable Member confine himself to the motion before the House ?

Mr. Jamnadas M. Mehta : And I submit with the greatest respect that I am entitled to show that the Bill does not give adequate protection.....

Mr. President : And the Chair has ruled that the Honourable Member is not entitled to do so on this particular motion.

Mr. Jamnadas M. Mehta : Thank you, Sir. If I must be ruled out of order my only course is to show that this so-called protection, must not be given on other grounds. It has been stated that the full effect of this Bill on the revenues of this country would be a loss of 95 lakhs a year while the benefit to the mill industry would be only 50 lakhs. The figures given by the Tariff Board show that this country manufactures about 680 million yards of yarn and uses 700 million pounds of yarn for the manufacture of cloth ; so that the stores and machinery used for the manufacture of yarn and cloth are 686 million pounds *plus* 705 million pounds ; which means that first of all in the process of manufacturing the yarn and secondly in the process of manufacturing cloth

out of that yarn, the machinery and stores required will be spread over 1,400 millions of pounds of yarn. And the relief according to the Tariff Board in a full year is 50 lakhs, which is 5 millions of rupees. So the relief to the mill industry for 1,400 million pounds of yarn will be 5 millions of rupees, which works out at barely half a pie per pound of yarn. And if the reduction of the cost of production by half a pie per pound on yarn is the only protection that is given to this industry for the loss of 85 lakhs of revenue, I do not think that the tax-payer should be mulcted out of that 85 lakhs of rupees. Because, if there is any object in protection, the object is that the industry should be able to stand against foreign competition as a result of the reduction in the cost of production by the remission of duty. But I have still to learn that a reduction of half a pie per pound in the cost of production will have the remotest chance of assisting the industry in competing with foreign imports. And if that is not so, Sir, the result of the remission of duty on machinery and stores which we are asked to make to-day, amounts only to so much remission of taxation, and this Bill is not a measure of protection but a measure of relief to the tax-payer. Therefore, it becomes necessary to see whether it is desirable that a remission of taxation should be undertaken at this stage, and if it must be undertaken, whether these particular articles ought to have priority or whether there is any other claimant who demands and deserves priority. I submit that on a proper consideration of the case it will be found that if this measure is merely a measure for relief of taxation, then, Sir, between those who are to benefit by this measure and those other claimants to relief, the House must give priority to the latter. There is the poor man who pays the salt tax ; there is the man who is being penalised by the half anna postcard and high railway rates and fares ; and there is lastly the tax-payer who is being mulcted to the tune of 5 crores a year in the name of debt redemption. These people, Sir, I claim have a prior right to relief than the importers of machinery, the result of which relief will be that foreign manufacturers, mainly English, will be the real gainers by this measure. In ancient times, Sir, all roads used to lead to Rome. In modern times, in India at least, all measures lead to the relief of England. That is the misfortune of this country. This is the third time in the last eight months, Sir, that a measure which pretends to give protection to an Indian industry is being used really for the purpose of benefiting the alien manufacturers and importers. If you must give relief, have you examined whether these other claimants to whom I have referred have a better claim than the importers of machinery and manufacturers abroad or not ? The House must without hesitation come to the conclusion that if the mill industry benefits only to the tune of half a pie per pound—which works out to a relief of something like Re. 1 in Rs. 288—if that is the only shadowy and imaginary reduction in the cost of production to the mill industry, and if the measure is really to operate to the relief of importers of foreign machinery and of foreign manufacturers, then, Sir, I submit this House ought to halt and consider whether priority in the matter of relief should not be given to more deserving claimants than those who are being benefited under this measure. That is the submission which I make to this House. Lastly, I associate myself with my friend Mr. Kelkar in what he has said about type foundries and the disabilities under which they are labouring. As my friend Mr. Kunaru has said, the matter is under

[Mr. Jamnadas M. Mehta.]

the consideration of the Tariff Board and therefore we have no alternative but to wait. And I agree with my friend Mr. Kunzru that whatever could be done in the Select Committee has been done and the amendment standing in the name of the Honourable the Commerce Member also indicates that that question has been considered. But apart from that, Sir, I do not see the slightest reason why this 85 lakhs of rupees should be given away. The Indian treasury is not overflowing with money, I understand, but if it is and relief to the tax-payer can be given, I submit once for all that the claimants to whom I have referred must be given priority.

Mr. N. M. Joshi (Nominated : Labour Interests) : Sir, I was somewhat surprised at the attitude of some of the speakers on this occasion. It was said by my Honourable friend Mr. Jamnadas Mehta that the mill industry is in great trouble at present. I feel, Sir, that if the mill industry is in great trouble at present, it is due to the fact that the cloth which is being produced is dearer compared to the purchasing power of the consumers. If we agree to this that the main difficulty of the mill industry is due to the fact that the poor people do not possess sufficient purchasing power, I think, Sir, the method of protection which is adopted in this Bill is the right method of protection. This is a method of protection by which cloth is likely to be cheaper than to-day and if we cheapen cloth, there will be greater sale of cloth and on the whole the mill industry will begin to prosper. I am therefore surprised that those who want that the mill industry should prosper should on some ground oppose this measure.

Then, Sir, I am also surprised at the solicitude shown by some members of the Swaraj Party for the revenues of the Government of India.

Mr. A. Rangaswami Iyengar : Not for the revenues, the tax-payers, please.

Mr. N. M. Joshi : Tax-payers. All right. Now, Sir, the tax-payers' taxes are being reduced, not increased, and if their solicitude.....

Mr. A. Rangaswami Iyengar : Which is the tax-payer ?

Mr. N. M. Joshi : I am coming to that point. Sir, they are therefore solicitous about the revenues of the Government of India and I am in one sense glad that after all the members of that Party have begun to take interest in the welfare of the Government of India. (Laughter.) Now, Sir, there is the question of the reduction of taxation and which form of taxation should have priority. I am one of those people who believe that the indirect taxes of the Government of India are much larger compared to the direct. The Taxation Committee's Report has made it clear that the indirect taxation has gone up so much that the Government of India should take steps to reduce that. In conformity with this suggestion of the Taxation Committee's Report, the Government of India's proposals are at least much better than other proposals which have been approved of by the members of the opposing party. Now, Sir, there is no doubt that if the salt tax had been reduced instead of the tax on machinery being reduced, I should have preferred it. (Hear, hear.) But let the Members who oppose it remember that if the salt tax was not reduced the responsibility for that at least partly

was due to the fact that many members of that party were not present at the time of the voting.

Mr. President : The Honourable Member is merely criticising the Party and not the Bill.

Mr. N. M. Joshi : Sir, I was only showing that if the salt tax was not reduced.....

Mr. President : Order, order.

Mr. N. M. Joshi : I am not going into that matter. But, Sir, leaving aside the salt tax (Laughter), let us take taxation as a whole, and from that point of view the proposals of reducing taxation on machinery which enters into production is a much better reduction of taxation than any other taxation that may be reduced.

Mr. A. Rangaswami Iyengar : Not even postage ?

Mr. N. M. Joshi : Well, Sir, you will not allow me to discuss postage. But if you ask my opinion in one word as regards postage, I feel that the reduction of taxation which enters into production of articles consumed by the poorest people must be given priority.

Mr. President : Order, order. The Chair has noticed that some Members of this House have made particular questions their own and they refer to them over and over again, no matter what the question under discussion is.

Mr. N. M. Joshi : Unfortunately, Sir, this question of the priority of taxation did crop up. So, both from the point of view that cloth will be cheapened if we adopt this Bill and from the point of view that the indirect taxation of the Government of India will be reduced, as recommended by the Taxation Committee, I hope, Sir, that this House will adopt this motion.

The Honourable Sir George Rainy : Sir, my Honourable colleague, the Finance Member, has already dealt with one aspect of the motion for recommittal moved by my friend Mr. Rangaswami Iyengar. I shall therefore confine myself to the other aspect of the case and the reasons given by various Members why the Bill should be recommitted. One of these reasons came to me with a certain shock of surprise, because it had not occurred to me that intemperate haste was a plausible accusation which could be brought against the Government in this matter. The Honourable Mover suggested that the Schedule to the Bill had been hastily compiled, that it appeared that the matter had not been fully considered, and in particular that it had not been considered to what extent the sacrifice of revenue by the removal of the duty on particular articles would actually accrue to the benefit of the cotton mill industry. Now, Mr. President, I took some pains when I moved the motion for referring the Bill to a Select Committee to explain that, so far as the various materials are concerned—I put aside for the moment the question of machinery—that so far as these materials are concerned, the list of stores contained in the Tariff Board Report had been carefully scrutinised by the Government of India in order to select those articles where the removal of the duty would benefit the cotton mill industry substantially, that is to say, where the cotton mills were the principal consumers. I gave one or two examples in that speech to illustrate the kind of test that the Government of India had applied

[Sir George Rainy.]

in arriving at the list embodied in the Bill. One of them I gave was aniline and alizarine dye, where the sacrifice of revenue is about Rs. 25 lakhs and where it is expected that three-fourths of that sum would accrue to the benefit of the cotton mill industry. But there are several other cases that could be given. There is the case of starch where the port of Bombay takes 87 per cent. of the imports and where it appears extremely probable that the cotton mills take over 80 per cent. of the total imports. Another case is tallow. The port of Bombay takes 84 per cent. of the imports. There again the natural inference is that the reason why so much of the tallow goes to Bombay is the requirements of the cotton mills I could give several other examples, but I do not want to go into too much detail. On the other hand, we excluded from the Schedule those materials where the removal of the duty would probably accrue mostly to the benefit of other industries. As an example of that, I might take soda ash where Bengal takes 58 per cent. of the imports and Bombay less than 15 per cent. It is obvious that if we removed that duty the greater part of the benefit would not go to the cotton mills. Therefore, we left that duty alone. Another example was caustic soda, where Bombay took only 18 per cent. of the imports, and it was obvious that the cotton mills were not the principal consumers. Now, all that was done before the Government of India published their Resolution on the 7th June. If there had been any strong reason why the duty should not be removed from any of these stores, I should have expected that long ere this the matter would have been made very plain, and that in all probability when the reference to the Select Committee was moved Members would have risen to point out that it was not desirable that the duty should be removed from particular articles. Then, again, I should have expected that when the Bill returned from the Select Committee, notice would have been given of a number of amendments suggesting that the duty should not be removed from some of these stores. But what is the actual state of affairs ? I do not think any Honourable Member raised a question of that kind in the discussion for a reference to the Select Committee. The only omission from the list of which notice has been given is that of artificial silk yarn. Therefore, I think, Mr. President, that no case has been made out at all as regards a recommittal of the Bill with regard to the particular stores which are enumerated in the Schedule to the Bill. As regards the artificial silk yarn, I think it will be convenient if I defer anything I have to say until the motion for the omission of this item is moved by one or other of the two Honourable Members who have given notice of amendments. In any case, that is a matter which the Assembly could perfectly well decide for itself. It is a very simple question whether or not the duty on artificial silk yarn should be reduced from 15 per cent. to 7½ per cent., and there would be no necessity on that particular matter to refer the Bill back to the Select Committee.

I come now to the question of machinery. Before dealing with the point raised by my friend Mr. Kelkar about printing materials, I should like to say a word on the more general aspect of the case. Here, again, the proposals of the Government of India were made public on the 7th of June last, and if there had been a strong feeling on the part of manufacturers in India that their interests were likely to be seriously injured by the removal of the 2½ per cent. of duty on machinery, I should have expected that

to-day Members would have been springing up from all over the House with specific proposals or with specific objections to the removal of the duty from a particular kind of machinery. I have listened with interest to the debate of to-day, but except as regards the printing materials such as type, brass rules, and so on, I have not heard any specific case brought forward, and I think it is a fair inference in the circumstances that it is not likely that the removal of this duty will materially injure any manufacturing industry in this country. Nevertheless, it will always be open to the manufacturers of any particular kind of machinery to approach the Tariff Board or to approach the Government of India and to raise the question whether, in fairness, some duty ought not to be imposed on the particular kind of machinery they make.

I will now come to the point raised by my friend Mr. Kelkar as regards the printing materials, of which the most prominent example is printing type. That was a question which definitely came before the Select Committee, and I was particularly anxious to meet the wishes expressed by various Honourable Members on that point because probably it was not realised at the time when our Resolution of the 7th of June was published that our proposals covered printing machinery and materials. Very likely a good many of the type-making firms did not realise what was intended until the Bill was actually published. Therefore, in the Select Committee I agreed that the *status quo* should be maintained where possible. The Committee itself omitted printing type from the Schedule and I undertook to make inquiries to see whether it would be administratively possible to maintain the *status quo* with regard to certain other items also. I made these inquiries and the result is the amendment to the Bill which now stands in my name. The effect of the amendment is merely to maintain the *status quo* with regard to the articles. In the circumstances, that seems to be fair and reasonable. But my friend Mr. Kelkar says that the Select Committee ought to have gone further and therefore he would refer the Bill back to the Select Committee in order that they may reconsider the matter. What he desires the Select Committee to do is to consider the question of imposing a protective duty, in the interests of the type manufacturers, on these various articles which are enumerated in my amendment. Mr. President, this seems to me to be quite outside the scope of the Bill. I am not raising a point of order ; it is a point of substance. After all, this Bill is a Bill for the reduction and removal of duties. On the question of the amount of protection that may be required by the manufacturers of types in India, there is really no information of any kind before the House except that my Honourable friend Mr. Kelkar has told us what the type manufacturers think they ought to get. I think it is quite clear, Mr. President, that if the Bill was referred back to the Select Committee, they would find themselves in a position in which they could make no recommendation whatever. As Mr. Neogy has pointed out, there is already an application in connection with the manufacture of type pending before the Tariff Board. Obviously, the thing to do is to wait until the Tariff Board have considered that matter and, meanwhile, to maintain the *status quo*.

I do not think it is necessary, Mr. President, that I should reply in detail to the speech of my Honourable friend Mr. Jamnadas Mehta, which was definitely a speech, not in favour of the motion for recommittal, but against the consideration of the Report of the Select Committee. I would only say this that, as far as I can make out, all classes have his sympathy

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except the consumer, and he is prepared to assist the Bombay millowners provided it is done in exactly the way that he considers is the best. But if it is not done in that way, then it is impossible to secure his vote. I fear I must, therefore, abandon the hope of securing his vote for the motion I have moved to-day.

Mr. President : The original question was :

" That the Bill further to amend the Indian Tariff Act, 1894, as reported by the Select Committee be taken into consideration."

Since which the following amendment has been moved :

" That the Bill as reported by the Select Committee be recommitted to that Committee."

The question I have to put is that that amendment be made.

The motion was negatived.

Mr. President : The question now is :

" That the Bill further to amend the Indian Tariff Act, 1894, as reported by the Select Committee be taken into consideration."

The motion was adopted.

Mr. President : The question is :

" That clause 2 do stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President : If Honourable Members desire that the Chair should determine the result of voting by voices properly, they should cry out " Aye " or " No ".

Mr. President : The question is :

" That the Schedule do stand part of the Bill."

The Honourable Sir George Rainy : Sir, I move :

" In paragraph 8 of the Schedule to the Bill, in the proposed item 18-C, the words ' brass rules ' and the words ' leads, wooden and metal quoins, shooting sticks and galleys ' and the words, ' metal furniture,' be omitted ".

This amendment, Mr. President, is closely connected with a consequential amendment in this Bill which will be moved later. As I explained a few minutes ago, the object of this amendment is to maintain the *status quo* in the case of the various printing materials enumerated in the amendment. If this amendment is not passed, the effect will be that the 2½ per cent. duty will be removed from these materials. It is considered desirable that the duty should be retained for the present in order to avoid prejudice to the manufacture of printing type and similar articles, an industry which has recently been started in India. At least one firm connected with that industry has an application pending before the Tariff Board for protection. The Government of India consider that in the circumstances it is fair that the *status quo* should be maintained.

Sir, I move.

The motion was adopted.

Mr. M. S. Sesha Ayyangar (Madura and Ramnad *cum* Tinnevelly : Non-Muhammadan Rural) : Sir, I beg to move that paragraph 10 of the Schedule to the Bill be omitted :

Sir, paragraph 10 states :

" After Item No. 43, under the heading ' yarns and textile fabrics ' the following item shall be inserted, namely :

43 A|Artificial| silk, yarn and * * * silk thread *Ad valorem*|7½ per cent."

Sir, this particular item came under the general heading " yarn and textile fabrics " which occurs in Item 100 of the present Tariff Act. The import duty levied thereon was 15 per cent. *ad valorem*. Now, this particular Item is singled out of that particular denomination for favourable terms, namely that the import duty of this particular Item should be reduced from 15 per cent. to 7½ per cent. I invite the attention of the House to the fact that no case has been made out by the Government for this partial treatment of this particular item. At a previous stage of the debate, when this Bill was referred to the Select Committee, I invited the attention of the House to the fact that this particular item needed some examination, rather a close examination. I naturally expected that the Honourable the Commerce Member, when he moved his motion to-day, would give us further information about this particular item, especially in virtue of the fact that two amendments have been tabled for discussion on this matter. But I was disappointed. I might also at the outset submit to the House that so far as this particular item is concerned, though it came directly after the Tariff Board Report, it has no relation whatever to the findings of the Tariff Board Report ; because nowhere in the Tariff Board's Report is any mention made of this particular item, artificial silk yarn and silk thread. The matter was not before the Tariff Board at all. But, in response to a request on my part for information upon this matter, the Honourable the Commerce Member was pleased to tell us in a previous stage of the Bill that this originated from a request made by the Bombay Chamber of Commerce. This occurred about 16 or 17 months ago. Later, the Honourable Member also added, that in April of this year when he was conferring with the millowners of Bombay, mention was also made of this fact. But in the Government of India Resolution which was first published upon the recommendations of the Tariff Board—which virtually turned down the recommendations of the Tariff Board—this matter was not mentioned at all. The House might also remember that there was a deputation of the millowners of Bombay which waited on His Excellency the Viceroy and we were informed that, in the course of the deputation, certain further extension of articles to be exempted from import duty were set forth by the millowners. We are not aware—at any rate it has not been mentioned—that in that deputation either, was any mention made of this particular item of artificial silk yarn and silk thread. I take it, it was not mentioned at all by the deputationists. But all the same, closely after that deputation when the Government of India issued a communiqué, dated the 7th June, the following passage was incorporated in that communiqué :

" The Government of India are anxious however to do whatever is possible to minimise the burden on the handloom industry. With this object and also to facilitate the diversification of the mill production they have decided to include in the proposals to be placed before the Legislature a reduction from 15 per cent. to 7½ per cent. on the

[Mr. M. S. Sesha Ayyangar.]

duty on artificial silk yarn which is being used in increasing quantities both by the handloom weavers and by the cotton mills ".

Now, this is the first information that we had about the intention of the Government of India to bring in this particular item for this favourable treatment. Now, as I said, it is incumbent upon this House to see whether any case has been made out for the singling out of this item or for the favourable treatment of this item. My submission would be that absolutely no case has been made out for this favourable treatment. The House will also consider whether the sacrifice of revenue involved in this reduction of import duty is justified under any circumstances. In response to my request for information, it was said the other day that the total imports of artificial silk yarn from Italy amounted to 6 million lbs. and from the United Kingdom, about 6,50,000 lbs. And we were also informed that the price of this artificial silk yarn or thread was about Rs. 1-12-0 a lb. Now, on a rough calculation of the import duty which this kind of yarn was paying to the Government, it comes to about 15 lakhs of rupees ; and this suggested reduction of that by one-half will involve a sacrifice of about 7½ lakhs. Now I would ask the House to consider whether really there is any case made out for this sacrifice of 7½ lakhs of rupees. Now it may be possible ; in fact, it will be commendable if the textile industry is protected by this introduction of a new item. I have been at some pains to get information as to whether this artificial silk yarn or thread is really used by the cotton mills of Bombay or elsewhere, or if it affords any relief at all to the textile industry. I was told that it does not really benefit the textile industry at all. In fact, it does not give any relief whatsoever to the mills of Bombay or elsewhere in India. But I have been told that this artificial silk yarn is used somewhat, in mills for the purpose of giving some finish to the piece-goods that are produced in the cotton mills of Bombay and elsewhere. Now, the only question then would be, whether there being no relief at all to the millowners and there being this advantage if at all in giving finish to piece-goods manufactured in Bombay,—whether to secure that end this large sacrifice of about 7½ lakhs of rupees is necessary. I commend that matter to the House.

It was also said by the Honourable Sir George Rainy that by the introduction of this new item the branch of trade likely to benefit is the production of yarn and that the great bulk of that trade is in the hands of Italy. In support of that we were given the figures I have already brought to the notice of the House. Now I would submit that this measure, while not benefiting the millowner, while making it if at all available to the millowners to give some finish to their piece-goods, it does not at all benefit any other community or any other section of the people of India. But we were told in the Government communiqué, that I just now read out, that the object was to minimise the burden on the handloom industry. I really am unable to follow that nor has the Honourable the Commerce Member made it plain to me or anyone else in this House as to how this introduction of this new item is going to minimise the burden on the handloom industry. If, as I take it, he means to say that this handloom industry, seeing that under the earlier Tariff Act that was passed yesterday with the high percentage of duty

on yarn provided therein, may find relief in this imported artificial silk yarn for their use,—if that is what is meant by the Honourable the Commerce Member then I submit that is to argue in a vicious circle. If the handloom industry is to get relief, then the opposition that was put up yesterday should not have been negatived. Now to say that by the introduction of this new item you hope to relieve or minimise the distress of the handloom industry upon which a burden is really cast by the passing of yesterday's Bill,—I submit that argument is not right.

Now the next object to which the communiqué refers is to facilitate a diversification of the mill production. In fact, I am not aware of any diversification which will result in the end ; and I submit that both the objects which are specifically mentioned in this communiqué of Government have not been made out. Let us consider for a moment what could have been the intention, if at all, of introducing this new item. We were told yesterday by the Honourable the Commerce Member, and we know also from statistics, that so far as medium counts of yarn are concerned, China is importing very largely, and so far as silk also is concerned, we know as a matter of fact that we have increasing imports of silk goods from China. We were told yesterday that Italy takes no doubt the lead in imports of artificial silk yarn and the United Kingdom comes next. Now I have a shrewd suspicion that the intention of this may be to hit China and to prefer the United Kingdom and Italy in the long run. That is my view. It was with that view in my mind that I put the question to the Honourable Member at an earlier stage of the discussion of this Bill ; but I have not been replied to by the Honourable Member ; and my misgivings to-day are not yet satisfied. I repeat that it looks to me as if the intention is more to hit China and to prefer Italy and the United Kingdom. It looks like a preference of the West to the East and I need not dilate upon that further or enlarge the argument. That seems to me the thing which underlies this proposal.

I may also suggest, as was pointed out by my Honourable friend Mr. Neogy, that he has received certain communications from Plassey. So far as Bengal, Assam and Bihar and Orissa are concerned, there is no doubt the silk industry is thriving now. Now it would indirectly hit the silk industry also. We were told the other day by the Honourable the Commerce Member that the relative prices of these two seem to be so far apart that it was not possible to conceive that the one industry would be hit by the other, because when silk piecegoods sell at Rs. 5¼ a yarn, artificial silk yarn sells at Rs. 1-12-0 a lb. Now the Honourable the Commerce Member forgot this important fact, that when there is this counterfeit thing largely coming in, there will be a great impetus given to the introduction of artificial silk cloths and the vast bulk of the people of this country will take more and more to the fabric, artificial silk, in preference to the indigenous silk. Now that is a point which cannot be overlooked, and that is a point which I dare say was overlooked by the Honourable the Commerce Member. Our apprehension in that direction is that the genuine silk industry will be very badly hit by the introduction, in this nice fashion, of a lower duty on this artificial silk yarn and thread in this country. Whether it hits the handloom industry or any other industry, there will be this additional temptation for the people, by the greater facility of this import of artificial silk, to take to that kind of fabric in preference to the

[Mr. M. S. Sesha Ayyangar.]

genuine indigenous silk in the country. Might I also submit that in my own constituency there are three places where silk and silk fabrics are very largely manufactured, and my apprehension is that in addition to the other disadvantages which accrue from the introduction of this particular item it will directly hit in the long run the indigenous silk industry of India. I would also submit that if at all this will be giving an indirect temptation to people in this country to prefer this counterfeit thing to the genuine silk article. And by way of substantiating what I said a few minutes ago about my apprehension that China will be hit, I would refer this House to the item—Item 134 of the present Tariff Act—articles which are liable to duty at 30 per cent. *ad valorem*—silk piece-goods and other manufactures of silk not otherwise specified 45A. Now, silk from China to-day has to pay a duty of 30 per cent. *ad valorem*. With this additional facility of importing artificial silk from Italy and artificial silk yarn and thread from the United Kingdom at a diminished rate of duty of 7½ per cent., I submit it has been shown clearly how it affects silk imports from China.

Lastly, Sir, I would submit that, in addition to the fact that this sacrifice of revenue involved in these proposals has no corresponding advantage by way of giving relief to the millowners, it actually has the prospect of directly hitting our own indigenous silk industry and would force us to favour Italy and the United Kingdom at our expense. With these words Sir, I move this amendment.

Kumar Ganganand Sinha (Bhagalpur, Purnea and Santhal Parganas : Non-Muhammadan) : Sir, I intervene in this debate only to elicit certain information from the Honourable the Commerce Member. Representing as I do a part of the country which is vitally interested in the indigenous silk trade I would like to know how the proposal before the House benefits the handloom industry and the silk industry. My Honourable friend who has just spoken has shown rather exhaustively that the retention of this item in the Bill is not going to benefit the millowners to any appreciable extent. As a matter of fact the Bill if passed will give very little protection to the textile industry. I am afraid, on the contrary, the artificial silk yarn from the United Kingdom and the Continent will flood the Indian market and will injuriously affect the indigenous silk industry in this country. The statistics of the sea-borne trade of India show that an enormous quantity of artificial silk is being imported into this country from the United Kingdom, Germany, France and Italy. That being so, I would like to draw the attention of the Honourable Member to an extract from the Bihar and Orissa Administration Report of 1925-26, which describes the condition of the silk trade at Bhagalpur, the place in which I am particularly interested. It reads :

"The Silk Institute at Bhagalpur has achieved great success in introducing new kinds of silk for use by the Bhagalpur weavers, who formely only used *tassar* and wove plain silk cloth or a mixture of cotton and silk called *bafta*. The institute has developed the use of mulberry, eri and muga silk, and with the assistance of the late Mrs. Kilby produced a number of charming designs in coloured silk. A trade in these is being slowly built up both in India and abroad, while a large number of fly-shuttle looms are now being used in Bhagalpur town."

Under these circumstances, Sir, I would be opposed to any measure that would in any way impair the indigenous silk trade. Sir, I support the amendment.

Mr. K. C. Neogy : Sir, I rise to support this amendment. I am not going to repeat what I said this morning on the subject ; but I would refer to one observation made by my Honourable friend Mr. Kunzru. He said that the principal consideration that weighed with the Select Committee was that this Bill to a certain extent relieved the handloom weaver, for the reduction of the duty on artificial silk would act as a relief to them. Sir, my Honourable friend after doing his best to injure the handloom industry, is now anxious to mete out step-motherly affection. Yesterday he made a proposal that Rs. 12 lakhs should be set apart for the benefit of the handloom industry, in the provinces a proposal which on the accepted official interpretation of the Devolution Rules, I think, it would be difficult for the Government of India to give effect to. Here is another proposal of my friend Mr. Kunzru to give some indirect relief to the handloom industry. Let us analyse the position for a moment. Mr. Kunzru is anxious that the indigenous yarn industry should be protected. That was the reason why, I think, he voted in favour of the measure that we passed yesterday. At the same time he is prepared to agree here to a measure which would enable artificial silk to be imported at a cheap rate and which would enable it to compete more or less successfully with that very indigenous yarn which he wants to protect. I do not know whether my friend is aware of the inconsistency of his position.....

Pandit Hirday Nath Kunzru : He is more consistent than you.

Mr. K. C. Neogy : My Honourable friend further stated that, as the difference in the price of artificial silk and real silk was very great, and as Sir Purshotamdas Thakurdas did not think that the reduction of duty would affect it in any way, he did not see any reason to object to this proposal.

Sir, so far as the question as to whether the difference in the price of indigenous silk and artifical silk yarn is very great or not it is a question of fact undoubtedly, and when I read out a complaint from a silk centre in Bengal that artificial silk had, as a matter of fact, done a lot of injury to the indigenous silk industry that, I submit is also a question of fact. But my Honourable friends Mr. Kunzru and Sir Purshotamdas Thakurdas fancy that they are quite safe in coming to the conclusion that the indigenous industry will not be injured at all. Sir, I repeat what I said this morning that we want facts, and not the theory of Honourable Members while we are dealing with this serious question.

Sir there is one point to which reference was made by my friend Mr. Shesha Ayyanger. and that was whether this reduction in duty is likely to benefit England at all. The Honourable Member in charge the other day pointed out that it was Italy which exported artificial silk yarn in larger quantities, and although England came second, the difference between England and Italy in point of import was very great. As a matter of fact, he pointed out that in the year 1926-27, Italy had exported about six times the quantity that England exported to India. Sir, I have looked up the more recent figures. Take the seven months of the year 1927, January to July, the latest period for which figures are available.

[Mr. K. C. Neogy.]

In this period of seven months, England has exported 8,25,000 and odd pounds, whereas Italy has exported 17,34,000 and odd pounds ; that is to say, the proportion is not 6 to 1, but 2 to 1, and as a further evidence that England is fast recovering her position, I would refer the Honourable Member in charge to the figures for January and July respectively. In January last England exported 1,31,000 and odd pounds to India, while in July she exported 1,85,000 and odd pounds. In the case of Italy, in January last she exported 6,17 thousand odd and in July only 2,59 thousand odd. If this rate of progress goes on, I for my part will not be able to hold my Honourable friend so very innocent as he wanted us the other day to believe him to be in this matter. Sir, I have already stated that, if you take the figures for the last six years, you will see that the import of artificial silk yarn has increased by over 30 times. I will give the exact figures to the House. In 1921-22, the total import of artifical silk yarn was 70,000 lbs. In 1925-26 the total has gone up to 26,70,000 lbs. Sir, that does not look as if the import is being hampered by a duty of 15 per cent. Sir, the question is whether we are going to give any further encouragement to the import of artificial silk yarn. I can speak from my personal observation that, as a result of this increasing quantity of artificial silk yarn coming to this country, the whole market of Bengal is flooded with cheap shoddy fabrics, which undoubtedly compare very favourably in price with the indigenous silk but which are far less durable. And I know it is a fact—I can bear personal testimony to it—that as a matter of fact on account of cheapness these articles are displacing Bengal silk to a certain extent. My Honourable friend the Member in charge may point out that a very large quantity of Indian silk yarn is imported and that a very large quantity of raw silk is imported into this country for the purpose of manufacture. But I want him to remember that, so far as Bengal is concerned, we utilise a very large quantity the indigenous silk yarn that we produce. That is to say, that argument ought not to apply to Bengal, whatever weight it may have in reference to the other provinces. Sir, the misfortune of this industry is, so far as Bengal is concerned, that it is not represented in this House by a man like Sir Victor Sassoon. It has not got friends like Sir Purshotamdas Thakurdas or Pandit Hirday Nath Kunzru. It is Bengal's misfortune not to be represented in this House by stalwarts like the Victor Sassoons and Purshotamdas Thakurdases and Kunzrus. But that, I humbly submit, should not weigh with the Government in coming to a decision on this question. Sir, the tragic history of a well-known Bengal industry has formed the theme of numerous political speeches. I have the honour to belong to that city which was famous for its muslin. Sir, muslin exists now in the perorations of our political leaders and my fear is that, if Government were to proceed at this rate, heedless of what the result might be of their action on the indigenous silk industry in Bengal, the Bengal silk industry also might survive only in the perorations of my Honourable friend Pandit Kunzru's eloquent speeches. Sir, it is a misfortune that, when we are discussing this question which affects three or four provinces of India not very strongly represented in this House, that we should miss the commanding presence of men like Pandit Madan Mohan Malaviya, whose clarion voice was raised yesterday in support of the millowners' interests. I do hope, Sir, that, although they are absent from the floor of the House

1 P.M.

(*An Honourable Member* : " Here he comes.") We will have their support when we go into the lobbies.

Pandit Hirday Nath Kunzru : Sir, my Honourable friend Mr. Neogy has said many things in excitement which I am sure he will regret on calmer reflection. He need not be sorry that Bengal is not strongly represented here. Bengal could not have a more pertinacious defender of lost causes than my Honourable friend. He represented me as having said many things which I never said. All that I said in my first speech was that nobody in the Select Committee, not even those who have appended minutes of dissent, expressed any dissatisfaction with the position as it was explained to them in the Committee, either with regard to the handloom industry or with regard to artificial silk. Men who are not experts like me had therefore to accept that position, and we came to the conclusion that there was really no objection to the lowering of the duty on artificial silk. He also knows—in fact I told him expressly—that in view of the facts he wished to bring out, I for one would have no objection to a reconsideration of the matter, but that there was absolutely no reason, in order to reconsider the question of silk, to ask that the Bill should be recommitted. I wish to remind by friend of these facts, as within half an hour he seems to have forgotten them. I do hope.....

Mr. K. C. Neogy : Is the Honourable Member in order, Sir, in referring to a conversation which took place outside the Chamber ?

Mr. President : Pandit Hirday Nath Kunzru.

Pandit Hirday Nath Kunzru : I do hope, Sir.....

Mr. K. C. Neogy : If you permit him, Sir, to refer to these conversations, I am entitled to reply.

Pandit Hiday Nath Kunzru : I am not referring, Sir, to anything said by Mr. Neogy. I only hope, Sir, that he will have a more retentive memory in future.

As regards artificial silk, the Honourable the Commerce Member will certainly explain the position again, and if the situation in Bengal is as parlous as it has been stated to be by my Honourable friend Mr. Neogy, there is no one who would not give a chance to the silk industry of Bengal. Nobody wishes that cheap foreign imitation stuff should come into competition with the real stuff of this country. But my Honourable friend, in the eloquent speech which he delivered, never told us what the respective prices of artificial silk and real silk were.

Mr. K. C. Neogy : I accept your statement.

Pandit Hirday Nath Kunzru : The Honourable Member tells me that he accepts my statement. Well, then, if real silk is three times as dear as artificial silk, it does as a matter of fact seem difficult to accept that artificial silk is coming into competition with real silk. I am afraid my Honourable friend contented himself merely with the cutting which he read out to us. He did not pursue the matter further. He did not ask the men concerned in the silk industry in Bengal what the position was.

Mr. K. C. Neogy : They are not organised as your friends of the mill industry of Bombay.

Pandit Hirday Nath Kunzru : These people do not belong, he says, to Bombay. That is all the more reason why my Honourable friend, who

[Mr. Hirday Nath Kunzru.]

is exclusively concerned with Bengal, should have taken care to inform himself of all the facts bearing on the subject. He should have known that he would be the sole and valiant defender of Bengal in this Assembly and he ought to have come well armed—panoplied from head to foot—so that he might be able to resist all attacks. If he has not done so, he must bear a portion of the blame along with the Members of the Select Committee.

Mr. K. C. Neogy : What was the Servants of India Society doing ?

Pandit Hirday Nath Kunzru : The Servants of India Society took as much care as it possibly could to acquaint itself with the facts in company with members engaged in commerce and industry.

Mr. K. C. Neogy : Give us the facts then.

Pandit Hirday Nath Kunzru : There was an opportunity, Sir, for discussing this subject when this Bill was referred to the Select Committee, but my Honourable friend was not one of those who discussed this matter.

Mr. K. C. Neogy : I did refer to it in my speech.

Pandit Hirday Nath Kunzru : Not, Sir, in one-tenth of the detail in which he has referred to it now. If the matter was so serious, of such first class importance, if it affected Bengal in the way in which he now thinks it does, it was his clear and imperative duty on the very first day to sound a note of warning and ask us to consider it not merely from the point of view of Bombay but also of helpless Bengal. Having omitted to do that, not having taken sufficient care to acquaint himself with all the facts, he has no right now to turn round upon us and attack us for mistakes which really are his own.

Before I sit down, I should only like to say that in view of the facts which he has pointed out, or rather the facts which he has alleged, I should have no objection for my part to the matter being reconsidered. The Honourable the Commerce Member, too, a few minutes ago, said that that was a matter which stood by itself and could be considered separately on its own merits. I hope he will find it possible to allow it to be reconsidered. Nothing will be lost if we do not reduce the duty on artificial silk at once, particulary as it was not recommended by the Tariff Board.

Pandit Madan Mohan Malaviya : (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : I apologise to the House and to my Honourable friend, Mr. Neogy, for having been absent for a few minutes when this discussion came on. I am really sorry for it, as I think it is the duty of every Honourable Member of this House to be in attendance while the House sits. I submit that the proposal before the House deserves the sympathetic consideration of Government. I do not wish, nor do I need to go into facts and figures, as was done by my Honourable friend, Mr. Neogy. I am content to say that artificial silk is coming to India in increasing quatities, and no facts and figures are needed to show that it must compete with the indigenous silk industry. I am in favour of every

step being taken by Government to shut out foreign stuff ; particularly when it is imitation stuff and worthless stuff Government should take every step to shut it out from the country by all legitimate means. We have to remember on the one hand, that the people are cheated by these stuffs which do not last long, and on the other, that we have to encourage the indigenous industry and we ought to take every step that may be necessary towards that end. I do hope on these general grounds the Honourable the Commerce Member will re-consider this question, and if the facts and figures at present available may not help us to solve the question, I hope that he will allow the matter to stand for the present where it does, remove the clause to which Mr. Neogy's remarks relate, and deal with the matter later on when the need for action has been made more clear.

The Honourable Sir George Rainy : I should like, Mr. President, to explain, if I can, what exactly this proposal means. The material which is called artificial silk is altogether a new textile material, and it is only in the years since the war that it has come into general use. In the first years after the war, some 5 or 6 years ago, its price was almost as high as the price of real silk, but in the course of the last 5 or 6 years the price has dropped with extraordinary rapidity, and at the same time, the material has become very popular and is now used on a scale which begins to approach the scale on which the older and more familiar textile materials are used. All over the world, you are beginning to find in constant use fabrics of various sorts made—not entirely of artificial silk—but more commonly of a mixture of artificial silk with other materials, and particularly with cotton. So far as India is concerned, it is these mixed goods made partly from artificial silk and partly from cotton that we are chiefly concerned with. The imports from other countries of these piecegoods have increased very rapidly and between the years 1924-25 and 1926-27 the imports of these piecegoods have more than doubled. The attraction of them is largely this, I think, that the mixture of the artificial silk gives a better and more decorative appearance to the fabric and therefore it is more attractive to the purchaser. At present both these mixed piecegoods, made partly of artificial silk and partly of cotton, and the artificial silk yarn that is imported into this country are dutiable at 15 per cent. But both the cotton mills in Bombay and elsewhere and also some of the handloom weavers particularly in Southern India have begun to manufacture these piecegoods made of a combination of cotton and of artificial silk, and the manufacturer has to pay on the artificial silk yarn that he uses the same rate of duty as is imposed on the imported fabric which competes with what he makes. All that is proposed in this particular time in the Bill is to reduce the duty on the artificial silk yarn from 15 to 7½ per cent. so that the manufacturer in this country, whether he be a handloom weaver or whether it be a cotton mill will have a definite advantage in competing with the imported piecegoods. Now, more than one speaker has expressed a desire that India should rely as far as possible on the materials she herself produces. If that is the intention the only way in which that could be done would be not only to impose a very high duty on the artificial silk yarn (I should think that at least 100 per cent. would be necessary), but you will also have to impose a duty on a similar scale on the piecegoods made from the combination of artificial

[Sir George Rainy.]

silk yarn with other materials. That would be a very drastic proposal indeed—to compel the consumer to wear only the materials actually produced in India, especially when the fiscal measures necessary to introduce this compulsion would have to be very severe.

Mr. Mukhtar Singh (Meerut Division : Non-Muhammadan Rural) : On artificial silk the duty is 30 per cent. in Japan.

The Honourable Sir George Rainy : If my Honourable friend suggests that in order to equalise matters some reduction ought to be made in the duty on silk, whatever its merits, it is hardly germane to the discussion at the present moment. I should like to repeat once again the figures I gave on the former occasion as regards prices. Five or six years ago artificial silk yarn and real silk yarn were selling at not very dissimilar prices Today the price of artificial silk yarn is about one-third of the price of real silk yarn. In these circumstances it seems to me that, as regards competition with real silk, the reduction in the duty from 15 to 7½ per cent. can only have a negligible effect. It will make very little difference indeed from that point of view. But it may make a quite appreciable difference to the cotton mill and to the handloom weaver if they can get a little cheaper the material which they require in order to produce the kind of piecegoods that the consumer is more and more beginning to demand. I think, Mr. President, that the Government of India were perfectly justified in putting forward this proposal in the belief that it would not injure any interest in India and that it would be an appreciable benefit both to the handloom weaver and to the cotton mills.

Before sitting down I will only refer very briefly to the suggestion that the Government of India have acted with the desire to benefit some interests outside India. If Honourable Members are deterimined to cherish these suspicions it is very defficult for me to say anything that will persuade them to the contrary. But surely in this matter the reason for taking action is obvious. As I have already told the House, the original suggestion came from the Bombay Chamber of Commerce. At that time the Government of India were unable to accept it The next development occurred when I visited Bombay in April and interviewed the Committee of the Bombay Millowners'Association and asked their opinion upon it, any they gave their opinion then and there unhesitatingly in favour of the proposal. I do not recollect in the least whether it was actually mentioned on the occasion of the deputation to which one Honourable Member has referred. But if it was not, the reason was that it had already been discussed between myself and the Bombay Millowners' Association. Apart from that the Government of India had no discussion with anybody else at all. I do hope that Honourable Members will not vote under any impression of that kind, for which there is really no justification of any sort.

Mr. President : The question is :

"That paragraph 10 of the Schedule to the Bill be omitted."

The Assembly divided :

AYES—35.

Abdoola Haroon, Haji.
Aney, Mr. M. S.
Ayyangar, Mr. M. S. Sesha.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Chaman Lall, Diwan.
Dutt, Mr. Amar Nath.
Farookhi, Mr. Abdul Latif Saheb.
Goswami, Mr. T. C.
Gour, Sir Hari Singh.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath.
Lahiri Chaudhury, Mr. Dhirendra Kanta.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Naidu, Mr. B. P.
Neogy, Mr. K. C.
Prakasam, Mr. T.
Rang Behari Lal, Lala.
Rao, Mr. G. Sarvotham.
Sarda, Rai Sahib Harbilas.
Shafee, Maulvi Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Kumar Rananjaya.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Siddheswar.

NOES—52.

Ahmad, Khan Bahadur Nasir-ud-din.
Alexander, Mr. William.
Ayyangar, Mr. V. K. Aravamudha
Ayyangar, Rao Bahadur Narasimha Gopalaswami.
Bajpai, Mr. G. S.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Coatman, Mr. J.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Courtenay, Mr. R. H.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Crofton, Mr. R. M.
Dakhan, Mr. W. M. P. Ghulam Qadir Khan.
Dalal, Mr. A. R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr. J. T.
Dunnett, Mr. J. M.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Haigh, Mr. P. B.
Haji, Mr. Sarabhai Nemchand.
Irving, Mr. Miles.
Joshi, Mr. N. M.
Kabul Singh Bahadur, Captain.
Keane, Mr. M.
Khin Maung, U.
Kikabhai Premchand, Mr.
Kirk, Mr. R. T. F.
Lamb, Mr. W. S.
Mitra, The Honourable Sir Bhupendra Nath.
Mohammad Ismail Khan, Haji Chaudhury.
Moore, Mr. Arthur.
Mukherjee, Mr. S. C.
Murray, Sir Alexander.
Parsons, Mr. A. A. L.
Purshotamdas Thakurdas, Sir.
Rahimtulla, Mr. Fazal Ibrahim.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur, M. C.
Ruthnaswamy, Mr. M.
Sams, Mr. H. A.
Sassoon, Sir Victor.
Singh, Rai Bahadur S. N.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Wright, Mr. W. T. M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir.

The motion was negatived.

The Honourable Sir George Rainy : Sir, I move :

" That in paragraph 10 of the Schedule to the Bill, in the proposed Item 43-A, the words ' Artificial silk yarn and thread ' be substituted for the words ' Artificial silk yarn and silk thread '."

The Select Committee in this particular Item, Mr. President, made a modification intended to change the definition. The original definition in the Bill referred also to artificial silk warps. We were advised, however, that the warps ought not to be specially mentioned. This advice came from those who had actual experience of the trade and the Committee decided it would be better to mention in the definition only artificial silk yarn and thread. Unfortunately, however, the actual wording of the amendment made in the Select Committee did not correctly carry out the intention, and as the entry stands in the Bill, as reported by the Select Committee it would almost certainly be interpreted as referring to artificial silk yarn and silk thread that is not artificial silk thread but real silk thread. It is quite clear that it was not the intention to interfere at all with the duty on the real silk thread. It is for this reason that the amendment proposes that the entry should read " Artificial silk yarn and thread ". If that wording is adopted, I do not think there can be any doubt. Sir, I move.

The motion was adopted.

The Honourable Sir George Rainy : Sir, I move :

" That in paragraph 11-A of the Schedule to the Bill for the proposed Item 54, the following be substituted, namely :—

' 54. The following *PRINTING MATERIAL*, namely, type, leads, brass rules, wooden and metal quoins, shooting sticks and galleys and metal furniture '."

This amendment, Mr. President, is entirely consequential on an earlier amendment which has already been passed by the Assembly. I do not think it requires any further explanation, and I therefore move it.

The motion was adopted.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir George Rainy : Sir, I move that the Bill, as amended, be passed.

The motion was adopted.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President in the Chair.

THE BAMBOO PAPER INDUSTRY (PROTECTION) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I move that the Bill to amend the law relating to the fostering and development of the bamboo paper industry in British India, as reported by the Select Committee, be taken into consideration.

Sir, it will not be necessary, I think, that I should say more than a very few words in support of this motion. The Bill was referred to the Select Committee unanimously and the Select Committee has presented a unanimous report without making any changes in the Bill. In my speech on the motion to refer the Bill to the Select Committee, I explained fairly fully the objects of the Bill and I do not think I need go over the same ground again.

Sir, I move.

Mr. N. C. Kelkar (Bombay Central Division : Non-Muhammadan Rural) : Sir, while supporting the motion that the Bill as reported by the Select Committee be taken into consideration, I wish to address certain remarks to this House. I may at once say that they arise out of paragraph 5 of the Report. I have not tabled any specific amendment for this purpose, but I think that will not be taken as an objection to my making a few remarks on the Bill. What I am now seeking to obtain in my remarks is not necessarily by any amendment of any of the clauses of the Bill as now reported upon by the Select Committee, but I contend that what I want to be secured can be obtained by executive action. I consider that this is the proper occasion for me to make those remarks. If I lose this opportunity, I fear there will be no occasion for bringing this point to the notice of the Honourable the Commerce Member. Sir, as I have already said, my remarks arise out of paragraph 5 of the Report. Without disclosing any of the secrets of the Select Committee, I may say that I mentioned the point that I am going to state to the Select Committee then and there, and I told the Honourable the Commerce Member that I would take up this point in the House, if in the interval I got sufficient material to rely upon. After having gathered sufficient material, I am now satisfied that the point that I am going to place before the House is a reasonable propostion. In the first place, I may at once say that I am pleading for the refund of certain excess duty which was levied upon a kind of paper about which I contend there should have been absolutely no doubt as to its quality and its consequential exemption from the levy of that duty. I want two things, first, a refund of duty to all importers on imports of newsprint, white or coloured, which were allowed to be cleared on payment of the old schedule duty but on which subsequently the customs authorities have made demands for payment of less charge in consequence of the revised ruling of February 1927 for reasons stated ; then, refund of duty on all imports of newsprint, white or coloured, on which the importers have been made to pay the provisional duty of one anna per lb. pending the final decision of Government in this matter, as the customs officers actually collected from them duty in the way indicated above and reasonably they have been expecting the law to be amended.

Now this Bill is a very good thing because it removes one positive injustice. The House will remember that this Bill is giving justice to those people who have suffered injustice during a recent short interval. The Act of 1925 definitely gave protection to certain kinds of paper imported. That went on till 1926. In that year doubt was raised and opinion was sought for from headquarters as to what the proper action was and the Government confirmed the existing state of things. The thing went on then for one year more and only in February last—1927—was another ruling given, I suppose on the authority of the law officers, which

[Mr. N. C. Kelkar.]

goes contrary entirely to the original intentions of the Tariff Board, which recommended the exemption, the original intentions of the Act of 1925, the interpretation put upon the measure by the then Commerce Member, and I say again, the interpretation that is now being embodied in the tariff schedule by the present Bill. So you will remember, Sir, that from the time of the original recommendation of the Tariff Board up to this moment and hereafter of course for as long as may be, there has been one continuous thread of intention running all along except for a brief period of four or five months. So we are now by this Bill removing that injustice and putting the thing beyond doubt. But what I am saying is this. If you are removing one injustice you should take the occasion for removing also another injustice, namely, the refund of duty which was unreasonably collected under an alleged doubt. The Government have shown in this case that they have a sufficiently elastic conscience, but my grievance is that they have an elastic conscience only in one direction. They can make their conscience elastic enough to recover excess duty though previously no duty was to be levied. They can come in on the scene at any time, give notice and demand the recovery of less charge. On the other hand, I ask why should that economic conscience not be elastic enough to give a refund where a refund is legitimately due.

Now I will take the sub-clauses of paragraph 5 with regard to which I am making my remarks. Sub-clause (2) of paragraph 5 says there was a doubt, but until the Tariff Board had investigated the question it could not be said that this was clear beyond all doubt and for this reason it was impossible for the Government, at the time the ruling of 1927 was published, to announce that they intended an amendment of the law. Now, if there was a doubt, I contend in the first place, that the benefit of the doubt should not be taken by Government but should have been given at once to the importers of paper. With regard to paragraph 3, it is stated that there is a practical difficulty in the way of giving a refund. If refunds of the difference between the two rates of duty are now to be given, there is no guarantee that the benefit will reach the ultimate consumer and there is no reason why the importer who has been paid the price which includes the duty at the protective rate should receive a refund from Government. Now, Sir, this argument is based upon the supposition that those who are concerned in the refund are only merchants, that is, people who have imported paper but have passed it on to other consumers, not having used it themselves. But I think there is another class of people whom I can name and, if this line of argument in this part is to be assumed to be correct, it necessarily follows that those other people of whom I am now speaking ought to get this refund. Take the case of a newspaper man who does not do any job work, who imports paper for his newspaper and can prove at any time most reliably that he has consumed the imported paper for the purposes of his newspaper alone. In that case I contend that this line of reasoning does not apply. This line of reasoning applies strictly to people who are merchants and importers of paper for sale, who have passed the goods off their hands and according to the assumption made here have recovered the duty as well as the price. But it can be shown in the case of people who consume their own paper that the duty has been paid by them and that it has not

been shared by any one else and that they have consumed the whole quantity of paper themselves. This is an outstanding and clear case against the line of reasoning adopted in paragraph 3.

Then paragraph 4 says : " Why should we make a discrimination between this class of people and the other class ? " My simple answer to that is that it is quite right and fair that discrimination should be made where discrimination can be made and where it is equitable to make it. If the line of reasoning in this part is to be accepted, it means only this : that if we have committed one wrong, let us commit another wrong in addition. But I may at once reply to that by saying that two wrongs never make one right. Now it has been obvious all along from the Reports of both the Tariff Boards and from the proceedings in this House in 1925 as also the action subsequently taken in 1926—it is absolutely clear that there should have been no doubt as to the exemption which was due to certain kinds of paper. Newsprint is a case in point, and I will show at once that there should have been absolutely no difficulty, no doubt, as to the exemption to be given to newsprint. The Tariff Board Report of 1925 (paragraph 18) says :

" With few exceptions the important Indian newspapers are printed on newsprint, a kind of paper which contains about 70 per cent. of mechanical wood pulp "

which means at least 5 per cent. higher than the point about which there seems to be some contention.

If newsprint by common consent generally contains 70 per cent. of wood pulp, then surely that paper should have been allowed to be exempted merely by the description of it, without its being subjected to any chemical or other analysis. The present Tariff Board of 1927 has also said :

" It might be fairly claimed that it was the intention in enacting the Bamboo Paper Industry Act to exempt from the protective duty such printing paper as fulfilled these conditions."

" These conditions " means that the paper should contain more than 65 per cent. of wood pulp ; and from the first Report I pointed out that by common consent newsprint is acknowledged always to contain more than 65 per cent. Therefore, under these circumstances, objection should not have been taken to the paper coming in being exempted from the protective tariff duty. Now, what is the justification for Government for doing this in this case ? They are making a profit out of their own doubt. Who raised that doubt ? It was not the executive Government which of course was entitled to pass orders and issue rulings on a question like this, but I suppose somebody, some interested people in Calcutta, raised the question again in 1927, and I am told that the law officers of the Government gave that opinion. But when the Statute is there and when the intentions can be ascertained and verified from point to point from 1925 up to now, I do not know why the Government should have listened to the interpretation put by its law officers. Nobody would have sued them if they had continued their old action as in 1926. Therefore, Sir, here is a case in which the interpretation was right till 1926, that is for more than a year ; it was again confirmed in 1926 and remained valid till February 1927, and it is now, as we see here, going to be confirmed by the present Bill. Therefore, here is a small period of, what shall I say—shall I call it insanity between long periods of sanity. And who is to suffer for this spell of a doubt, a missma, created by the Government themselves unnecessarily ? Why should the importer suffer for the doubt created by the Government themselves ? It is the Government who should suffer and not anybody else. But, Sir, it is not a case

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[Mr. N. C. Kelkar.]

of suffering by Government in having to pay out what has been illegitimately collected, but it is a case of suffering by the importer for a fault for which he is in no way responsible. This small interval of invalidity between long periods of validity reminds me of a story of a fastidious Treasury Officer. We all know that pensioners have got to produce life certificates when they present themselves to receive their pensions. Now it so happened in this real story which was narrated to me, that a pensioner went before a Treasury Officer and presented two life certificates. One was for January and another was for March. The Treasury Officer said : "I admit you were alive in January by the certificate ; I admit also that you were alive in March. But what proof is there that you were alive in the month of February of that year ?" The present case is almost similar to that. Exemption was valid before 1925, it was valid in 1925, it was again valid in 1926, and even now by the present Bill, which will last for a long time, the exemption will remain valid. When was it invalid, Sir ? For the brief period of February to September. That is, on the face of it, absurd, and I do not know why Government should not show their large-heartedness by paying out money which has been illegitimately collected. Remember, that Government in this case has not made small profits. In one case which has come to my knowledge, one person in May and June has paid about Rs. 6,000 duty. Now, that is certainly a large sum, and Government are not entitled to recover so much from an importer simply because a certain doubt had arisen at a certain time. (*An Honourable Member* : "Illicit gain.") Yes, certainly it is a case of illicit gain, it is a case of wrongful loss to a certain party and wrongful gain to Government. I would in this connection, Sir, allude to the remarks made by my friend Colonel Crawford in March last, he had raised that specific point then. If that was not a regular notice of asking for repayment from the importer to the Customs House, it was certainly a notice given by Colonel Crawford on behalf of importers generally to this House or to the Honourable the Commerce Member. Therefore, I contend, Sir, that this refund should be given, and it can be given under section 40 of the Sea Customs Act. The Sea Customs Act says this :

"No customs duties or charges which have been paid and of which repayment wholly or in part is claimed in consequence of the same having been paid through inadvertence, error or misconstruction shall be returned unless such claim is made within three months from the date of such payment ".

This, Sir, is a negative statement of the position. The section says that no payment shall be made unless a claim has been put therefor within three months. Putting it as a positive statement, therefore, we can say that if a claim is made within three months of payment, then the party becomes entitled to a refund. And I lay stress upon the reasons which are referred to in the section. Inadvertence, error and misconstruction. And I base my claim for this refund upon these facts. It is an error. It is a misconstruction. Perhaps it may not be inadvertence. But it is error and, even apart from that, it is misconstruction, which of course now has been clearly proved by the present Bill. For these reasons I bring this claim for refund—and it is a substantial claim—to the notice of the Commerce Member and I hope he will consider my arguments and set the matter right, which he can do without my moving any amendment therefor, by executive action.

Mr. H. G. Cocke (Bombay : European) : Sir, I do not want to follow the remarks of my Honourable friend which were always interesting and at times humorous but I wish to say that I have considerable sympathy with this claim for refunds. The point I do wish to raise is one in connection with the Schedule to this Bill. Item No. 156 deals with writing paper. But nothing is said about envelopes. I understand that envelopes have been included in the term " writing paper " by a customs notification, but we all know that notifications are liable to be altered and therefore I wish to say that I consider it would have been much more satisfactory had the word " envelopes " been included and I should like an assurance from the Honourable Member in charge that it is the intention to include envelopes in that heading, not only to-day but continuously. Many of my lawyer friends could make out a very good case that envelopes are not writing paper and I have no doubt they could make out an equally good case that writing paper is equivalent to envelopes. But at any rate I understand in the trade it is looked upon as an omission that writing paper is referred to and not envelopes and I therefore trust the Honourable Member will have some assurance to give to the House on that subject.

The Honourable Sir George Rainy : Sir, I shall try to be very brief because, if I may make a confession, I share the feeling that I know is deeply felt in most hearts in this House that it would be a good thing if the Rainy part of the season were soon over. (Laughter.) I have listened to the siren strains from my Honourable friend Mr. Kelkar on the other side of the House, in which he has endeavoured to soften the stony hearts of not only, I think, the Commerce Member but possibly of the Finance Member also over this question of retrospective effect. Now, Mr. President, the Report of the Select Committee in which this matter was very fully discussed is dated the 31st August 1927. It is now the 8th September and, as no notice of an amendment has been tabled, I think I may take it that the House generally has been satisfied with the reasons given by the Select Committee that in one case retrospective effect should be given to the amendment of the law (*Mr. A. Rangaswami Iyengar* : " Oh, no."), while in the other case it was not right or expedient to do so. The reasons are fully stated in the Report of the Select Committee and I do not wish to go through them again. My friend, Mr. Kelkar, said he would take them *seriatim*, but there was one to which he did not refer, unless my ear misled me. First he dealt with Item No. 3, and he rejected the argument in that paragraph on the ground that it was not only a question of the importer, that is, also of the merchant who imported for sale to others, but also of the direct importer who imported paper simply for his own use. But I did not hear him refer to Item 4 which is to this effect that, if refunds were to be given only to those who imported for their own use and not for sale, it would mean an unjustifiable discrimination between one class of importers and another.

Mr. N. C. Kelkar : I referred to that and said discrimination would be justified.

The Honourable Sir George Rainy : I apologise to the Honourable Member for unintentionally misrepresenting him. I did not hear that reference. But I am afraid I cannot at all agree with him that the discrimination would be justified. Then the Honourable Member said that, although he did not give notice of any amendment, he believed that the importers could obtain what they wanted by executive

[Sir George Rainy.]

action. I am very doubtful whether that is in fact the case, and I think the Honourable Member must take the views expressed in the Report of the Select Committee as being the views of the Commerce Department and of the Government of India, and I am afraid I can hold out no hope to him that he will get what he wants. If, however, the point he is raising is a question of law, if he suggests that under the law an importer will be entitled to a refund, that is a totally different matter and obviously not one for discussion in this House. If the importers have their remedy under the law, then they must be left to exercise it.

My Honourable friend Mr. Cocke mentioned a small point in connection with entry No. 156 in the Schedule. I understand the point is this, that he desires that envelopes should be specifically mentioned in the definition of " writing paper " so that there should be no doubt that they were included. Had this point been brought to notice at an earlier date, it might have been possible to amend the Schedule. I do not think it is necessary myself, for I have examined the ruling of the Central Board of Revenue, which seems to me to show clearly that the present interpretation of the law by which envelopes are included in writing paper is correct. But, as I say, I might have been prepared to consider an amendment had this matter been brought to my notice earlier. I should regard it as extremely dangerous to make an amendment on the spur of the moment at the eleventh hour. One is so apt to overlook particular points and one may quite inadvertently make an unintended change in the law with very curious results. I am quite prepared, however, to consider the matter, and if it appears there is likely to be any doubt on the subject, in all probability there will be a Tariff Bill in the cold weather Session, and the necessary steps can be taken then.

Mr. President : The question is :

" That the Bill to amend the law relating to the fostering and development of the bamboo paper industry in British India, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir George Rainy : Sir, I move that the Bill be passed.

The motion was adopted.

THE INDIAN SECURITIES (AMENDMENT) BILL.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I move that the Bill to amend the Indian Securities Act, 1920, for certain purposes, as reported by the Select Committee, be taken into consideration.

Sir, this Bill has been considerably reduced in scope by the Select Committee. I do not pretend, Sir, to be entirely satisfied with the Bill as it has emerged from the Select Committee.

But on the principle that half a loaf is better than no bread I am content to take this Bill as it stands for the time being and to consider at leisure whether further action should be taken to secure the full objects with which the Bill was originally introduced.

The Bill, as originally introduced, had two main purposes in view. In the first place, a judgment of the Madras High Court, known as the Bapuli judgment, revealed two defects in the existing law relating to Indian securities. In the case of promissory notes declared to be payable on demand, although the loan to which they relate may have been notified for discharge, the Government under that judgment is found to be liable to pay the principal as well as the interest up to the date of the demand by the holder, and it is optional with the holder of the promissory note to defer the demand as long as he pleases and the Government are not entitled to dispute it. That obviously is an unsatisfactory position from the point of view of Government. A loan may be at a high rate of interest and the Government may use its powers to notify the loan for repayment with a view to re-borrowing the amount in question at a lower rate of interest. That is a thing which is frequently done. It is obviously undesirable that the tax-payer should continue to be liable for interest at the higher rate indefinitely and that the holder should be able to secure to himself that higher rate indefinitely simply by not making a demand for the payment which the Government have notified that they are ready to make. Both as regards the principal and as regards interest, there are difficulties. As regards the principal, the position under that judgment is that the Government are required to retain all the books for an absolutely indefinite period until the demand is made and a time may come when it may be very difficult, if not impossible, to prove that the payment has actually been made or not. The Select Committee, after considering these, came to the conclusion that they did not desire to relieve the Government from the liability to pay the principal however long the demand might be deferred, 100 years or more. But as regards the interest, they have agreed that it is desirable that the Government should cease to be liable to pay any interest beyond the date notified by the Government as the date on which they are prepared to repay the principal. If the holder does not demand repayment of the principal on the date on which the Government offers to repay, the principal remains for him to take whenever he wishes, but interest does not continue to accrue against Government beyond the date named by the Government. The second difficulty that was felt to arise was that the elaborate safeguards for the protection of the Government and other claimants prescribed under the Indian Securities Act can be circumvented by the legal representative of the deceased holder of a lost Government security if he obtains a certificate under the Indian Succession Act. Government on the recommendation of the Advocate General proposed to alter the Indian Securities Act with a view to filling up that possible lacuna in the law. The Select Committee think it desirable that the Government should reconsider this question, and if they find that the civil courts issue succession certificates without the enquiry required by section 10 of the Indian Securities Act, the Select Committee recommend that the Government should consider the desirability of amending not the Indian Securities Act but the Indian Succession Act.

The Government propose in accordance with the recommendation of the Select Committee to consider that matter and if they think fit

[Sir Basil Blackett.]

no doubt further legislation will be introduced at a later date. The result is that the Bill is reduced to a very small compass and I think after the explanation I have made the House will have no difficulty in passing it.

Sir, I move.

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President : The question is :

" That clause 3 do stand part of the Bill."

Mr. Aney.

Mr. M. S. Aney (Berar Representative): Sir, I rise to move the amendment that stands in my name. The amendment is as follows :

" That in clause 3, in the proposed section 18-A for all the words occurring after the word ' after ' the following be substituted :

' a period of three years from the date on which a notice for receiving the amount due on such security would be issued '."

The main object of this amendment is this. The Bill that was originally brought and referred to the Select Committee provided in clause 3 enacting a new section proposed to be a substitute for section 18 of the Securities Act, that the Government should be absolved of all liability for principal and interest after six years after the date on which the amount on the security was due or, became payable. That was the provision in the original Bill. When this matter was referred to the Select Committee, I made it clear in my speech that that was an iniquity, that the liability of the Government subsisted so long as the actual payment was not made and was of a permanent nature in a way under the Act ; and it would not be equitable to those who hold the security that, after a certain date on which the amount was due, they should be deprived of the right of receiving the amount due on the security and that Government should be entitled to claim without any payment on discharge for principal and interest as well. That point was discussed in the Select Committee and in the Select Committee for reasons which have been stated in the report it was conceded that so far as the principal was concerned, the liability of the Government should remain there so long as the payment was not made. But as regards interest it was agreed that there should be some period of limitation beyond which the right of the security holder to claim interest on the amount should cease. On that point I find that there seems to be some misunderstanding. As to what was actually agreed in the Select Committee I am glad to find that we have not to rely merely on impressions or frail memories. It has been very lucidly put in and summarised by the Honourable Sir Basil Blackett himself in a memorandum which was issued by him and circulated to the members of the Select Committee. He stated there in paragraph 2 the exact position which was

agreed to in the Select Committee when this matter was first discussed in March last, in the following words :

"Some of the members of the Committee were not willing to agree to Government putting in a plea of limitation in respect of the principal. They were ready to allow such a plea in respect of interest as they realized that it was in the interest of Government and the tax-payer that loans obtained at higher rates of interest should be converted into loans bearing lower rates and that such operations would be defeated if any security holder should continue to hold securities and claim higher rates of interest for long periods extending after the date on which the securities were due or notified for discharge."

That was the position agreed to. I want to make it clear that this clearly indicated that the Committee was not prepared altogether to dispense with but was only inclined to retain some period of limitation for which the interest was to accrue and accumulate even after the amount on the security was due or became payable. But under the clause as it now stands in the report of the Committee all interest will automatically cease after the day on which the amount due on the security becomes payable. Now what I claim to bring about by my amendment is that there should be a period of three years limitation during which the interest should be allowed to accumulate, and after that period the claim of the security holder for interest should cease. That is the change which I want to bring about. If the original Bill had been passed into law there would have been a period of 6 years limitation during which the interest would have accumulated. (*An Honourable Member* : "No.") That is not merely my understanding of the Bill but the only legal and sensible consequence of the clause. If there was a period of limitation for 6 years after which the liability of the Government was to cease, it meant that for that period of 6 years interest would necessarily accumulate, if no actual payment was made to the creditor during the period, and the person entitled to the security would have been also entitled to claim the amount of interest due on it during that period also. Thus the Honourable Members would realise that in my amendment I am making a concession in favour of the security holders more modest than what the Government was prepared to make when I simply urge that at least, so far as the interest is concerned, a period of three years should be allowed during which the interest can accumulate, and after that it should altogether cease. That is the real significance of the change which I want to bring about in the Bill as amended by the Select Committee in the interests of the numerous security holders. I think I have made my position sufficiently clear and I commend this amendment to the acceptance of the House.

Sir Purshotamdas Thakurdas (Indian Merchants Chamber : Indian Commerce) : Sir, although I was not present at the final meeting of the Select Committee at which the Report was decided upon and signed, I believe I am correct in saying that what my Honourable friend Mr. Aney suggests is not only not feasible but is very far from being customary in commercial circles. My friend, Sir, suggests that when Government loans fall due for repayment, if the lender, the man who holds the Government scrip, chooses to leave his money with Government, even though Government are prepared to pay back the debt, interest should continue to run for a period of three years practically at the discretion and at the pleasure of the lender. What, Sir, would happen in connection, we will say, with the Bombay Development Loan which bears

[Sir Purshotamdas Thakurdas.]

interest at 6½ per cent. free of income-tax and which is due for repayment in 1935 ? The rate at which Government can borrow to-day is 4½ per cent., and I will take it for granted that in 1935 the rate will be the same. Now everybody who holds the Development Loan scrip will stick to it for three years and continue to earn interest at 6½ per cent. free of income-tax. And if my friend's amendment is carried it will only amount to this, that if the rate of interest is lower than the rate carried by the loan which is due for repayment everybody holding that loan will simply not present it. On the other hand, if the rate of interest current at the time happens to be higher, they will all hasten to the Government treasury and get their money back. I am afraid it is an absoluely one-sided proposition, and I hope my Honourable friend will not press this amendment.

Mr. T. Prakasam (East Godavari and West Godavari *cum* Kistna : Non-Muhammadan Rural) : Sir, I support the amendment moved by Mr. Aney. It is an elementary rule that a cause of action cannot start and end at the same moment. What is proposed in clause 3 of the Bill is that the cause of action should start the moment the Government notify that they are ready to pay the amount, and that it should be taken that the lender is not entitled to claim any interest from that moment. Sir Purshotamdas Thakurdas has been stating something about a loan which is fixed to be repaid after a particular period. That stands on a different footing altogether from the on demand pro-notes that the Government take in their favour from the people. What would be the case with regard to such notes ? Government issue a notification, and not even a letter to each individual informing him that they are ready to pay. We know how many people would notice notifications, how many of the villagers who would be investing their monies in these loans, would be noticing them. With regard to such cases—I am sure there are a large number of cases existing on that basis—I think it cannot be contended by the Government with any reason that the starting of the cause of action and the closing of the cause of action should be at the same time. It is a very unreasonable position and I hope the Honourable Member in charge of the Bill would see the error that this clause involves. It is a very reasonable request that is made in the amendment that there should be a period of at least three years after the cause of action starts. After lending the money to the Government people believe that it is a Government pro-note which is as good as a real estate. The people concerned may be somewhere and they may not be able to notice all these notifications and they should not be put to the inconvenience of losing interest from the moment that the notification is published. For these reasons, I support the amendment.

Mr. Nirmal Chunder Chunder (Calcutta : Non-Muhammadan Urban) : Mr. President, I think there is a great deal of misconception as to the scope of clause 3. As a matter of fact, it is opposed to all juristic principles that a creditor should be in a position to compel the debtor to pay interest even though the debtor is not only willing to pay back the money, but makes a tender. I use the word ' tender ' advisedly, because publishing a notification is the only way in which a Government wishing to repay a loan can make a tender. With regard to all that Mr. Prakasam has said, if you just imagine how a Government loan is repaid, you will find out that there is nothing much in his argument. In the first place, Sir, it

is only the Government promissory notes which provide that Government may not before a particular date pay off the amount. In that case, when Government wish to pay off that loan, I suppose Government will give at least notice of 5 or 6 months or even more. In fact, the thing will be provided for in the Budget, and so forth. So there is no chance of the thing being done, of Government repaying a loan, without the people at large knowing anything about it. Having regard to all these circumstances, however much I may regret it, I think I must differ from Mr. Prakasam.

The Honourable Sir Basil Blackett : Sir, I would appeal to my Honourable friend, Mr. Aney, to withdraw his amendment. I think he is under a misconception. There is no question but that in the original Bill the intention was that there should be a period of limitation in regard to the interest and also that interest should cease to accrue after the date mentioned by the Government as the date on which they would offer to make repayment. There is no change in that matter from the original Bill. The change is in regard to the principal. The Honourable Member has, I think, confused limitation with accrual. There is no provision now in the Bill that the interest which was due at the date mentioned as the date of repayment should not be payable to the holder, without any limitation running. What we propose is simply this that after that significant date interest should cease to accrue, and that is, I think, quite in accordance with the legitimate position as between creditor and debtor as was well expressed by Mr. Nirmal Chunder Chunder, namely, that the debtor having offered and made a definite tender of repayment from that date, he should not be liable to continue to pay interest if the creditor for his own purposes does not take repayment then and there.

Mr. President : The question is :

" That in clause 3, in the proposed section 18-A, for all the words occurring after the word ' after ' the following be substituted :

' a period of three years from the date on which a notice for receiving the amount due on such security would be issued '."

The motion was negatived.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Basil Blackett : Sir, I move that the Bill, as amended, be passed.

The motion was adopted.

THE VOLUNTEER POLICE BILL.

Mr. President : The House will now resume further consideration of the following motion moved by the Honourable Mr. Crerar on the 24th August :

" That the Bill to make provision to enable volunteer police forces to be constituted temporarily and employed locally for the purpose of preserving the public peace and protecting persons and property, and to define the powers and duties of such police,

[Mr. President.]

be referred to a Select Committee consisting of Maulvi Muhammad Yakub, Mr. J. M. Dunnett, Mr. M. Keane, Mr. A. Rangaswami Iyengar, Mr. D. V. Belvi, Dr. A. Suhrawardy, Pandit Hirday Nath Kunzru, Mr. Abdul Haye, Colonel J. D. Crawford, and the Mover ; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.''

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : Sir I regret I cannot support this motion. I have no hesitation in saying that the motive behind the Bill and the abstract principle underlying it are both laudable, but the Bill as presented and the time at which it has been presented force me to raise a series of objections to the Bill. My objections fall under three heads. My first objection is that the Bill is inopportune. This is not the time for such a Bill to be put on the Statute-book. My second objection is that it is liable to be used or abused for communal and political purposes and therefore it should not be proceeded with. My third objection is that the Bill is unworkable and therefore useless. In my judgment it cannot be made workable unless the Honourable the Home Member agrees to radical changes being made in the Bill including that part of it which he considers to be of the essence of the measure.

I will take the last point first. The answer given to me by the Honourable the Home Member on the last occasion, *i.e.*, when he moved the motion for referring the Bill to the Select Committee, was to the effect that the word '' temporarily '' in the Preamble was of the essence of the measure. I was sorry to see that the reporter of an important Anglo-Indian paper ridiculed my enquiry. There are some persons here in the Press Gallery who are always ridiculing Members on this side of the House. I do not make any grievance of it, but I would like them to listen first before indulging in any ridicule of that kind. Happily or unhappily, I do not stand alone on that point. I have in my hand the opinions given by competent authorities to whom the Bill was sent for opinion. Many officers of Government share my views not only about the dangers of communal and political troubles being accentuated if the provisions of the Bill are put into operation in the present state of public feeling in the country but they also take objection to the word '' temporarily ''. Sir, the Bill provides that a volunteer force is to be recruited '' *temporarily* '' to meet emergencies. I have carefully read the speech which Sir Alexander Muddiman made at the time when he introduced the Bill. I have carefully read the Statement of Objects and Reasons and I have also listened to the speech made by the Honourable the Mover of the Bill on the last occasion in this House. I find no indication in any of these speeches and statements how a temporary force is going to be trained before any emergency has arisen. A force can be created only when an emergency has arisen. It is admitted on all hands that a force which has not been properly trained and disciplined will be of no use for the emergency. We have not been told how this force will be trained or disciplined in time to meet that emergency. My submission is that the whole thing is left entirely in a nebulous form. The word '' temporarily '' is extremely vague, and it does not define what is meant by it. Therefore, if an emergency arises and if a force is recruited temporarily for the purpose and if that force is not a trained or disciplined one, it will be of no use whatsoever. If a force is to be trained only during the emergency period, then probably by

the time the force is trained, the emergency will have passed away. Therefore, I submit that the word " temporarily " practically makes the provisions of the Bill unworkable and useless for the purpose for which they are intended. I contend that under the provision of this Bill, the training is to be given after the force has been recruited. Without training, a force of this kind would be useless. Nay, some authorities hold that it would be more embarrassing than helpful.

My second contention is that this is inopportune. We are in the midst of a communal wave and also, I may say, in the midst of a political conflict. In this country, the Government and the people of the country are not identical. The Government is not made by the people. The people have no hand in the constitution of the Government. The Government is not responsible to the people. We often find that the interests of the Government and the interests of the people are not identical. The Government of this country is conducted by an official hierarchy, which is recruited mostly from outside. The Government is one which is imposed on us from outside. Under these conditions, it is only natural that those people who are struggling for emancipation, for making this Government responsible to the people, who are struggling for self-government being introduced into this country, should often find themselves in the unhappy position of being up against the official hierarchy that is ruling the country. Their interests not being identical, the conflict, as has been shown on many occasions by actual experience, is very keen and bitter. Under these circumstances, there is a mutual distrust between the two parties which is only inevitable and I should say natural. The people do not trust this Government fully and the Government does not trust the people fully. As a result of this mistrust the people are all divided into two sections—one in favour of the Government and the other against it. These latter are Nationalists. Most of the people support the Nationalist party and the Nationalist demands, and whenever there is a cry of disorder and anarchy there is a conflict of opinion between the Nationalist forces and the Government forces. What the Government is pleased to call disorder and anarchy is considered to be perfectly legitimate and essential for the political progress of the country by the other side. Therefore, we are not always at one in interpreting disorder and anarchy. We may illustrate this from the history of the non-co-operation movement. In the days of the non-co-operation movement we found that the Government was ranged on one side and the people on the other. When in 1905 our countrymen in Bengal started the Swadeshi movement, and started the boycott of foreign cloth they had to start picketing shops which sold foreign cloth. In 1921, in pursuance of the non-co-operation programme, the vast majority of educated people who supported that programme started picketing not only the foreign cloth shops but also the liquor shops. Therefore, it is obvious that in this political struggle there are two parties whose interests are diametrically opposed to one another, whose view of law and order and whose view of anarchy and disorder are at variance with one another. Under these circumstances it is natural for both parties not to trust each other fully.

Now, Sir, this point has been raised by several officials to whom this Bill was sent for opinion. They do not like this Bill because they suspect that the recruitment of this force might strengthen the anti-Government forces, *i.e.*, those forces which they consider to be anti-Government. They think it is possible that recruitment might take place with political motives

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and might embarrass and harass the Government. On the other side, we also are suspicious that recruitment might take place with the object of suppressing the political movement on the ostensible ground of disorder and anarchy under conditions which we consider to be unjustified. I mean to say, that though we on our side may not consider that there is any disorder or anarchy to be put down or suppressed the Government may hold a different view and may use the forces raised by virtue of this measure against us to suppress what they consider disorder and anarchy. Under these circumstances we in this part of the House are not prepared to be a party to the giving of any power to Government which might be used against us in the prosecution of our political movement. Therefore, although it is said by several Governments and several authorities that the measure being permissive there is no harm in making an experiment, I for one am not prepared to take that view. We know from experience how permissive measures have been turned into repressive measures ; how once a permissive measure has been placed on the Statute-book it has been used for the purposes of repression. Therefore, I very seriously doubt whether, under the present circumstances, this measure is a sound one to be put on the Statute-book at least from our point of view.

Some analogies were given by Sir Alexander Muddiman in his speech when introducing the Bill and those analogies have been repeated by several people whose opinion was sought and who have given their opinions. There is the analogy of the General Strike in England and the situation that arose thereunder when the people made an appeal for the maintenance of law and order ; and it is said a similar condition in this country might arise. In fact, some people have said that the non-co-operation movement was a movement of that kind. I submit the analogy does not apply at all. In England the people and the Government are one. The Government is made by the people and the people are responsible for that Government, while the Government itself is reponsible to the people. In India that is not the case. Neither is the Government responsible to the people nor are the people responsible to the Government. Therefore, that analogy does not hold good at all. There is no question of a civic sense of duty. I grant that it is desirable to arouse and develop a civic sense of duty. But this sense of duty can only have full play when both sides recognise their responsibility to each other, when they are for practical purposes one. Under the present circumstances this civic sense of duty is liable to be interpreted in different ways by the two parties and therefore I submit the analogy of England has no application. In fact the analogy of those countries which have got self-government does not apply to India, in any case ; and that analogy not being applicable, I submit the object with which the Bill is introduced is not fulfilled. I might perhaps take some risk in the matter if I found that the Bill gave us something tangible and valuable. We are asking every day for the Indianisation of the services, for the Indianisation of the Army and for the Indianisation of the police ; and if there be any chance of an auxiliary police force being recruited and raised under this Bill to be used for emergency purposes, perhaps we might find ourselves in a position to support this measure to some extent. But that is not the case. No attempt is being made in this case to recruit men to an auxiliary police force to be trained and disciplined and kept in readiness for all emergencies. That is not the case

here. If there were advantages of real discipline and training one might be tempted, even to take the risk that this trained and disciplined force may be used against ourselves, we take that risk when we plead for the Indianisation of the Army. An Indianised army may be used against us by this Government, but then the corresponding advantages that we will have a trained Army ready when we get self-government. But even that much is not granted by this Bill. When on the last occasion I raised the question, the Honourable the Home Member clearly said that the word "temporarily" was of the essence of the Bill. Therefore, I find nothing in the Bill which would tempt me to give my support to it. The objections I have raised go practically to the root of the Bill and I believe that no amount of changes in the language of the Bill are likely to reconcile us to the Bill as at present framed. Some of my friends are of opinion that instead of the District Magistrate and Superintendent of Police being the authorities to recruit this police force and select members, there should be appointed a board of representatives of the people who in conjunction with the District Magistrate and the Superintendent of Police may recruit and select the members of the force. Sir, I am not so simple as to believe that Government is likely to agree to this, and therefore I think it will seem no useful purpose to raise that point in the Select Committee. If, however, the Honourable the Home Member is likely to give us any assurance to that effect, perhaps some of us might be able to change our views. But my objection that the Bill is liable to be used for communal and political purposes, will stand still. In this opinion I am supported by a large number of officials who have given their opinions on this Bill. I submit therefore that the Bill is inopportune. Perhaps it may be useful to have a Bill of that kind at some other time. At present it is liable to be abused and it is liable to increase the mistrust which already exists between the Government and the people.

I therefore oppose the Bill, but before I conclude I desire to show by reading to you some of the opinions of Local Governments and other officials consulted how my views are supported by them. At the outset, Sir, I may state that in the opinions received, no opinions have come from the Bombay Government and the Madras Government. I learned on inquiry that no opinions have as yet been received from those Governments. Those are important parts of the country which are entirely unrepresented so far in these opinions. The whole of Southern India have submitted no opinions—at least those opinions have not been given to us and I was told only yesterday that they had not yet been received in the office. So we have to confine ourselves to the opinions of Local Governments in Northern India and I will take first the opinion given by the Chief Commissioner of the North-West Frontier Province, at page 5. You will see, Sir, that he says there :

"I have come to the conclusion that it would not be likely to serve any useful purpose in this province. Volunteer forces have been employed in times of disturbance to assist in the maintenance of order but they have usually been levies employed under their own Khans and it has not been found necessary to give them any particular powers. If an additional force were required it could still be employed in this way and I do not think anything would be gained by enrolling them as volunteer police."

The next opinion is that of the Judicial Commissioner of the North-West Frontier Province. He distinctly says :

"So far the District Magistrates of Kohat, Bannu and Hazara have sent in their opinions. They are opposed to the Bill, though on different grounds. While according to the District Magistrate of Kohat the measure is unsuited to his district, consisting, as it does, almost entirely of a rural population, the District Magistrate of

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Bannu considers it unnecessary in view of the existing provisions of the Police Act which in his opinion are quite sufficient for all practical purposes and should be allowed free operation. The District Magistrate of Hazara, on the other hand, holds that it is open to serious objection for two reasons, *viz.* (1) that the public morality is extremely low ''—

—that is his own opinion—

'' and the existing forces of law and order are regarded with aversion rather than with sympathy and therefore the civic sense has not yet reached such a stage as to make the introduction of a measure of this kind safe and (2) that in any crisis such a Force would only be an added source of anxiety. ..... My own opinion continues to be that the Bill is totally and completely unsuited to the people and conditions of the North West Frontier Province.''

Then, Sir, we come to the opinion of the Inspector General of Police, North-West Frontier Province. Quoting from one officer he says :

'' ..... The scheme in practice would be productive of extra work, embarrassment and anxiety to the Superintendent of Police in times of trouble. The third officer, Mr. Lawther, in the first place objects strongly to the omission of any provision for the exercise of control over Volunteer Police Forces by the Inspector General of Police, and further points out that the civic sense, involving, as it must, a repression of sectarian and communal prejudices, does not and cannot exist in the India of to-day. I fully agree with Mr. Lawther and would add that it follows that, without this civic sense, the scheme for the creation of a Volunteer Police Force is not within the range of practical politics.''

Then, Sir, we come to the Government of Bihar and Orissa who are very strongly opposed to this Bill. They say in paragraph 2 as follows :

'' His Excellency in Council considers that the Bill as introduced in the Council is still open to the objections put forward in Mr. Sifton's letter and sees no reason to differ from the opinion expressed by Sir Henry Wheeler's Government in that letter that the Bill is unworkable and impracticable, at any rate in Bihar and Orissa.''

Every one wants to save his own province from the effects of this Bill.

Then in paragraph 4 the Chief Secretary to the Government of Bihar and Orissa says :

'' Further the temporary nature of the Force has been emphasised. The force is to be embodied only to meet an emergency and this means that in the stress of meeting a difficult situation the District Magistrate and Superintendent of Police will have to find time to select, enrol and organise it. It would be difficult to create discipline in such a force even if it were of a semi-permanent nature ; being merely temporary means that it will be entirely untrained and its value will consist merely of its constitution of ' men of good will '.''

Then in the last paragraph, paragraph 6, he says :

'' His Excellency in Council would, however, prefer, that the Bill should be dropped forthwith ; experience in Calcutta and Delhi shows that when suitable material is available, the existing law makes it possible to create an emergency force; when such material is not available, the Bill will either be a dead letter or if used will be a source of danger rather than of protection ''.

There is another letter, Sir, on this file from the Government of Bihar and Orissa, which says :

'' The objects of the Bill are, accordingly, on the one hand, to provide a material accession of strength to the regular police for the preservation of the public peace and the protection of life and property, and on the other, to exploit the value of co-operation by the public and to encourage the growth of a civic sense. The Bill, therefore, contemplates the introduction by the District Magistrate of a volunteer police organisation for use in cases of emergency.

The scheme apparently takes its origin from the striking success of special constables in England during the general strike of 1926. The Local Government are convinced that the analogy is misleading."

Then he says :

"It is true that the non-co-operation activities five years ago bore some resemblance to the general strike in England, but it cannot be supposed that, if the proposed Bill had been law at the time, any considerable body of voluntary police would have enrolled for restraint of that movement. Nor is such a national emergency contemplated in the Government of India's letter as the occasion for the use of volunteer police. The proposal instead is for the local enrolment of volunteers to cope with local disorder."

"Experience of local disorder in more recent years is confined to communal fighting, mostly between Muhammadans and Hindus, and more occasionally, between landlords and tenants. To deal with such trouble locally enrolled volunteers would be peculiarly unsuited. A force intended to preserve the peace, where communities are in a state of severe tension, must be impartial and that is precisely the element that is lacking when feelings are running high. Where trouble arises concerning *kurbani* or the passage of Hindu music near a mosque, neither Hindus nor Muhammadans would be available, who would be untainted with partisan feeling."

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Then, Sir, there is another paragraph about training and discipline. The Chief Secretary says :

"Such material is entirely lacking in Bihar and Orissa, save in one or two localities where there are settlements of *ex*-sepoys. Before, therefore, the Indian volunteers could be anything but a public danger, there must be weeks of training without which, the force, however well-meaning and patriotic, would be little better than a rabble. It is certain that any District Officer of experience would prefer to rely in trouble upon a small but disciplined force rather than on the same force diluted with untrained volunteers. The force must therefore be raised several weeks ahead of anticipated trouble or be useless when the emergency comes."

Then also he says :

"In actual practice the Local Government believe that the Act would be a dead letter in the province. Considerable odium attaches in India to the name of police, which, thanks to the rhetoric of the politically-minded classes, is regarded as an executive arm...."

What else it can be passes anybody's comprehension. It always is an executive arm, the police in all countries. But what follows is mere significant. The police

"Is regarded as an executive arm of a *foreign bureaucracy*. The call to support the police would not evoke a patriotic response, for the civic sense is not created by, but is a condition precedent to, the call to public duty. The young men of the intelligentsia, even if they were impartial, would not readily join in the event as constables, while the men of the lower classes would be at heart partisans in the event of any communal trouble, and their enrolment would equally embarrass the authorities in dealing with it."

Then, Sir, finally he says, towards the end of paragraph 4:

"For the above reasons, the Local Government are opposed to the general principles of the Bill and regard it as unworkable and impracticable, at any rate in Bihar and Orissa."

Then he says :

"It has been pointed out above that, if the force is to be trained (and without training it would be useless) it must be raised in advance of the emergency for which it is to be used."

Then finally the verdict is given in these words :

"For the above reasons His Excellency in Council after consultation with the Ministers is not in favour of the proposed Bill."

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So here not only the Local Government but also the Ministers are against this Bill.

Then, Sir, we come to a straight opinion from Madras, which of course is not accompanied by the opinion of the Madras Government. It is the opinion of the Madras Chamber of Commerce. They say on page 9 :

"The Bill provides for the raising of a *temporary* police force; but to be of practical value in time of emergency it is considered that the Volunteer Police should be a more or less permanent force. Without training or discipline a volunteer force, either military or police, is of very little assistance to the Regular Forces and it is reasonable to suppose that in many cases emergencies would be of so temporary a nature that by the time sufficient Volunteer Police were collected, appointed and equipped, the need for them would have passed."

Then we come to Burma. The opinion of those consulted by His Excellency the Governor in Council is in full agreement almost unanimously in favour of the Bill.

We then come to the United Provinces. They are decidedly against this Bill, at least their officers :

"The most important change in the Bill is the insertion of the word "temporarily" in the Preamble. This has made it clear that there can be no question of constituting a volunteer force as a permanent reserve, but it is not clear whether the intention is that the force should be raised only to meet a definite emergency. Under clause 3 (1), the District Magistrate may constitute the force for such period as he may fix, * * * * The limit set by the use of the term 'temporarily' in the Preamble is somewhat vague, but there appears to be nothing to prevent the constitution of the force for a period of years even though the district is not faced with any emergency."

This opinion is absolutely unfavourably to the wording of the Bill.

"But if the intention is that the force should be enrolled to meet an emergency, and disbanded when that emergency is over, the Governor in Council considers that the Bill will serve no useful purpose."

There is another letter from the Government of the United Provinces. I would read a few sentences from page 11 :

"The Governor in Council is not sanguine, however, that these objects are likely to be secured by the legislation now proposed."

In sub-paragraph (3) of paragraph 3 of the same letter they say :

"The occasions on which a volunteer force, even if forthcoming, could safely be employed are also few. It would be quite impossible to use volunteers to assist the regular police in dealing with communal troubles. As the Government of India are aware, it is difficult enough to keep the regular police free from communal bias. Volunteer constables would be unreliable and would merely add to the anxieties of the local authorities. In the conditions at present obtaining, a general strike such as has occurred recently in England is hardly a contingency with which it is necessary to reckon. Volunteers might be of some assistance in dealing with local strikes in a town such as Cawnpore, provided that the strikes were not political in origin ; but even this is doubtful. When such strikes occur, opinion is usually divided amongst the educated classes, and few persons belonging to these classes are willing to risk an encounter with turbulent mill hands. Volunteers have occasionally been found useful at large customary fairs, but it is questionable whether their utility would be much increased by formal enrolment."

In the next paragraph, they discuss the question of discipline. I do not propose to read it. In the 4th paragraph they say :

"For these reasons the Governor in Council does not think that legislation on the lines suggested would materially help the administration."

Then, Sir, we come to the letter of the Inspector General of Police of the United Provinces :

" I am nevertheless unable to withdraw my general objection to the Bill as expressed in paragraphs 1, 3 and 8 of my letter (*of such-and-such date*) and I may say that all Deputy Inspectors-General fully agree with me in this opinion."

He goes on to say :

" It is very uncertain whether volunteers will come forward, and, if they do come forward, whether their motives in doing so will not be such as will embarrass rather than assist the authorities."

That is their fear. Then in paragraph 2 he gives a very decisive opinion against a temporary force :

" As I have stated in paragraph 2 of my previous letter, it seems to me to be quite useless to wait until an emergency arises before volunteers are enrolled and this view is supported by actual experience in England. * * * * There is a further consideration applicable to India though not to England which makes it important to have Voluntary Police here enrolled for a period of some duration. This is that if Voluntary Police are to be taken on only during the continuance of an actual emergency, it will not be possible for the Local Government to prescribe sufficiently long notice of resignation under section 8 to prevent volunteers resigning at such short notice as to embarrass the authorities who were relying on them. If, therefore, there is to be any chance of a Volunteer Police Force in this country being of any use in time of trouble, English experience as well as common sense support the view that the force must be enrolled for a specific period, as in the city of London, and trained on a quasi-permanent basis."

So, Sir, this opinion is almost decisive. Then, Sir, we come to the opinion of the Commissioner of the Fyzabad Division. He says on page 14 :

" In my opinion, the Act as drafted....."

Mr. President : Order, order. These are too long quotations. Is it not possible for the Honourable Member to state in his own words the substance of the opinions he is quoting ?

Lala Lajpat Rai : With due deference to the Chair, the opinions of these officials, quoted in their own words, are much more important than any words that I can use. I do not want to take the responsibility of abbreviating them, or amplifying them or paraphrasing them.

Mr. President : Order, order. The Honourable Member knows that all these papers have been circulated to every Honourable Member of this House, and I would suggest to the Honourable Member that he should state the substance of these opinions in his own words instead of making long quotations.

Lala Lajpat Rai : Well, Sir, I know that some Honourable Members do not read all the papers that are given to them. (*An Honourable Member* : " Question ? ")

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : I for one did not read them and did not care to read them.

Lala Lajpat Rai : It may be questioned, but I know it. I myself do not read all the papers. In deference to the Chair, I am not going to read all the extracts, but I am going to read only a few lines from each letter.....

Mr. President : I have been listening to the speech of the Honourable Member for nearly half an hour, and all that he has been doing is to read the opinions of each Local Government at length (*An Honourable Member* : " Of each officer ")—of each officer as well. However, I should

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like the Honourable Member (*An Honourable Member* : " Finish it ")—to be more brief.

Lala Lajpat Rai : The Honourable Members on the Government Benches would of course like that I were to sit down, but I am not going to comply with their request. I have got to discharge my duty. However, in deference to the Chair, I shall remember the advice that has been given and shall not read long extracts but only give the substance of each opinion recorded in these papers. The Deputy Commissioner of Lucknow whose letter consists of two printed foolscap pages summarises his objection in the following words :

" To sum up, the proposal is sound in theory as regards the development of a civic sense, and I welcome the implied recognition of the Government of India that the existing police force needs strengthening. The Bill if passed into law might be useful in the event of a grave emergency arising, but cannot be justified on that ground alone as emergencies can be dealt with by Ordinance.....

Finally, if the Bill becomes law, I would urge that its provisions are not applied to this district....."

Every one says that his own district and his own province should be exempted from the evil effects of this Bill :

" without much fuller and maturer consideration, and without further exploration of general opinion."

On page 19 the District Magistrate of Aligarh raises strong objections to the local use of police force locally enrolled. He says :

" I very much doubt whether the time is yet ripe for giving it effect in the general manner suggested ".

Then I come to Assam. The Chief Secretary to the Government of Assam says :

".... but the opinions expressed on the details of the Bill indicate clearly that the measure is not likely, in present circumstances, to be of any great practical value in Assam..... In the opinion of most of the officials and of some of the non-officials consulted, the volunteer police force will be a hindrance rather than a help in times of political or communal disturbances, when the feelings of partisanship will be too strong for their sense of discipline."

Then he says that the opinion in that province is divided. There is one opinion in this case, from which with your permission I shall read to the House, a few sentences. The Superintendent of Police, Sylhet, says :

"The Swarajists and Congress Party will welcome the Bill, if the force is constituted independent of the regular police so that they may better organise their own volunteer corps. The Bill is being construed by them as an attempt to counteract their activities."

The Deputy Commissioner says :

" My personal views on the proposed Bill are distinctly unfavourable."

The Commissioner of the Assam Valley Division says :

" So far as Assam is concerned I think the proposals not likely to be fruitful .... In all racial, communal and quasi-political disturbances the individual sentiments of the persons likely to form the Volunteer Force will be engaged and the force in consequence would be untrustworthy."

I have almost come to the end. The Deputy Commissioner of Darrang says :

" My own opinion is that the time is not yet ripe for introducing such a measure in India."

Then comes the opinion of Mr. Chaliha, Chairman of the Local Board of Sibsagar, a Congress leader :

" Though the proposed objects of the Bill are innocent and even commendable, its provisions are such that it may be utilised against the liberty of the subject and the political advancement of the country unless the men enjoying popular confidence only be recruited and unless the people are given a voice in the decision whether there is such emergency as to call for mobilisation of the volunteer force or whether the force collected is to be disbanded."

Then there are unfavourable opinions of officers of the Bengal Government and Ajmer-Merwara which I will not read.

Well, Sir, I have not read the opinions which are favourable to the Bill. There are some officers who say that the Bill is innocent, it is permissive and that it may be tried. But I hardly find any very strong opinion in favour of the Bill. I maintain that the objections I have urged are very cogent against the Bill and judging from the opinion of the official world so far as it has been expressed in these opinions, the balance of opinion is against the Bill. Their opinions are based on different grounds. Our decision is also based on different ground but there are common grounds also, for example, about the temporary character of the measure, about the inadequacy of the provisions for training and discipline and the danger of its being used for communal and political purposes. On these grounds, Sir, I submit that the Bill is not a timely measure and should not be pressed. I hope the Honourable the Home Member will withdraw the Bill and introduce it at some more favourable time, in a more favourable atmosphere. The present atmosphere is not one in which it is likely to be received with that amount of sympathy and good will, as are necessary for the success of the Bill. I therefore oppose the Bill.

Mr. S. Srinivasa Iyengar (Madras City : Non-Muhammadan Urban) : I also desire to state my objections to this Bill and shall do so in the briefest possible manner. I consider that this Bill is a piece of political strategy on the part of the Central Government. I consider also that the unsophisticated opinions of the various Local Governments reveal to us that this is neither a sound administrative proposition nor a genuine national proposition. Nobody on this side of the House will be opposed to a genuine attempt to establish a volunteer force on a national and permanent footing for the training of men in civic duites, but that is not really, as I understand it, the purpose or structure of the Bill. Judged, therefore, by the purpose and structure of the Bill, I consider that this is a very half-hearted and strategic attempt on the part of the Government to set up something which is bound to fail. They will then tell us : Behold ! Here is a thing they have been clamouring for that we have given to the people of India. They have been asking for it but they are not able to work it, and therefore there is no use of giving anything further ". Whatever denials or repudiations may come from the other side, to my mind strategy is undoubtedly at the back of this measure. Let me say at the outset that I agree with the Central Provinces Government when they point out that, if you really want in an emergency that

[Mr. S. Srinivasa Iyengar.]

there should be a trained volunteer force, unless it is a permanent force, you cannot have any such thing. Where is the training to come from. The Honourable the Home Member said the other day in answer to Lala Lajpat Rai's question that it will not be within the scope of the Bill to take steps to establish a permanent force. Then again, I agree with the opinion of the Commissioner of Police in Calcutta and the Governments of Bengal and Bihar and Orissa that this force will not be of the slightest value in times of communal harassment and trouble. For, as was pointed out very forcibly by the Government of Bihar and Orissa, you do not want a local police drawn from the very factions which are warring with one another to operate as an emergency or temporary force in addition to the ordinary police force. In the ordinary police force it may be taken for granted that owing to years of training there is some measure of discipline and obedience to rules. But, if you call a temporary force into existence and try to train it, you can understand how defective it must be and how it must aggravate those very local troubles which it will be the purpose of this particular force to deal with. Therefore, Sir, I certainly prefer the opinions of the Local Governments, though it is a company which I find myself very rarely in. The only doubt which crossed my mind when I read the papers was, why is it that these Local Governments are against it ? May there not be something good in it after all ? But the real purpose of this Bill was soon obvious and I discovered that the Central Government was much more astute than the Local Governments and wanted to lay the responsibility upon the people of this country, and that therefore it was nothing but a political manœuvre which must be resisted by the popular party. There is no administrative necessity and no national purpose behind it. And to go and make this volunteer police force subordinate to the officers in charge of police stations, sub-inspectors and the like, that is really impossible. This is a kind of Aman Sabha which will be brought into existence. As to the men of good will to whom Sir Alexander Muddiman referred in his speech when he introduced the Bill at the Delhi Session, we know how the men of goodwill will be manufactured. We know what sort of use this volunteer force will be put to. Just those troubles which it is sought to reduce this volunteer force will aggravate. That is my fear. Of course I have not the great experience that lies at the back of the Government of India, but I do think we have got common sense ; we have also our own experience, and while the heavy responsibility weighs down the shoulders of the Government of India on the other side, we do not forget that the responsibility on our shoulders is no less, and that responsibility compels me to say that this is not a measure with which a popular party can be at all in agreement. Give us an honest, straightforward volunteer force, with full liberty to elect a Committee of this House to organize it. Give us a volunteer force which we can honestly call a national force, and then I can see something in it. Or if it is to be trained as a permanent force there may be sound administrative purpose in it. But there is no national purpose behind this force. From the administrative point of view I prefer the wisdom of the Local Government to that of the Central Government. From the national point of view I prefer Lala Lajpat Rai's wisdom and my own misgivings and doubts to the wisdom enthroned on the opposite side. Therefore,

Sir, I feel bound to oppose this Bill unless of course the Honourable the Home Member agrees, of which there is very little chance, to go back upon what he said the other day about making this volunteer police force a permanent force and agrees to make all the other changes in the Select Committee which it will be our object to make. As he is not in agreement with our views it is a futile proposition for us to co-operate with Government in this particular measure and say that it may contain the germs of a really national citizens' guard out of which we may be able to make something at some remote point of time. We have seen how much we are able to make out of anything. I have not the slightest doubt whatever that it will be an impossible position if the District Superintendent of Police and the District Magistrate are given the powers which are proposed to be given in this Bill, if it is expected that really men of repute, men who have got public spirit, are to work as volunteers. I do think this is a method of sorting out those followers of the Government, and this Bill will add a large army of those who will be very anxious to have these honorary appointments in addition to the army of title-holders. It is nothing but a political Bill, nothing but an attempt to gather up an army of followers for the Government. Therefore, Sir, however much I may desire that there should be a national police, however much I may desire that there should be a proper volunteer force, I regret I am constrained to oppose this measure, having regard to its purpose and structure as revealed in its provisions, and having regard to the opinions which have been expressed by the Local Governments as to the utter inutility of such a piece of fragmentary legislation that is sought to be put upon the Statute-book.

Mr. M. Keane (United Provinces : Nominated Official) : Sir, the arguments of my Honourable friend opposite seemed to me at least to be singularly unconvincing ; his speech was amusing but not convincing. He said that this legislation is a piece of political strategy. His mind is much too acute not to see where that leads. Having told us in the same breath that every Government in India had opposed this piece of political strategy, he was of course reduced to the position that the Government of India had not even trusted the Local Governments with the secret of this piece of strategy ; otherwise of course the Local Governments also would support them in their desire to introduce this Machiavellian scheme ; the Government of India did not want to share the secret. You, Sir, will remember who was the originator and the author of this Bill, Sir Alexander Muddiman. I leave it to the House to say whether he was likely to be a Machiavelli ; that was not his character. In regard to my Honourable friend, the Lala Sahib from the Punjab, Lala Lajpat Rai, I realise that he is opposed to the Bill, and strongly opposed to it, but I was left very vague as to his own individual reasons for opposing it. For the first time, as far as I know, he has based his opinions, his convictions, entirely on the opinions of those whom we are accustomed to hear described as bureaucrats. His supporters in every case were the police officers ; he read with great gusto and great commendation the opinions of these officers and he insisted almost in defiance of the Chair in quoting their very words, so that no portion of the honey might be lost. He took a very high line over this very small Bill. He told us that Government and the people are not identical. That alone was sufficient to stamp the Bill as bad and something to be rejected. But Government

[Mr. M. Keane.]

and the people were not identical when we had the yarn Bill the other day and yet it was carried by the help of the people. The argument that the Government and the people are not identical would be a reason why we should take no Bill on the floor of this House.

Lala Lajpat Rai : I never said that.

Mr. M. Keane : If we take this very high line regarding Bills, we shall never get any Bill. Neither of the speakers who has taken the floor hitherto has attempted to discuss the principles of the Bill itself. These long quotations will not do. We have had before from all over the country very many opinions on the ratio and everything else. But that did not prevent Members of the Assembly from taking each matter into consideration and examining the Bills for themselves.

This Bill, as we know, has two aspects. There is one aspect ; the point of view of encouraging the growth of a civic sense. From the second aspect, we desire to create something that will be a help to the police. These two aspects have to be remembered. I need not delay over the first aspect. The Honourable Lala Sahib admitted that it was desirable to encourage the growth of a civil sense and through all those letters that he read it will be found that in every single one of them the desire of the Local Governments is to the same effect. They all bless that particular principle underlying the Bill, namely, the effort to create a civic sense. It is realized, everyone can see it, that the civic sense is growing up about us. It is to be seen everywhere at the present day. Some of its manifestations are due to Western influences but some are indigenous. This civic sense is growing. The seed is there and now we are told that we should let the seed wither and die. There is a call, though no doubt it is a feeble one ; are we going to turn our backs on it and pass on our way ? We cannot afford being told later—and you know that we have been told so on many other occasions—that when the opportunity was there when we had the seed, we did not help to nourish it. If there is no public opinion behind this thing, then the seed will fall on stony soil, but the fault will not be ours. We will have nothing to reproach ourselves with. The departure is a new one ; no man can guarantee success, but we can, at any rate, make our profession of faith. The Local Governments have without exception expressed approval of that particular principle of the Bill.

Now, I will turn to the other purpose of the Bill which has been criticised in some detail and to which most attention has been given in the letters which the Honourable Lala Sahib has read, I mean the purpose of creating a force that will be helpful to the police in times of emergency. The two purposes are not mutually exclusive in any way. You can encourage the growth of a civic sense as well as create a police force that will be useful. Now, the Local Governments, in whose minds the utilitarian purpose of the Bill was uppermost, have, I admit, received the Bill coldly, to say the least of it. But it is natural if you come to consider it that men whose daily duty is the task of administration and who, as we know perfectly well, have at the present time a very inadequate staff, would first like to know what is the practical aid they are going to get from the Bill rather than look to the intangible, possibly visionary aim to which I have been referring, namely, education in civic sense. That certainly is a point of view that must be considered. One was bound to get such

opinions as were quoted from police officers by the Honourable Lala Sahib. These opinions are undoubtedly in many cases opposed to the Bill. For instance the Inspector General of my own Province said that now that the Government of India are determined to go on with this Bill, his duty really is to see how far its dangers are to be minimised. (Laughter.) I forget his exact words, but I think this is the gist of what he said. This position is perfectly understandable. I am ready to quote and give all due weight to these opinions, because I want the House to consider why such opinions are given and why it is not necessary for us, as the Honourable Lala Sahib has done, to accept them unquestionably. What I want to show is that the position of the police officers is perfectly understandable. They are accustomed to deal with a trained force, with men who can and who know how to obey orders. They believe that if a volunteer force is given to them, it will be certainly composed of men, who in their opinion will be untrained men over whom their control will be small, men for whom the Bill provides very few and very inadequate punishments. Naturally they are doubtful about the utility of such a force. That, I can see and every one can see. Their opposition has been hardened by one special consideration of our own time, a consideration that is colouring the thoughts of every one at the present time, that is the communal situation. There is no question that the officers who have dealt with this point have throughout envisaged only a situation in which this volunteer police force will be suddenly brought into operation, suddenly constituted to meet an emergency that has just arisen. This whole point, I think myself, has been to a great extent misunderstood by the police officers who have given these opinions and they have all been deceived, as I think the Honourable Lala Sahib has been deceived by the intrusion of the word " temporarily ". I cannot say exactly what is in the mind of the Government of India in this matter. (Hear, hear.) But as far as this Bill goes, this word " temporarily " has to be read with the clause in the Bill which lays down that the force will be constituted for such period as the District Megistrate may fix. It is not a force to be constituted only to meet an emergency. If it were so, Sir, I quite agree that it would be open to many of the objections raised by Honourable Members on the opposite side. I visualise the force as being brought into operation in normal times (Hear, hear), a force for which there would be time enough to give it training, so that when they are called upon to act, they will not act as a rabble or a mob, but will act as a trained and a disciplined force. There will be opportunity for the District Magistrate to see whether the men who offer themselves for recruitment are suitable or not. He will have an opportunity of testing their character before selecting them and of seeing that they are not men who have suddenly come forward under the spur of some partisan or communal or political feeling to join the force That force in being created will be created temporarily to the extent that it will be for such time as may be fixed and that fixation of time would of course depend on such rules as the Local Government may make subject to the orders of Government of India. The rules of the Local Government have to be considered and these rules will show to what extent, for how long, and on what occasions, the force will be constituted, and if that is examined, if that is considered, I think it will then be clear that many of the criticisms which the Honourable the Lala Sahib has read out are robbed of their sting, practically every one of them. (Applause.)

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province : Nominated Non-Official) : What about the criticisms of the Honourable Lala Sahib about our distrust of one another. He said that we are incapable of trusting one another and that no useful purpose would be served by having a volunteer force at this time of communal trouble.

Mr. M. Keane : My Honourable friend here asks me what will be the position if they cannot trust one another. My answer there also would be that that would apply mainly if it were a force that would be called up at the very moment the emergency arose. Then I say that the force probably would be stimulated and spurred by feelings from which they could not free themselves, feelings born of their own environment, communal feelings. But this force would be called up in normal times, they would have been enrolled together, their feeling of solidarity would already have been established, their comradeship in the same way cemented, and they would have acquired by that very enrolment beforehand and by their training a feeling of solidarity and comradeship that would, one might reasonably hope, mitigate at least the asperity of communal feeling.

I have little else to say, Sir, and I do not want to take up the time of the House at this late hour. I merely want the House to consider what this little Bill aims at and to take the gift horse which is being offered to us, not to look it in the mouth.

Mr. T. Prakasam (East Godavari and West Godavari *cum* Kistna : Non-Muhammadan Rural) : Sir, I thought the Honourable Mr. Keane was delivering a Sermon from the Mount after six years of struggle in this country. He started by saying that this small Bill will create a civic sense of duty in Indians. He says that the seed shall be sown now and if this opportunity is not availed of, it may be that the Government and the gentlemen who are supporting this Government will be finding this seed thrown on a stony soil and it will never grow. If Mr. Keane had been in India and if he had watched the events since 1921 (*Honourable Members* : " He has "), he would have seen what civic sense the Hindus and Muhammadans and the members of all other communities in India possessed and how, not under the orders of the Government but under the orders of the great national organisation, they formed the national volunteer force in 1921 which discharged the duties of all the police and even the military for a period. (Laughter.) Laughter comes from the opposite benches. If they remember that the Governors of Provinces could not get men to take their luggage to the railway stations, then, my Honourable friends would not be laughing. It was the national volunteer force that discharged the duties of the police and the military that made it impossible for the Governors and other officials to command even coolies to take their luggage to the stations during the period of repression. (Continued laughter.) You will laugh as long as the system of government continues to be what it is and until you are forced to vacate your seats. And may I say, Sir, how it started ? You will please note that Lala Lajpat Rai, though he made his appeal to withdraw this Bill in the gentlest possible way, has been criticised by Mr. Keane. Lala Lajpat Rai is one of the biggest leaders of India, who violated your law, your unjust law that was promulgated in 1921 declaring the national volunteer forces

unlawful ; he was one of those who courted imprisonment and who had suffered imprisonment on that account. You forged the Criminal Law Amendment Act in 1921 with a view to kill the national life in the country, with a view to destroy the national police and the national volunteer force that had been organised under the ægis of the Congress. Well, Sir, it must be said, to your credit, that with all the forces you could command you could suppress the movement. You succeeded also in suppressing the great non-co-operation movement which was based on non-violence and which meant no offence to any of you, no injury to any of you ; after you succeeded, there was a change in the programme and policy of the Congress ; that great man who has departed, the late Mr. C. R. Das, changed the programme and he created a new situation by forcing Congressmen into the Councils and by making dyarchy impossible in Bengal. When you found that that was a greater force than the boycott from without, you wanted to kill that force also and you sent about 110 men as detenus beyond the seas to rot in the Mandalay forts ; and last Session we were all complaining here that a Member of this Assembly, who was one of the detenus, a Member who had been summoned by the Viceroy to attend the Assembly, was prevented from doing so. Here he is present to-day and you will find that he represents the national force of India, and that there are men outside also whose civic sense of duty has not been killed by all your efforts and with all the forces at your command. Now, you are satisfied that the Hindus and Muslims who walked hand in hand, chained through the streets of India when they were members of a national volunteer force are disunited. You imprisoned them both ; both suffered for the sake of the country, for the freedom of the land ; and when you saw that Hindu-Muslim unity, upon the basis of which this great movement of Swaraj was started, would take you to the end of your business in India, you thought you should put a stop to that unity. You tried to break it up. (Laughter.) It is not a matter for laughter. I have been one of the unfortunate or fortunate men who had witnessed many centres of the Hindu-Muslim riots, starting from the first one at Multan in 1922 ; (*An Honourable Member* : " Riots now in Nagpur ".) Yes, it is going on now in Nagpur to our shame and sorrow, I say it. And then, Sir, when they saw that Hindu-Muslim unity was so strong that if it continued it would be difficult for them to resist the force of it, agencies were set on foot to break up this Hindu-Muslim unity. That was what I saw in certain centres ; that was the result of my investigation also on the spot ; and they now see to their satisfaction and to the satisfaction of all those who are not interested in the freedom of this country that Hindus and Muslims are breaking each other's heads, are killing each other and destroying each other and this land. Now, they find that this is the opportune moment to introduce this " small " Bill, giving all the power to the District Magistrate to bring into force this army, so that this army might be used against our own people even in these communal riots. Is it not a matter of shame to us that this Bill should be forced on us and that we should have to say that this Bill will be misunderstood and that this would lead to difficulties ? This is what Lala Lajpat Rai has said. On that account, so much criticism has been levelled against him. Now, Sir, I say that this Bill is a calculated measure ; it is in keeping with the policy that was started in 1921. It is introduced now with a view to remove the last spark of nationalism in this country. (*An Honourable Member* : " No, no.") I hear a voice " No, no "; very good. But you

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must take the whole thing in continuation and see. What is the position of a District Magistrate now in this land ? He was the Governor before 1920.

Mr. President : Order, order. Before the Honourable Member proceeds further with his observations, I should like to know what attitude the Government propose to take with regard to this Bill in view of the opposition to it from the non-official side.

The Honourable Mr. J. Crerar (Home Member) : Mr. President, I am indebted to you for giving me the opportunity at this stage to explain the position of Government, and I think it would conduce both to the convenience and economy of the time of the House if I indicate the impressions which have been made upon me by the speeches of the Honourable gentlemen opposite and the conclusions to which they lead me. I am naturally considerably disappointed that so many Honourable gentlemen opposite should oppose this measure. But I hope that I am logically justified in drawing from their speeches the inference, which is some balm and consolation to me, that there is evidently a substantial degree of satisfaction with and confidence in the existing permanent police force. I certainly consider that Honourable gentlemen opposite, though they are not very frequently in the habit of expressing that opinion, have a very strong justification for doing so. In particular, I notice with satisfaction that my Honourable friend Lala Lajpat Rai has not limited himself to language from which I could draw any general inference of that kind, but has actually quoted the words of a considerable number of distinguished police officers with high approval.....

Diwan Chaman Lall (West Punjab : Non-Muhammadan) : On a point of order, Sir. Is the Honourable Member making a speech or is he going to tell us whether he wants to proceed with the Bill or not ?

The Honourable Mr. J. Crerar : Well, Sir, I do not intend to make a speech at any length, but I think I may be permitted to make a statement which will reasonably convey the actual position.

The Bill has, I think, been in many respects misunderstood or not quite correctly represented. There is nothing in the Bill about an emergency, and there is a provision, with regard to the point raised by my friend Lala Lajpat Rai that the Bill is a temporary one, which I think ought to be intelligible enough. There is a provision which enables the District Magistrate to continue such a force from time to time. Well, in brief, the measure was frankly an experimental measure. Its object was to have a Bill as elastic as possible which would enable a Local Government to feel its way, to initiate a scheme in its jurisdiction or in any part of it, and if the experiment showed promise of happy success, to continue it.

Then, Sir, I should like to say one word more with regard to the suggestion made by more than one Honourable gentleman opposite, that the Bill really represents a strategic or a tactical or a political device. To a large extent that has been replied to and I think adequately replied to by my Honourable friend Mr. Keane. Really, I think Honourable gentlemen opposite, will, on reflection, be prepared to agree that, having regard to the history of this Bill, it is really far less a matter of politics than of a personality. The personality is that of my predecessor,

Sir Alexander Muddiman, against whom charges of political duplicity and Machiavellian intrigue are not likely to carry conviction either in this House or in any place outside it. And, Sir, I venture to say that I am entitled, if Sir Alexander Muddiman is acquitted on that charge, as I contend he is entitled to be unanimously acquitted on that charge,—I think, Sir, that, as in a sense I inherited this Bill from him, I am entitled myself and personally to share in that acquittal. Because I must most positively and vehemently disavow that in proceeding with this measure I was animated by any calculations of that nature. Sir, it must be obvious to the House, I think, from the nature of the measure, from the terms in which it was introduced by the Honourable Sir Alexander Muddiman and from the attitude which Government have observed throughout, that there was no intention to proceed with this Bill unless it received a substantial degree of support in the various quarters of the House. The Bill has not received substantial support. On the contrary it has received a large measure of opposition. It would be useless to proceed with the measure in those circumstances and, therefore, Sir, I wish to indicate on behalf of the Government that they have no intention of proceeding further with this measure.

Mr. President : Does the Honourable Member ask leave to withdraw this motion ?

The Honourable Mr. J. Crerar : Yes, Sir.

The motion was, by leave of the Assembly, withdrawn.

STATEMENT OF BUSINESS.

The Honourable Sir Basil Blackett (Leader of the House) : With your permission, Sir, I desire to make a statement regarding the Government business for next week. We propose to ask for orders from you, Sir, that the House should not sit on Monday, the 12th, in order that that day may be devoted to the sitting of the Select Committee on the Criminal Law Amendment Bill. On Wednesday, the 14th, we propose to bring up any Government business which may remain over for disposal from to-day's list, and thereafter, a motion may be made for leave to introduce a Bill to amend the Inland Bonded Warehouses Act. Motions will also be made to take into consideration and, if passed, to pass the Indian Divorce (Amendment) Bill and the Assam Labour Emigration (Amendment) Bill, as passed by the Council of State, and the Bill to amend section 59 of the Indian Income-tax Act, which was introduced on Monday last. Thereafter, if time permits, time will be given for further consideration of the Report of the Select Committee on the amendments to the Standing Orders.

Tuesday, the 13th, and Thursday, the 15th, have been allotted for non-official Resolutions and Bills, respectively.

It is proposed, subject to your orders, Sir, that the House should sit on Friday, the 16th, in oder to take into consideration the Report of the Select Committee on the Criminal Law Amendment Bill, to the passing of which during the present Session Government attach considerable importance, and this Bill will, if not disposed of on the 16th, be taken again on Monday, the 19th, and thereafter we propose to finish any business left over from the list of Wednesday, the 14th.

The House will observe that no time has been allotted for further consideration of the Gold Standard and Reserve Bank of India Bill and

[Sir Basil Blackett.]

for taking into consideration the Imperial Bank of India (Amendment) Bill. Informal discussion of all possible alternative methods of constituting the Bank and forming a directorate has, as many Members of this House are aware, been proceeding actively since last Friday. Various interesting suggestions have been under consideration. But meanwhile a week has passed and the possibility of finding time for the further consideration of these two Bills during the current Session has been rapidly receding into the distance. The House knows that the Government have throughout regarded the shareholders' plan as the one which offers the most satisfactory solution of an admittedly complex problem. The alternatives all raise troublesome and indeed controversial points and the Government would be reluctant to ask the House to adopt any plan when practical working and implications have not been fully investigated and cannot be confidently provided. It is obviously desirable that the solution to be finally adopted should be adopted after the fullest consideration. In these circumstances, the Government have regretfully come to the conclusion that the best course in the interests of all concerned is not to proceed with the Bills at present.

Mr. S. Srinivasa Iyengar (Madras City : Non-Muhammadan Urban) : I should like to know, Sir, whether there is any chance of this Bill being proceeded with in the Delhi Session ?

5 P.M.

The Honourable Sir Basil Blackett : I do not think that I can add anything to the statement that I have made. That is a question of prophecy.

Mr. S. Srinivasa Iyengar : Is it certain, Sir, that there is any probability of this Bill being proceeded with at all ?

The Honourable Sir Basil Blackett : I should not like to say "Yes" or "No" to that question. I cannot add anything to the statement that I have already made.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan) : I cannot understand why the Government after deliberately agreeing to a State Bank, are now reopening the question about a Shareholders' Bank.

The Honourable Sir Basil Blackett : I do not think there is anything in my statement which justifies the Honourable Member's remark about the re-opening of the question of the State Bank. I think that if Honourable Members will carefully consider the statement that I have read they will come to the conclusion that that gives them all the information that is available.

Mr. S. Srinivasa Iyengar : Sir, I should like to say that this is really not a correct procedure on the part of the Government. No explanation has been given for this extraordinary step that appears to have been adopted. I do not know who is responsible for it. There is not the slightest doubt that Members in this part of the House have at great expenditure of time and at great pains co-operated over this in order to establish a national Reserve Bank, a State Bank with elected Indian majority on the directorate on a wide franchise. I think the Honourable the Finance Member—the Leader of the House—and Members on the other

side must have been aware of the very strenuous efforts which have been made by non-official Members on this side of the House in order to co-operate with this Government in promoting a State Reserve Bank of a popular type and in bringing it to a successful conclusion. Under these circumstances, Sir, it is a matter of the greatest surprise, it is a matter of painful amazement to us, that the Government have felt themselves obliged not to proceed with the Bill " for the present." It is, if I may say so, a euphemistic way of saying that it is very unlikely that they will proceed with the Bill. I can draw my own inference, and Members on this side can draw their own inference. The gentlemen of the Joint Select Committee have sat for over two months over this Bill, any number of public opinions have been received, Members of this House have given it the greatest possible attention, and this has been the *piéce de resistance* of the Simla Session of the Assembly. In these circumstances I do not know on whose initiative, on whose responsibility, the House is to be treated in this fashion. I would say, Sir, that this is a procedure against which we must most emphatically protest. The Government have trifled with this House and its liberties, and have flouted its views. We have exhausted the limits of co-operation in the matter of the State Bank. Members of this House and the public outside will know that there is no use whatever in co-operating with the system of Government which is such as to abort a Bill which has been put on the agenda, upon which plenty of work has been done, and which is practically lost to us. We have had no intimation of this before, and no respect has been paid to this House and its rights and dignity. Therefore, Sir, I consider this as a bolt from the blue. One can guess where that bolt from the blue emanates. I say, Sir, that this really makes it impossible for any one to predicate co-operation hereafter on the part of Members of this House with the Government in any business. If this is the way in which we are to be treated, I would respectfully venture to ask you, Sir, to see whether the time has not come for the Standing Orders to be so amended that, when the Assembly is seized of a Bill, the Assembly should have the right to proceed with the Bill notwithstanding any unwillingness on the part of Government to proceed further with the Bill. Members on this side are in a weak position....

Mr. President : It is not the practice of this House to subject statements made by Government Members to any lengthy debate. Honourable Members are entitled to put questions with a view to elucidate these statements. I have allowed the Honourable Member, under the special circumstances of this case, to make a brief statement, by way of protest and resentment on behalf of non-official Members at the attitude of Government, but I hope Honourable Members will not go further and use this occasion for a lengthy debate on the statement.

Mr. S. Srinivasa Iyengar : Very well, Sir. That is not my intention at all. I only want to express our most emphatic protest, against this signal insult to this House. I think we should like to express our strongest resentment at the way in which we have been treated by the Government, whoever it is, or whichever part it is, because the Government is a corporation. I warn the Government, we consider ourselves to have been treated in the most scurvy fashion.

Mr. T. Prakasam : May I know, Sir, whether instructions have been received from the Secretary of State that the Bill should be withdrawn ?

Mr. President : The Chair has no information on the subject.

Mr. T. Prakasam : May I ask the Honourable the Leader of the House through the Chair, Sir ?

(At this stage all the Members of the Congress Party walked out of the House.)

Mr. President : Does the Honourable Member, the Leader of the Nationalist Party, want to enter a separate protest ?

Lala Lajpat Rai : I just want to associate myself with the protest that has been made by the Leader of the Congress Party.

THE CRIMINAL LAW AMENDMENT BILL.

The Honourable Mr. J. Crerar (Home Member) : I move that the instructions given to the Select Committee on the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose, to present its Report within seven days be withdrawn and that the Select Committee be instructed to present its Report by the 14th September 1927. It has been found impossible, since the passing of the motion to refer the Bill to a Select Committee, to arrange for a meeting of the Select Committee. I understand that to-morrow and the following day a large number of the Members of that Committee would find it inconvenient to attend. It is proposed that this Committee should meet on Monday next. That is the reason why I propose that the time for the presentation of the Report should be extended.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 13th September, 1927.

LEGISLATIVE ASSEMBLY.

Tuesday, 13th September, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

MEMBER SWORN.

Sardar Gulab Singh, M.L.A. (West Punjab : Sikh).

QUESTIONS AND ANSWERS.

TRANSFER OF THE RAILWAY CLEARING HOUSE OFFICE TO DELHI.

913. ***Maulvi Muhammad Yakub** : Will the Government be pleased to state whether the Railway Clearing House office is to be shifted to Delhi in September 1927 ? If so, why have such orders been passed when the Resolution, of which notice has been given by Maulvi Muhammad Yakub, has not yet been discussed in the Assembly ?

Mr. A. A. L. Parsons : The Clearing House office is being moved to Delhi at the end of this month. The accommodation at Lahore, though it could be made to serve the purpose as a temporary measure, was very cramped, in fact, I understand that some of the clerks there had even during the hot weather to work in verandahs. It was therefore most desirable to transfer the office to its permanent location as soon as possible after the question of its location had been decided.

HIRE OR PURCHASE OF BUILDINGS AT DELHI FOR THE RAILWAY CLEARING HOUSE OFFICE.

914. ***Maulvi Muhammad Yakub** : Is it a fact that the building or buildings have been hired or purchased at Delhi for the Railway Clearing House office contrary to the Financial Commissioner of Railways' reply in the Assembly in the last Session on the 25th March 1927 that in Delhi the Government has its own building which can be occupied at a little or at no cost ?

Mr. A. A. L. Parsons : We have purchased one building for 3 lakhs of rupees after ascertaining that there was no Government building in Delhi which could be made available to us for this purpose. It was only a hope which I expressed in the speech to which the Honourable Member has referred, and it has been now found impracticable of realisation.

DEMOLITION OF SOME PARTS OF THE BUILDINGS OF THE LATE OUDH AND ROHILKHAND RAILWAY.

915. ***Maulvi Muhammad Yakub** : Is it a fact that some parts of the late Oudh and Rohilkhand Railway buildings are being demolished ? If so, why ?

Mr. A. A. L. Parsons : If the Honourable Member refers to the general office building of the Oudh and Rohilkhand Railway at Lucknow, the reply is in the negative except that a small bungalow has been condemned as dangerous and is being demolished.

TRANSFER TO LUCKNOW OF THE EMPLOYEES OF THE LATE OUDH AND ROHILKHAND RAILWAY.

916. *Maulvi Muhammad Yakub : Will the Government be pleased to state whether there is any opportunity of bringing the late Oudh and Rohilkhand Railway employees back to Lucknow ? If so, when and how ?

Mr. A. A. L. Parsons : The attention of the Honourable Member is invited to my speech in this House on the 25th March, 1927, in which I explained how the Government and the East Indian Railway Administration were endeavouring in a number of ways to return old Oudh and Rohilkhand Railway men to Lucknow and other up-country stations.

OPENING OF PRIMARY SCHOOLS FOR MUSLIMS IN AJMER-MERWARA.

917. *Maulvi Muhammad Yakub : (*a*) Is it a fact that in view of the comparative fall in the number of Muslim pupils in the primary schools of Ajmer-Merwara the representative of the Provincial Muslim League, Rajputana, waited on the Education Member and submitted a memorandum to the Government of India in October 1925, in which, among other suggestions, numerous centres of Muslim population were pointed out as fit places where primary schools for Muslims could be opened ?

(*b*) If the answer be in the affirmative, will the Government be pleased to state if any schools have since been opened in any of those centres ?

Mr. A. R. Dalal : (*a*) Yes.

(*b*) The Honourable Member is referred to my reply to part (*b*) of his question No. 849 which was asked in this House on the 5th September, 1927.

DEVELOPMENT OF PRIMARY EDUCATION AMONG MUHAMMADANS IN AJMER-MERWARA.

918. *Maulvi Muhammad Yakub : (*a*) Is it a fact that the memorandum by the Provincial Muslim League, Rajputana, submitted to the Government of India in October 1925, reminded the Education Department that in April, 1920, the Honourable the Chief Commissioner of Ajmer-Merwara strongly approved of the formation of a small Committee to develop primary education among Muhammadans ?

(*b*) Is it a fact that the Education Department has not as yet done any thing towards the carrying out of the promise of the Local Government ?

Mr. A. R. Dalal : (*a*) No.

(*b*) Does not arise.

NUMBER OF STUDENTS REFUSED ADMISSION INTO THE GOVERNMENT HIGH SCHOOL AND THE MOINIA ISLAMIA HIGH SCHOOL IN AJMER.

919. ***Maulvi Muhammad Yakub** : Will the Government be pleased to furnish the information as to how many students were refused admission during the session by the Headmasters of the Government High School and the Moinia Islamia High School which are the two Government Schools in Ajmer ? How many of these were Muhammadans ?

Mr. A. R. Dalal : A statement, showing the particulars required by the Honourable Member in so far as they are available, is laid on the table.

Name of School.	Number of boys who were refused admission during the session.		
	Hindus.	Muhammadans.	Total.
1. Government High School, Ajmer*	97	16	113
2. Moinia Islamia High School, Ajmer ..	5	26	31
	102	42	144

*For July 1927 only.

N. B.—The present session commenced only from the 1st July 1927.

NUMBER OF MUHAMMADAN AND MAHRATTA TEACHERS IN THE GOVERNMENT HIGH SCHOOL, AJMER.

920. ***Maulvi Muhammad Yakub** : (*a*) Will the Government be pleased to furnish the information as to how many Muhammadan teachers other than Persian and Urdu Maulvis and the Drill Instructor, were on the staff of the Government High School, Ajmer, on 1st April 1917 and on 1st April 1927 ?

(*b*) Will the Government be further pleased to state how many Maharatta teachers were on the staff on these two dates, respectively ?

Mr. A. R. Dalal : (*a*) and (*b*). A statement giving the information required by the Honourable Member is laid on the table.

Government High School, Ajmer.

———	On 1st April, 1917.	On 1st April, 1927.
Number of Muhammadan teachers (other than Persian and Urdu Maulvis and the Drill Instructor).	3	1
Number of Mahratta teachers	2	5

SUPERVISING STAFF OF THE BOARDING HOUSE OF THE GOVERNMENT HIGH SCHOOL, AJMER.

921. ***Maulvi Muhammad Yakub** : Is it a fact the Assistant Headmaster, Government High School, Ajmer, is also the Superintendent of

the boarding house attached to the School and has an Assistant Superintendent under him who also is a Hindu ? Are there any Muhammadan boys in the boarding house ? If so, why has not a Muhammadan been appointed to hold one of the two posts of the Superintendent and the Assistant Superintendent of the boarding house ?

Mr. A. R. Dalal : The answer to the first two queries is in the affirmative. There are only 18 Muhammadans as against 86 Hindus and 12 Jains in the boarding house.

ENTERTAINMENT OF UNPASSED GIRL CLERKS IN THE ARMY HEADQUARTERS OFFICES.

922. *Mr. **Amar Nath Dutt** : (*a*) With reference to the reply to starred question No. 1330, dated 22nd March 1926, relative to the employment of unpassed girl clerks in some branches of Army Headquarters, will Government please state whether such clerks are still being entertained in these offices ? If so, why ?

(*b*) Are passed candidates available to replace them ?

(*c*) If so, what is the justification to further employ them ?

(*d*) Was it the opinion of a late Quartermaster General in India that girl clerks were more of a hindrance than a help to Government ?

(*e*) Why do the branches of Army Headquarters and the Railway Board engage them in preference to duly qualified clerks ?

Mr. G. M. Young : (*a*) A few lady clerks who are unpassed are still employed because no passed lady clerks are available.

(*b*) Only passed men clerks are available.

(*c*) Lady clerks are considered to be more suitable for the work on which they are employed.

(*d*) No, Sir.

(*e*) For the reason given in my answer to part (*c*).

I am informed that the only ladies at present employed in the Railway Board's office are two typists and one stenographer.

GRANT OF HOUSE RENT ALLOWANCES TO THE CLERICAL STAFF OF THE ARMY HEADQUARTERS, ETC.

923. *Mr. **Amar Nath Dutt** : (*a*) With reference to the reply on 22nd March 1927 to starred question No. 1109, relative to the grant of house rent allowances to the clerical staff of the Army Headquarters, will Government please state whether the amounts have since been worked out ?

(*b*) If not, why not ?

(*c*) Has the expert inquiry been instituted ?

(*d*) If not, when will it be done ?

(*e*) Will Government please say when the labours of the expert inquiry are likely to be finished ?

(*f*) Who are the personnel of the inquiry ?

(*g*) Is it a fact that the 2nd Innes Committee recommended some reduction from the officers' establishment of the Army Headquarters ?

(*h*) If so, has any effect been given to these recommendations ?

(*i*) If not, why not ?

Mr. G. M. Young : (*a*) Yes. The net extra cost is estimated at Rs. 1½ lakhs.

(*b*) Does not arise.

(*c*) and (*d*). The officer conducting the inquiry was expected to arrive by the last mail and will begin his inquiry immediately.

(*e*) Probably by the middle of November.

(*f*) The inquiry is being conducted by Mr. H. N. Heseltine, C.I.E., an officer of the Finance Department, who retired in 1918 after 37 years' service, and is an expert in office establishments.

(*g*) Yes.

(*h*) Yes.

(*i*) Does not arise.

GRANT OF NOT-ENTITLED OR INDULGENCE PASSAGES TO CIVILIAN CLERKS OF THE ARMY DEPARTMENT AND ARMY HEADQUARTERS HAVING AN INDIAN DOMICILE.

924. ***Mr. Amar Nath Dutt** : (*a*) Is it a fact that under Army Regulations, India, Volume X, civilian clerks of the Army Department and Army Headquarters are entitled to not-entitled or *indulgence* passages to the United Kingdom and back to India ?

(*b*) If so, will Government please state whether the rule is equally applicable to civilian clerks having an Indian domicile ?

(*c*) If not, why not ?

Mr. G. M. Young : (*a*) A not-entitled passage is a passage to which no one is entitled, but all civilian clerks in the Army Department are eligible for not-entitled passages if vacant berths are available. Under present conditions, the supply of entitled passages is barely sufficient to meet requirements : and there are no berths left over for not-entitled passages, which exist now only in name.

(*b*) The question of domicile has never been raised in this connection.

(*c*) Does not arise.

LEAVE RESERVE FOR THE CLERICAL ESTABLISHMENT OF THE ARMY HEADQUARTERS.

925. ***Mr. Amar Nath Dutt** : (*a*) Is it a fact that the principle of the leave reserve for the clerical establishment of the Army Headquarters has been accepted by the Government ?

(*b*) If so, when is it proposed to give effect to this principle ?

Mr. G. M. Young : (*a*) and (*b*). The question is under the consideration of the Government of India, and a decision will be reached after the report of the officer, who is inquiring into the clerical establishments of Army Headquarters, has been received.

SEPARATE COMPARTMENTS FOR EUROPEAN AND ANGLO-INDIAN AND INDIAN CLERKS IN THE SPECIAL TRAIN RUNNING BETWEEN SUMMER HILL AND THE SIMLA GOODS SHED.

926. ***Mr. Amar Nath Dutt** : (*a*) Is it a fact that a special train composed of three bogie carriages runs on week days between Summer Hill and Simla Goods Shed to transport clerks of the Army Headquarters residing at Summer Hill ?

(*b*) If so, will Government please state whether there are any orders under which Indian clerks and Superintendents are not allowed to travel in the same compartment with their European and Anglo-Indian fellow clerks ?

(*c*) Are Government aware that there is a widespread discontent among the Indian clerks that they are made to travel with menials and domestic servants of the European and Anglo-Indian clerks in the same compartment ?

(*d*) Are Government prepared to issue orders to stop this practice ?

Mr. G. M. Young : (*a*) Yes.

(*b*) No, Sir, there is no separate reservation for European, Indian or Anglo-Indian clerks.

(*c*) The answer is in the negative. Government are not aware of any widespread discontent among the Indian clerks. These clerks are not made to travel with menials or domestic servants.

(*d*) Does not arise.

RETENTION OF THE OFFICE OF THE MASTER GENERAL OF SUPPLY IN SIMLA DURING THE WINTER.

927. ***Mr. Amar Nath Dutt** : (*a*) Is it a fact that, with the exception of the Master General of Supply Branch, other Branches of Army Headquarters, either wholly or partly, move down to Delhi during the winter months ?

(*b*) If so, will Government please state why this Branch is differently treated in the matter of the move ?

(*c*) Are Government aware that there is widespread discontent amongst the officers and clerks of this Branch that while their confreres in other Branches of Army Headquarters go down to Delhi, they are forced to spend the snowy months in Simla ?

(*d*) Is it a fact that on this account a large number of applications for privilege leave for winter months are received from the civilian clerks of this Branch ?

(*e*) Is it a fact that generally medical certificates are called for from the clerks before leave is granted ?

(*f*) If so, why cannot leave earned and admissible be granted without medical certificates ?

Mr. G. M. Young : (*a*) Yes, Sir.

(*b*) There is not sufficient accommodation at Delhi for all the Branches of Army Headquarters, and there is nothing to be gained administratively by bringing the Master General of Supply's Branch down to Delhi for the winter.

(*c*) There is no discontent amongst the officers, and Government are not aware of any widespread discontent among the clerks.

(*d*) No, Sir. On the contrary, the majority of applications for privilege leave are received, and granted, during the summer months.

(*e*) No, Sir.

(*f*) Does not arise.

ABOLITION OF THE EXAMINATION SYSTEM FOR RECRUITMENT TO THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

928. *Mr. **Amar Nath Dutt** : (*a*) Is it a fact that a proposal for the abolition of the examination system for recruitment to the Government of India Secretariat and attached offices is under contemplation ?

(*b*) If so, when will the decision be arrived at ?

(*c*) Is it a fact that the proposal is to revive the old system whereby recruitment used to be made on the nomination basis ?

(*d*) If so, what will be the fate of those candidates who have already qualified for appointments in the respective divisions at the examinations held by the late Staff Selection Board and the Public Service Commission ?

(*e*) Do Government propose to issue orders to the effect that these men should be given preference to outsiders ? If not, why not ?

The Honourable Mr. J. Crerar : (*a*) The answer is in the negative.

(*b*), (*c*), (*d*) and (*e*). Do not arise.

ALLEGED USE OF A TIME-EXPIRED PASS BY THE SUPERINTENDENT, RAILWAY MAIL SERVICE. T. DIVISION, FOR HIS JOURNEY FROM MADRAS TO TRICHINOPOLY.

929. *Mr. **Amar Nath Dutt** : (*a*) Has the attention of the Director General, Posts and Telegraphs, India, and of the Government of India been drawn to resolution No. 2, passed by the Bangalore Railway Mail Service Association on the 31st October, 1926, and published at page 310 of the General Letter for November 1926 issued by the All-India Postal and R. M. S. Union, Madras Circle ?

(*b*) What are the " card passes " referred to ?

(*c*) Were they issued before or after 1st April 1926 ?

(*d*) If before the 1st April 1926, how were they current after the 1st April 1926 when passes had been withdrawn ?

(*e*) Is it true that the Superintendent, R. M. S., T. Division, travelled under cover of such a time-expired pass from Madras to Trichinopoly on

the 18th September, 1926, in a first class compartment and was challenged by the Travelling Ticket Examiner, Mr. Srinivasa Iyengar, at Tanjore ?

(*f*) When was this time-expired pass actually withdrawn from the Superintendent ?

(*g*) Did the Superintendent use that pass from the 1st April 1926 up to the date of withdrawal ?

(*h*) If so, did he deduct in his travelling allowance bill the railway fare covered by the free pass ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : Government have no information on the subject. Enquiries are being made and a reply will be sent to the Honourable Member in due course.

RETENTION OF EXCESS CLERKS IN THE OFFICES OF SUPERINTENDENTS OF POST OFFICES AND THE RAILWAY MAIL SERVICE.

930. *Mr. Amar Nath Dutt : (*a*) Is it a fact that orders have been issued that no clerk should be retained excess in the offices of the Superintendents of Post Offices and the Railway Mail Service ?

(*b*) When were the orders issued ?

(*c*) Is it also a fact that Superintendents are asked to certify in their diaries that no excess clerks are retained in their offices ?

(*d*) Is it a fact that one K. Ramaswamy Pillai was retained in the office of the Superintendent, R. M. S., T. Division, Trichinopoly, in excess from January 1927 to June 1927 ?

(*e*) Have Government taken notice of this irregular retention ?

Mr. H. A. Sams : (*a*) Yes.

(*b*) 7th March, 1927.

(*c*) Yes.

(*d*) Information has been called for and will be furnished to the Honourable Member in due course.

(*e*) Action will be taken if necessary.

APPOINTMENT OF VENKATASWAMY, POSTAL MAIL OVERSEER, NELLORE DIVISION, AS A MAIL GUARD IN THE RAILWAY MAIL SERVICE, TRICHINOPOLY.

931. *Mr. Amar Nath Dutt : (1) Is it a fact that one Venkataswamy, postal mail overseer, Nellore Division, has been appointed a mail guard Trichinopoly Railway Mail Service in May 1927 ?

(2) If so, will Government kindly state if the appointment is permitted by the rules of the Department ?

(3) Has the appointment blocked the promotion of van peons to the post of mail guards ?

(4) Is it a fact that this Venkataswamy travelled in the mail van with section T.-2 Out Set No. 3 on the 28th May, from Trichinopoly to Egmore on a requisition given by the Sub-Record Clerk, Trichinopoly R. M. S. ?

(5) What appointment did he hold on the date in the Railway Mail Service and why was he allowed to travel at Government cost from Trichinopoly to Egmore ?

(6) Is it true that the present Superintendent, Railway Mail Service, T.-Division, was in 1924 Superintendent of Post Offices, Nellore Division ?

Mr. H. A. Sams : (1) Yes. But he did not join.

(2) Yes. Direct recruitment is permitted.

(3) Does not arise, in view of the reply to (1).

(4) and (5). Information has been called for and will be supplied to the Honourable Member.

(6) Yes. Up to 1st September, 1924.

IMPROVEMENT OF THE PROSPECTS AND TERMS OF SERVICE OF SUPPLY AND TRANSPORT STORE-KEEPERS IN THE INDIAN ARMY SERVICE CORPS.

932. ***Rao Bahadur M. C. Rajah** : (*a*) Will the Government please state the total number of candidates that offered themselves for the clerical and storekeepers' appointments respectively at each of the last two examinations for recruitment in the Indian Army Service Corps of Supply and Transport clerks and storekeepers ?

(*b*) What is the total number of qualified candidates on the waiting list for clerical and storekeepers' appointments respectively ?

(*c*) Is it a fact that the storekeepers have to prove their knowledge of book-keeping in addition to passing the usual test which is common for clerks and storekeepers ?

(*d*) Is it a fact that the storekeepers have to deposit a cash security of Rs. 1,200 which is not demanded from clerks ?

(*e*) Is it also a fact that the scale of pay of storekeepers is much lower than that of clerks ?

(*f*) When do the Government propose to improve the prospects and terms of service of the Supply and Transport storekeepers to attract a sufficient number of qualified candidates ?

Mr. G. M. Young : (*a*) 750 candidates applied for clerical appointments and 62 for storekeepers' appointments in the last examination but one. The numbers for the last examination were 738 and 180, respectively.

(*b*) 127 for clerical appointments and none for storekeepers' appointments.

(*c*) Yes.

(*d*) Yes, because storekeepers have charge of valuable Government stores. Interest on this security is paid annually to the storekeeper.

(*e*) No, Sir. The initial pay of clerks and storekeepers is the same. The prospects of the clerks and of those storekeepers who are employed in the M. T. Branch are slightly better than those of storekeepers in the Supply Branch.

(*f*) A sufficient number of qualified candidates already apply for appointment as storekeepers ; the remainder of the question does not therefore arise.

APPOINTMENT OF CANDIDATES WHO PASSED THE QUALIFYING TEST FOR CLERKS FOR THE INDIAN ARMY SERVICE CORPS AS SUPPLY AND TRANSPORT CHECKERS.

933. ***Rao Bahadur M. C. Rajah** : (*a*) Is it a fact that a large number of candidates who passed the Indian Army Service Corps examinations for clerical appointments as early as in March, 1926, have not so far been provided ?

(*b*) How many posts of Supply and Transport checkers have been filled since March 1926 ?

(*c*) Were all or any of these posts of checkers which were offered to passed clerks accepted by any of them ?

(*d*) Do the Government propose to issue instructions to the effect that in future all vacancies of checkers should first be offered to passed clerks that have not so far been appointed ?

Mr. G. M. Young : (*a*) Yes.

(*b*) 43.

(*c*) Three of the candidates who passed the qualifying test for clerks have been appointed checkers.

(*d*) Yes.

AGE LIMIT PRESCRIBED FOR DEPARTMENTAL PROMOTIONS IN CERTAIN SERVICES.

934. ***Rao Bahadur M. C. Rajah** : (*a*) Will the Government please state whether any age limit is prescribed for the promotion of postal officials from the grade of Inspector to that of Superintendent, or for departmental nomination for the All-India Accounts and Audit Service, or for promotion from the ministerial appointment of a Superintendent in the Secretariat to that of Assistant Secretary ?

(*b*) Is it a fact that departmental candidates holding permanent appointments in the second division of the Secretariat are not considered eligible candidates for examination for the first division of the Secretariat if they are above thirty ?

(*c*) If so, when do the Government propose to remove this restriction ?

The Honourable Mr. J. Crerar : (*a*) I understand that promotion to the grade of Superintendent of Post Offices is allowed to postal officials after they have passed the departmental examination. Ordinarily no one is nominated for the examination whose age exceeds 31 years. There is no age limit prescribed for the promotion of subordinates to the Indian Audit and Accounts Service, or of members of the ministerial establishment to the rank of Assistant Secretaries in the Departments of the Government of India.

(*b*) Yes.

(*c*) Government do not consider that it is in the interests of the public service that clerks in the Secretariat should continue year after year to prepare and enter for examinations till an advanced age, and the age of 30 appears to represent a reasonable limit.

GRANT OF PERMISSION TO ASSISTANTS OF ATTACHED OFFICES TO APPEAR AT DEPARTMENTAL EXAMINATIONS FOR PROMOTION AS SECRETARIAT ASSISTANTS.

935. ***Rao Bahadur M. C. Rajah** : (*a*) Will the Government state the nature of work usually entrusted to (*a*) second division clerks of the Secretariat (*b*) assistants of attached offices and (*c*) assistants of the Secretariat ?

(*b*) Is it a fact that the duties of attached office assistants are more like those of the Secretariat assistants than of those of the second division Secretariat clerks ?

(*c*) Is it a fact that second division Secretariat clerks are usually considered eligible for departmental examination for the Secretariat assistants and that the attached office assistants are not permitted to appear at *departmental* examinations for promotion as Secretariat assistants after passing the usual examination ?

(*d*) When do the Government propose to remove this treatment accorded to the attached office assistants ?

The Honourable Mr. J. Crerar : (*a*) I would refer the Honourable Member to the reply given by the Honourable Sir Alexander Muddiman on the 15th September, 1925, to Mr. Mahmood Schamnad Sahib Bahadur's question No. 943.

(*b*) No, Sir. I should say it was a matter of opinion.

(*c*) No purely departmental examinations are now held for promotion to the upper division. All candidates who are eligible under the rules, whether outsiders or departmental, are examined together and the successful candidates come on to a common list from which selections are made for appointments in the upper division.

(*d*) Does not arise.

REVISION OF THE PAY AND PROSPECTS OF FIRST DIVISION ASSISTANTS IN ATTACHED OFFICES.

936. ***Rao Bahadur M. C. Rajah** : (*a*) Is it a fact that the following educational qualifications were prescribed for admission to the Staff Selection Board examination in 1920, namely—First division Secretariat, University Degree, first division attached offices, University Degree, second division Secretariat, Intermediate ?

(*b*) Is it also a fact that the following educational qualifications were prescribed for admission to the Public Service examination in 1926—First division Secretariat and also attached offices, Intermediate, second division Secretariat, Matriculation ?

(*c*) Is it a fact that the educational qualifications and also the nature of work expected from attached office first division is more like that of the Secretariat first division than the Secretariat second division ?

(*d*) Is it a fact that the scales of pay and allowances (specially the maximum pay) of first division attached offices is not better than those of the second division Secretariat ?

(*e*) Is it a fact that the prospects of departmental promotion to the first division Secretariat are better for the second division Secretariat than for the first division attached offices ?

(*f*) When do the Government propose to revise the pay and prospects of the first division attached offices to bring them nearer to the first division Secretariat ?

The Honourable Mr. J. Crerar : (*a*) Yes.

(*b*) For the examination conducted by the Public Service Commission, Ministerial Selection Branch, in November, 1926, the Intermediate standard of any University or the Senior Cambridge was prescribed as the minimum educational qualification required of outside candidates for the first and second division.

(*c*) No exact comparison can be made as conditions vary so widely.

(*d*) The scale of pay for first division assistants in an attached office is Rs. 120—8—160—10—350 and, in certain offices Rs. 220—12—440.

The scale for second division Secretariat clerk is Rs. 100—8—172—*efficiency bar*—180—8—300 with a special grade of Rs. 300—25—350. The special grade is confined to those who show special merit and capacity and fulfil certain other conditions of service : it is also subject to a limit of 10 per cent. of the permanent staff. It will be seen that the two scales are not strictly comparable.

(*e*) It is open to an attached office assistant, who is duly qualified, to apply for a post in the Secretariat first division.

(*f*) The Government of India do not propose to take any action in the matter.

REVISION OF THE PAY OF THE ESTABLISHMENT OF ATTACHED OFFICES.

937. *Rao Bahadur **M. C. Rajah** : (*a*) Will the Government please state the date on which they received the representation from the attached offices for revision of their pay ?

(*b*) What has been the cause of delay in announcing the decision and what is the present stage of the case ?

(*c*) When do the Government propose to issue orders and when do they propose to give retrospective effect from the date on which they received the representation or the date from which they sanctioned increase in the scale of pay of attached office stenographers ?

The Honourable Mr. J. Crerar : (*a*) The representation was received in June 1926.

(*b*) and (*c*). It was necessary to obtain the views of all Departments of the Government of India in the matter. Orders declining to undertake any general revision of pay were issued on the 5th September, 1927.

†938.*

† Not asked at the meeting, but the question and the answer thereto will be found at pages 4231—32 of these proceedings.

CARRIAGE, FREE OF CHARGE, BY THE MADRAS AND SOUTHERN MAHRATTA RAILWAY OF CLOTHES AND OTHER NECESSARIES OF LIFE FOR THE SUFFERERS FROM FLOODS IN GUJARAT.

939. ***Mr. D. V. Belvi** : Will Government be pleased to state :

(*a*) If their attention has been called to a message from the Free Press of India under the caption " Karnatak Workers for Flood Areas " published in the issue of the *Indian Daily Herald* of Bombay in its issue of the 22nd August, 1927 ?

(*b*) If so, whether it is true that the Madras and Southern Mahratta Railway Company has refused to carry clothes and other necessaries of life for the benefit of sufferers from the floods in Gujarat from the Karnatak, free of charge ?

(*c*) If they will lay on the table the correspondence on this subject between Dr. N. S. Hardikar and the said Railway Company ?

Mr. A. A. L. Parsons : Government have received an extract copy of the article referred to from the Honourable Member and are making enquiries the result of which will be communicated to him.

TRAVELLING ALLOWANCE OF INDIAN APPRENTICE ENGINEERS OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

940. ***Rai Sahib Harbilas Sarda** : (*a*) Is it a fact that under the rules in force on the Bombay, Baroda and Central India Railway all apprentice engineers on that line are entitled to receive travelling allowance at the rate of Rs. 4 per night ?

(*b*) Are Indian apprentice engineers paid travelling allowance at that rate ?

(*c*) If not, will Government give reasons why this is not done ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) The rule draws no distinction between Indians and non-Indians.

(*c*) Does not arise.

TOTAL NUMBER OF APPOINTMENTS ON RS. 500 AND OVER ON STATE RAILWAYS.

941. ***Mr. Ram Narayan Singh** : (*a*) Will the Government be pleased to state the number of appointments carrying a salary of Rs. 500 and above in the Railway Departments under the Government ?

(*b*) How many of these appointments are held by Indians (excluding Anglo-Indians) in general and by Biharis in particular ?

Mr. A. A. L. Parsons : I would refer the Honourable Member to Appendix ' F ' in the Report on Indian Railways, Volume I, for 1925-26. Anglo-Indians are not shown separately from other Indians in this Appendix ; but, as I explained to the House the other day, we propose to separate the figures in future. Our statistics do not show the provinces from which employees come.

TOTAL NUMBER OF CIVIL ENGINEERS IN THE RAILWAY DEPARTMENT.

942. *Mr. Ram Narayan Singh : (a) What is the total strength of civil engineers in the Railway Departments under the Government ?

(b) How many of these railway civil engineers are Indians (excluding Anglo-Indians) ?

(c) Is any of these Indian civil engineers in the Railway Department a Bihari ?

Mr. A. A. L. Parsons : The permanent engineer officers number 310, of whom 87 are Indians, excluding statutory Indians. Government do not know how many are Biharis.

APPOINTMENT OF INDIANS AS RAILWAY CIVIL ENGINEERS.

943. *Mr. Ram Narayan Singh : (a) Will the Government be pleased to state the number of posts of railway civil engineers that fell vacant within a period of the past five years and also the number of Indians (excluding Anglo-Indians) who were appointed as such ?

(b) Will the Government be pleased to state the number of posts of railway civil engineers that are likely to fall vacant in the coming five years ?

(c) Will all these posts be filled up by qualified Indians ? If not, why ?

Mr. A. A. L. Parsons : (a) 39. 19 Indians, excluding statutory Indians, were appointed.

(b) 60 approximately.

(c) They will be filled in accordance with the regulations published with Railway Board's Resolutions No. 2058-E., dated 15th July, 1926, and 4048-E., dated 6th July, 1927, which appeared in the Gazette of India, dated 17th July, 1926, and 9th July, 1927, respectively.

APPOINTMENT OF QUALIFIED INDIANS AS RAILWAY CIVIL ENGINEERS.

944. *Mr. Ram Narayan Singh : (a) Are the Government aware that a large number of Indians including some Biharis having qualified themselves for the posts of railway civil engineers from British Universities are sitting idle for want of employment ?

(b) Will the Government state the number of applications from Indian candidates for the above posts ?

(c) Is there any such application from a Bihari candidate ?

Mr. A. A. L. Parsons : (a) Government are aware that some Indians have returned from abroad having qualified as civil engineers in British Universities.

(b) and (c). Appointments are made in accordance with the regulations referred to in the reply given by me to the Honourable Member's previous Question. Under these regulations all applications are dealt with by the Selection Committees appointed by Provincial Governments and consequently the Government of India do not know exactly how many applications were received by the Bihar and Orissa Committee. I might, however,

mention that out of a quota of 7 candidates for the Indian Railway Service of Engineers allowed to the Bihar and Orissa Province for the 1926 examination, that Province nominated only 4 candidates. None of these qualified at the examination.

INDIANISATION OF THE RAILWAY DEPARTMENT.

945. *Mr. Ram Narayan Singh : Is it a fact that the Government are pledged to Indianise the Railway Department? Are the Government prepared to announce and to definitely direct the Railway Board that qualified Indians being available, all vacancies in all grades of the Railway Department shall in future be filled up by Indians ?

Mr. A. A. L. Parsons : The policy of Government is that recommended by the Lee Commission in paragraph 42 (*d*) of their report. I would refer the Honourable Member to the Railway Department's Resolution No. 2658-E., dated 15th July, 1926, in which it was announced that those recommendations of the Lee Commission were accepted by Government.

REPAIR OF BREACHES OF THE LINE ON THE BENGAL NAGPUR RAILWAY.

946. *Pandit Nilakantha Das : (*a*) Are Government aware that the Bengal Nagpur Railway Company expected to repair the breaches of the line due to the Orissa floods in three weeks ?

(*b*) When are they going to resume regular traffic ?

(*c*) Did the Engineer, Bengal Nagpur Railway, suddenly reduce the wages of labourers working on the breaches to 8 annas per day, thus making about 2,000 men leave work three or four days ago ?

(*d*) Do Government propose to ask the Company to raise wages so that the distressed people of the locality may find it possible to work ?

Mr. A. A. L. Parsons : (*a*) and (*b*). Our latest information is that the Bengal Nagpur Railway Administration expect through running to be restored by the 15th of this month. They originally hoped to repair the very extensive breaches on the East Coast line earlier, but have been much hampered by further floods from the Baitarani river.

(*c*) and (*d*). Government have received no information to this effect and do not propose to address the Railway Administration on the subject.

RETRENCHMENT ON THE BENGAL NAGPUR RAILWAY.

947. *Pandit Nilakantha Das : Have the Railway Board issued any new orders this year for retrenchment to the Bengal Nagpur Railway ?

Mr. A. A. L. Parsons : No. The Honourable Member is possibly referring to letters which the Railway Board issued this summer to all Railway Administrations suggesting an investigation by them of methods whereby they could obtain economy in administrative charges and in their expenditure on the repairs and maintenance of rolling stock. I am having copies of these letters placed in the Library.

RETRENCHMENT ON THE BENGAL NAGPUR RAILWAY.

948. *Pandit Nilakantha Das : (*a*) Were there any complaints purporting that the present retrenchment in the Bengal Nagpur Railway is

contemplated as a measure of retaliation against the recent strike by means of (*i*) representation or deputation ; (*ii*) meetings and resolution ; (*iii*) criticisms in the Press ?

(*b*) If so, what are those complaints and how were they met ?

Mr. A. A. L. Parsons : Government have received no complaints to this effect, though, I believe, that there have been suggestions in one or more papers to the effect that the contemplated reduction in the staff of the Kharagpur workshops is a measure of victimization. I am, therefore, very glad to be able to take this opportunity of stating publicly that this is not so. The reductions are entirely due to the fact that there is not now, and is not likely to be for a very considerable period, sufficient work in the Kharagpur workshops to keep the present number of men there employed.

As I have explained in reply to a question recently put by Mr. Joshi, no question of retrenchment arises.

Mr. N. M. Joshi : May I ask whether Government are aware that Mr. Towers, the Works Manager of the Kharagpur Shops, issued instructions to the foremen that those people who had acted as blacklegs during the last strike should not be retrenched at any cost ?

Mr. A. A. L. Parsons : I am not aware of it, but if any such instructions were issued they were quite without authority.

Mr. N. M. Joshi : Will the Government inquire whether such instructions were issued and what steps do Government propose to take to deal with the officer who issued such instructions ?

Mr. A. A. L. Parsons : As I have said, I am not aware that such instructions have been issued. I will make inquiries.

RETRENCHMENT ON THE BENGAL NAGPUR RAILWAY.

949. ***Pandit Nilakantha Das** : (*a*) How many men have been discharged during the last six months in the Bengal Nagpur Railway ?

(*b*) How many of them had put in more than three years' service or regular work ?

(*c*) How many permanent employees have been discharged under the present policy of retrenchment ?

(*i*) How many in 1926,

and (*ii*) How many in 1927 up-to-date ?

Mr. A. A. L. Parsons : (*a*) and (*b*). I presume that the Honourable Member is referring to discharges from the Kharagpur workshops. If so, as has been explained in replies recently given to the Honourable Mr. Joshi, 178 men were discharged prior to the issue of the recent notice of reduction in establishment and it is proposed to dispense with the services of about 2,000 more either by voluntary resignations or by discharges. Government are not aware how many of the men who have been formerly discharged had put in more than three years' service but, as is explained in the notice, a copy of which has previously been laid on the table, the reduction will be made, in the first place, from men approaching or past 55.

(*c*) No employees have, so far as Government are aware, been discharged during the two years mentioned as a measure of retrenchment.

Mr. N. M. Joshi : May I ask whether the Government are aware that during the last two months, when proposals for economy were being considered, the Bengal Nagpur Railway engaged more than 300 new men ?

Mr. A. A. L. Parsons : I do not think I have received any information to that effect, Sir. If the Honourable Member will give me the information in his possession, I shall be glad to inquire.

Pandit Nilakantha Das : Was any assurance given that men working more than three years would not be discharged ?

Mr. A. A. L. Parsons : No assurance was given to that effect, but as was explained in the notice, the methods adopted to effect the reduction are as follows :

> First of all, voluntary resignations, which were acceptable up to the 7th September ; thereafter people who were approaching the age of retirement, that is to say, men of the age of 54 or 55 ; thereafter by selection from persons according to their work, men who had done the best work naturally being retained. I did however bring to the notice of the Agent of the Bengal Nagpur Railway, as the result of a question put to me by some Honourable Member when last the subject came up before this House, the suggestion that he should, other things being equal, give preference in retention to those people who had had done a good many years of good service on the railway.

RETRENCHMENT ON THE BENGAL NAGPUR RAILWAY CONSEQUENT ON THE INTRODUCTION OF PUNCHING AND THE DISC SYSTEM.

950. ***Pandit Nilakantha Das** : (*a*) Did the Loco.-Auditor, Bengal Nagpur Railway, introduce punching and the Disc system ?

(*b*) What was the retrenchment achieved in introducing that system ?

(*c*) Is the system working ?

Mr. A. A. L. Parsons : Information has been called for from the Bengal Nagpur Railway and will be supplied to the Honourable Member on receipt

RETRENCHMENT ON THE BENGAL NAGPUR RAILWAY CONSEQUENT ON THE INTRODUCTION OF ADDRESSOGRAPH AND GRAPHOTYPE AND ACCOUNTING MACHINES.

951. *Pandit Nilakantha Das : (*a*) Has the Loco.-Auditor introduced any Addressograph and Graphotype machine, and accounting machine for compilation of pay sheets, etc. ?

(*b*) What is the entire cost of the establishment of those machines ; and what is the price of the machinery ?

(c) What retrenchment has the new machinery arrangement effected ? Will the Government please give an exact estimate ?

Mr. A. A. L. Parsons: Information has been called for from the Bengal Nagpur Railway and will be supplied to the Honourable Member on receipt.

EXPENDITURE ON THE BENGAL NAGPUR RAILWAY FOR SUPERIOR AND SUBORDINATE SUPERVISING STAFFS.

952. ***Pandit Nilakantha Das**: Will the Government give statements comparing in the Bengal Nagpur Railway the estimated expenditure between 1920-21 and 1926-27 :

(i) for the maintenance of superior supervising staffs under the heads

(a) Engineering, (b) Loco. Carriage. (c) Traffic, (d) Agency, (e) Audit, (f) Stores, (g) Watch and Ward ; and

(ii) for the maintenance of subordinate supervising staff under the heads

(a) Engineering, (b) Loco. Carriage, (c) Traffic, (d) Audits, (e) Agency, (f) Stores ?

Mr. A. A. L. Parsons: As I explained on the 7th instant in reply to a question by Mr. Joshi, the final figures for 1926-27 are not yet available ; but I will supply the Honourable Member with the information required as soon as they come in.

Pandit Nilakantha Das: Will the Honourable Member lay the information, when received, on the table ?

Mr. A. A. L. Parsons: I will see what the size of the statement is, Sir. If it is not long, I will lay it on the table ; otherwise I will place it in the Library.

CASES OF ASSAULT BY SUPERIOR OFFICERS ON WORKERS AND LABOURERS IN THE BENGAL NAGPUR RAILWAY.

953. ***Pandit Nilakantha Das**: (a) Are the Government aware of the statement of the Agent, Bengal Nagpur Railway, in the supplement to Bengal Nagpur Railway, Gazette No. 8 of 19th February 1927, that "undoubtedly such cases (of assault by superior officers on workers and labourers) do occur, and inevitably must occur owing to the frailties of human nature, but any proved cases of physical violence and gross and excessive abuse will be promptly dealt with" ?

(b) How many cases of assault, bribery, victimisation, ill-treatment and harassment have since come to the notice of the Agent, and how have they been dealt with ?

(c) How, in this connection, has the Agent dealt with the persons concerned in the recent case Mr. Mclaren *versus* Mewaram (A.I case No. 1035 of 1927, in the Court of Md. F. Karim, Deputy Magistrate, Midnapur) ?

Mr. A. A. L. Parsons: I have called for the information, and will communicate with the Honourable Member when it is received.

ALLEGED ORGANISED CONSPIRACY OF MUHAMMADANS TO MURDER HINDUS.

954. *Pandit Nilakantha Das : (a) Has the attention of the Government been drawn to the large Hindu meeting in Delhi held on 26th August 1927 where a resolution referred to an organised conspiracy of Muhammadans to murder Hindus ?

(b) Do the Government contemplate in any way moving in the matter ?

The Honourable Mr. J. Crerar : (a) Government have seen references to the meeting.

(b) Government do not accept the fact that there is any such conspiracy.

DEPARTMENT OF INDUSTRIES AND LABOUR AND THE PUBLIC WORKS DEPARTMENT.

955. *Pandit Nilakantha Das : (a) Is it a fact that the late Department of Industries and the Public Works Department were amalgamated into the newly formed Department of Industries and Labour in 1923 as a measure of retrenchment ?

(b) Is it also a fact that the two Departments still remain as separate units with separate establishments, etc., with a common Secretary ? If so, why so ?

(c) Do Government propose to merge them into one ? If so, when ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes, partly in pursuance of the recommendations of the Inchcape Committee, and partly as a measure of general administrative convenience.

(b) Yes, because this arrangement has hitherto been found convenient.

(c) There is no such intention at present.

MAIL SUBSIDIES TO THE BRITISH INDIAN STEAM NAVIGATION COMPANY AND THE PENINSULAR AND ORIENTAL STEAM NAVIGATION COMPANY.

956. *Lieut.-Colonel H. A. J. Gidney : 1. Will the Government please state if any subsidies are given to the British Indian Steam Navigation Company and the Peninsular and Oriental Steam Navigation Company for :

(a) carrying overseas Imperial Mail to Europe, and

(b) Indian Mails in Eastern waters including ports in India and Burma ?

2. If so, will the Honourable Member please inform this House of the total amount of such subsidies per annum ?

Mr. H. A. Sams : 1 and 2. The subsidy paid to the British Indian Steam Navigation Company annually is Rs. 15,18,000, while a sum of £22,000 is paid annually to the British Government as India's share of the subsidy payable to the P. and O. Company.

DISCONTENT CAUSED BY THE PROMOTION OF MR. T. MANSER, ASSISTANT ENGINEER, TO THE 1ST DIVISION OF THE TELEGRAPH ENGINEERING BRANCH.

957. *Lieut.-Colonel H. A. J. Gidney : (*a*) Are Government aware of the discontent which the recent promotion of Mr. T. Manser, Assistant Engineer, to the 1st Division of the Telegraph Engineering Branch has caused ?

(*b*) Is it a fact that Mr. Manser superseded 13 Deputy Assistant Engineers in 1925 and 10 Assistant Engineers in 1927 ?

(*c*) Will the Honourable Member be pleased to state the qualifications possessed by Mr. Manser which entitled him to such a whirlwind promotion by selection ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) No.

(*b*) Yes.

(*c*) Promotion from the 2nd to the 1st Division of the Engineering Branch is a matter of pure selection. In the case of Mr. Manser, his promotion to the 1st Division was made by Government after consultation with the Public Service Commission. The Commission reviewed the cases of all men senior to Mr. Manser in the 3 Engineering Branches and advised that he was the most suitable man for promotion.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member kindly tell me whether it is a fact that all such departmental promotions depend entirely on the recommendations of the Head of the Department, and that, outside this as also the files of the applicants before them, the Public Service Commission are in no position whatever to give an independent and impartial opinion on the comparative suitability of the qualifications of the candidates.

The Honourable Sir Bhupendra Nath Mitra : The answer to the first part of the Honourable Member's question is in the negative. It is not a fact that these promotions depend entirely on the opinions expressed by the Head of the Department. With regard to the second part, the Public Service Commission are undoubtedly in a position to arrive at a correct judgment after examining the various records placed before them.

Lieut.-Colonel H. A. J. Gidney : Arising out of that answer, Sir, will the Honourable Member please state whether it is a fact that the Public Service Commission, realising their difficulties, are not very desirous of continuing to make such selection promotions in Departments ?

The Honourable Sir Bhupendra Nath Mitra : I have no information on that point, Sir.

Mr. K. Ahmed : Will the Honourable Member be pleased to state whether he sends materials to the Public Service Commission for them to arrive at the conclusion that certain officers who are considered fit for promotion have done certain meritorious work in his Department ?

The Honourable Sir Bhupendra Nath Mitra : I am sorry I did not catch the Honourable Member's question.

Mr. K. Ahmed : Is there any way whereby the Honourable Member's Department places sufficient materials before the Public Service Commission sitting here now, to come to the conclusion that a certain officer is fit for promotion as has worked meritoriously in his Department ?

The Honourable Sir Bhupendra Nath Mitra : Complete materials are supplied to the Public Service Commission to enable them to arrive at conclusions in the matter.

Mr. K. Ahmed : Does the Honourable Member send in the names of certain officers working under him saying that they are fit for promotions, because they have done meritorious work in his Department ; and, with regard to this case brought to notice by Colonel Gidney, will the Honourable Member please state whether certain promotions were made on the recommendation of the Honourable Member ?

The Honourable Sir Bhupendra Nath Mitra : No recommendations were made by me personally. Recommendations were made by the Head of the Department, and all the relevant papers were placed before the Public Service Commission.

REVISED RATES OF PAY FOR CERTAIN INDIAN ARMY DEPARTMENTS.

958. ***Lieut.-Colonel H. A. J. Gidney** : (*a*) Will the Honourable Member kindly inform me whether it is a fact that further revised rates of pay have been sanctioned for certain Indian Army Departments, *e.g.*, the I. A. O. C., I. A. S. C., M. E. S., and I. M. L., with effect from the 1st June, 1927 or any other date ?

(*b*) If the answer to this is in the negative, will the Honourable Member please state whether any such proposals have recently been submitted to the Secretary of State for India for sanction ?

(*c*) Will the Honourable Member please state whether the I. M. D. is an integral part of the British Army in India, and is, in all respects, a Department similar to all other Departments in the Army ?

(*d*) If the answers to parts (*b*) and (*c*) are in the affirmative will the Honourable Member please give me details of the proposals and state his reasons why the I. M. D. were omitted ?

Mr. G. M. Young : (*a*) No.

(*b*) Certain proposals have recently been submitted to the Secretary of State, but I am afraid I cannot give details of these proposals until his sanction is received.

(*c*) I would invite the Honourable Member's attention to the reply given to part (*a*) of his unstarred question No. 130 on the 31st August, 1926. The Indian Medical Department is an integral part of the Indian Army, not of the British Army in India. It differs from all other departments of the Army in being directly recruited from the domiciled community in India.

(*d*) My Honourable friend is aware that details of the proposals cannot be disclosed before they have been sanctioned by the Secretary of State. The latter half of this part of the question does not arise.

Lieut.-Colonel H. A. J. Gidney : Arising out of the answer, will the Honourable Member kindly state why, if the Indian Medical Department is a purely Indian service, it is employed purely for European troops ?

Mr. G. M. Young : I am not aware, Sir, of having said that the Indian Medical Department was a purely Indian service; I said it was an integral part of the Indian Army.

Sir Hari Singh Gour : May I ask a supplementary question ? If it is an integral part of the Indian Army, why is it confined to the Domiciled Community, and why are Indians not generally admitted ?

REVISED PENSIONS FOR THE INDIAN MEDICAL DEPARTMENT.

959. ***Lieut.-Colonel H. A. J. Gidney** : (*a*) With reference to my unstarred question No. 220, dated 25th March, 1927, will the Government please state when they hope to publish the revised pension rates for the Indian Medical Department ?

(*b*) Is the Honourable Member aware of the great discontent that prevails among the members of the I. M. D. because of this delay in putting them into operation ?

(*c*) Will the Honourable Member please state if it is a fact that the revised pension rates of other Departments such as the I. U. L., etc., were sanctioned from the 1st October, 1925 ?

(*d*) Will the Honourable Member please state if the revised rates of I. M. D. pensions have been submitted to the Secretary of State for India with a recommendation that these be given retrospective effect from the date of sanction or 1st April, 1927 ?

(*e*) Has the Honourable Member recently received a cablegram from the Secretary of State for India asking for further information regarding the difference of the dates of retrospective effect between the I. M. D. and other Departments ?

(*f*) Is the Honourable Member prepared to give this House an assurance that the new pension rates of the I. M. D., whatever they be, will be given earlier or at least with equal retrospective effect as has been given to all other similar Departments ? If not, why not ?

Mr. G. M. Young : (*a*), (*d*) and (*f*). The proposals of the Government of India are being submitted to the Secretary of State. I am afraid I cannot give any information about the correspondence that has taken place until the final orders of the Secretary of State are received.

(*b*) No, Sir.

(*c*) Yes.

(*e*) The answer is in the negative.

GRANTING OF MARRIAGE ALLOWANCE TO MEMBERS OF THE INDIAN MEDICAL DEPARTMENT.

960. ***Lieut.-Colonel H. A. J. Gidney** : Will the Honourable Member be so good as to state whether the Government of India has come to a

decision regarding the granting of marriage allowance to members of the I. M. D. as is being allowed to all other similar Departments ?

Mr. G. M. Young : No final decision has yet been reached, but the Government have under consideration a proposal to grant marriage allowances to warrant officers of the Indian Medical Department when on leave out of India.

Lieut.-Colonel H. A. J. Gidney : Sir, has not this question of granting marriage allowances to the Indian Medical Department been under the consideration of the Government of India for the past three years ?

Mr. G. M. Young : I cannot say offhand how long it has been under consideration.

NUMBER OF ANGLO-INDIANS SELECTED FOR THE I. C. S. FROM 1922 TO 1927.

961. ***Lieut.-Colonel H. A. J. Gidney** : (*a*) With reference to the Honourable Member's reply to my supplementary question in connection with question No. 492, dated 29th August, 1927, will the Honourable Member please state the number of Anglo-Indians selected for the I. C. S. from 1922 to 1927 ?

(*b*) If the reply to (*a*) is " None ", will the Honourable Member please state why the claims of a single Anglo-Indian have not been considered fit to correct communal irregularities as is the avowed policy of the Government regarding 25 per cent. of all such appointments ?

The Honourable Mr J. Crerar : (*a*) None

(*b*) Government have never undertaken to do more than consider the claims of minority communities generally, and much necessarily depends on the qualifications of the candidates of various communities available. The claims of Anglo-Indians who, though not successful in the competition for open vacancies, qualify sufficiently highly in the examination will receive careful consideration along with the similar cases of members of other minority communities.

ABANDONMENT OF THE GAYA-SHERGHATTY RAILWAY PROJECT.

962. ***Mr. Siddheswar Sinha** : Will Government be pleased to state the circumstances which led them to take up the Gaya-Sherghatty Railway project and the reasons for giving it up ?

Mr. A. A. L. Parsons : The new re-survey of the project was taken up in pursuance of the Government of India's policy of developing the country by means of railways. It has been found that there is not sufficient traffic to justify a broad gauge line, but the project will probably be re-examined at some later date as a narrow gauge line.

NUMBER OF EUROPEANS, ANGLO-INDIANS, BIHARIS AND INDIANS OTHER THAN BIHARIS EMPLOYED IN DIFFERENT DEPARTMENTS OF THE GOVERNMENT OF INDIA.

963. ***Mr. Siddheswar Sinha** : Will the Government be pleased to state the number of (*a*) Europeans and Anglo-Indians, (*b*) Biharis, (*c*) Indians other than Biharis, employed in different Departments of the Government of India ?

The Honourable Mr. J. Crerar : The number of Europeans and Anglo-Indians in the different Departments of the Government of India Secretariat on 31st December last was 173. The number of Indians was 781. I have no information as to the number of Biharis included in the latter figure.

PUBLICATION OF AN ARTICLE REGARDING SHIVAJI IN THE *Peshwa*, A DELHI MONTHLY.

964. †**Mr. Siddheswar Sinha** : (*a*) Are the Government aware of the great indignation prevailing among the Hindus on account of the wild assertions made by the Delhi monthly *Peshwa* with regard to the great Hindu leader Shivaji Maharaj and his mother ?

(*b*) Will the Government be pleased to state the reasons why the printer, publisher, and others connected with the aforesaid vilifying article have not been yet prosecuted ?

The Honourable Mr. J. Crerar : Government have received a representation on the subject. It is still under consideration.

ALLEGED ASSAULT ON AN INDIAN CLERK OF THE EAST INDIAN RAILWAY.

965. ***Mr. Satyendra Chandra Mitra** : (*a*) Has the attention of the Government been drawn to the incident reported in the *Forward* of Calcutta, dated the 6th August, 1927, under the caption " Indian Clerk of E. I. Railway Assaulted " ?

(*b*) Is it a fact that Ardhendu Babu who was assaulted has been placed under suspension by the higher railway authorities ? If so, why and, by whom, and do Government contemplate asking the authorities concerned to reconsider his case ?

Mr. A. A. L. Parsons : (*a*) I have seen the paragraph mentioned by the Honourable Member.

(*b*) The matter is entirely within the competence of the Agent, East Indian Railway, and Government see no reason to interfere with his discretion.

EXPENDITURE DURING THE CURRENT YEAR ON THE INDIAN AUXILIARY AND TERRITORIAL FORCES.

966. ***Mr. Satyendra Chandra Mitra** : (*a*) Will the Honourable Member-in-charge of the Military Department be pleased to state the amount that Government are going to spend on the Auxiliary and Territorial Forces during the current year ?

(*b*) How much of the said sum will approximately be spent on (1) ammunition for the said Forces, (2) camp expenses, (3) salary of the men, (4) pay of the European instructors ?

Mr. G. M. Young : (*a*) About Rs. 68,62,000 on the Auxiliary Force and Rs. 22,78,000 on the Territorial Force. These figures do not include any part of the 10 lakh programme which is involved by the acceptance

of the proposals of the Auxiliary and Territorial Forces Committee, and most of which will be incurred next year.

(*b*) The figures are approximately as follows :

Ammunition—

Auxiliary Force 3 lakhs, 90 thousand.
Territorial Force 92 thousand.

Camp Expenses—

Auxiliary Force 2½ lakhs.
Territorial Force 95 thousand.

Salaries of Men—

Auxiliary Force 30 lakhs, 44 thousand.
Territorial Force 5 lakhs, 37 thousand.

Pay of European Instructors—

Auxiliary Force 20 lakhs, 29 thousand.
Territorial Force 10 lakhs, 71 thousand.

RELEASE OF MOHAMMAD AKBAR KHAN, CONVICTED UNDER SECTION 121 OF THE INDIAN PENAL CODE.

967. ***Mr. Satyendra Chandra Mitra** : (*a*) Will the Government be pleased to state if Mr. Mohammad Akbar Khan, an inhabitant of the District of Hazara in the North-West Frontier Province, as reported in the *Ganabani*, a Bengali weekly of the 28th of July, 1927, has been convicted under section 121-A of the Indian Penal Code, on the 27th April 1923 and sentenced to 7 years' rigorous imprisonment and whether he has been transferred to the District Jail at Raipur in the Central Provinces ?

(*b*) Is it a fact that in view of his excellent conduct in jail, the local jail authorities recommended his release, on the expiry of half the term of his sentence, to the Jail Remission Board ?

(*c*) Is it a fact that the District Magistrate of Hazara, of which he is a resident, reported, when referred to by the Jail Remission Board, that there was nothing against Mr. Akbar Khan being released as recommended ?

(*d*) Is it a fact that the recommendation was set at naught on the adverse report of the District Magistrate of Peshawar ?

(*e*) Is it a fact that Mr. Akbar Khan was convicted for conspiracy with Dr. Nur Mahammad and Ruknuddin and that both of these persons have long returned to India and that no cases have been brought against either of them and that the order of suspension of the pension of Risaldar Ruknuddin has been withdrawn ?

(*f*) Under the circumstances, do the Government contemplate releasing Mr. Akbar Khan now ?

The Honourable Mr. J. Crerar : (*a*) I have not seen the publication quoted, but the facts are generally as stated by the Honourable Member.

(*b*) The jail authorities forwarded his nominal roll to the District Magistrate, Hazara, in the ordinary course with a view to putting his

case before the Advisory Board, but made no recommendation in the matter.

(*c*) The District Magistrate, Hazara, made no recommendation in his favour.

(*d*) The District Magistrate, Peshawar, made no recommendation in the case.

(*e*) No, but the evidence in the case showed that he had been in correspondence with Ruknuddin and possibly with Dr. Nur Muhammad. Neither of these has been prosecuted.

(*f*) No.

APPLICABILITY OF THE GOVERNMENT SERVANTS' CONDUCT RULES TO THE PRESIDENT, DEPUTY PRESIDENT AND OTHER SALARIED OFFICERS OF THE LEGISLATIVE ASSEMBLY.

968. ***Mr. E. F. Sykes** : Are the Honourable the President, the Deputy President and the other salaried officers of the House subject to the Government Servants' Conduct Rules ?

The Honourable Mr. J. Crerar : The Honourable the President and the Deputy President are not subject to the Government Servants' Conduct Rules. (Hear, hear.) The Secretary and other salaried officers as officers of the Assembly are not subject to the rules but they are so subject if they are also persons in the civil service of the Crown in India to whom the Government Servants' Conduct Rules apply under section 96-B of the Government of India Act.

NEW PENSION RULES, ETC.

969. ***Mr. D. V. Belvi** : (1) Will Government be pleased to state if the consideration of the proposed new rules regarding the grant of pension, provident fund and gratuity under the Fundamental Rules to employees in the subordinate Government service has now been completed by the Government of India and the Secretary of State for India ?

(2) If not, for how many years has the matter been under consideration and when is the consideration expected to be completed finally ?

(3) Has the attention of the Government of India and the Secretary of State for India been drawn to the answers given by the Bombay Government on the subject of the new Pension Rules in reply to interpellations on the 23rd October 1924, on the 2nd March 1925 and on the 28th July 1925 ?

The Honourable Sir Basil Blackett : (1) No.

(2) A draft was prepared at the end of 1923, but further consideration was postponed in view of impending changes in the control of the various services. Local Governments have now received full authority to make rules prescribing conditions of service, including pension, provident fund and gratuity, for all services and officers under their control, and it is understood that they have such rules under their consideration. It is expected that similar authority will be delegated to the Government of India shortly.

(3) The Government have perused the questions and answers referred to.

REPRESENTATION OF MUSLIMS IN THE POSTAL DEPARTMENT, SIMLA.

970. *Mr. Abdul Haye : (1) Will Government please state separately :

(a) What is the number of sub-postmasters, clerks, postmen, mail peons and runners in the Simla Post Offices and how many of them are Muslims ?

(b) What is the total number of Inspectors in Simla Town and how many of them are Muslims ?

(c) For how long has there been no Muslim Inspector in the Simla Postal Department ?

(2) What action do Government propose to take to give Muslims their due share in the Postal Department of Simla—the seat of Government ?

The Honourable Sir Bhupendra Nath Mitra :

			Muslims.
1. (a)	Sub-postmasters	17	*Nil*
	Clerks	82	9
	Postmen	199	3
	Mail-peons	51	5
	Runners	28	3

(b) Two. Neither is a Muslim.

(c) Since 1922. There is one Muslim Sub-Town Inspector since 1919.

2. Government do not propose to take any action in the individual case of Simla, apart from the action which is already being taken in the Indian Postal and Telegraphs Department as a whole to give effect to the general policy of Government in the matter of representation of minority communities in various services which has been explained on the floor of this House on several occasions.

REPRESENTATION OF MUSLIMS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

971. *Mr. Abdul Haye : (a) Is it a fact that all posts which fell vacant in the office of the Director-General, Posts and Telegraphs, during 1927, have been given to non-Muslims exclusively, in spite of the fact that an assurance was given by the Director-General in his letter No. A.M.-65|26, dated the 25th September, 1926, to the address of the Anjuman-i-Islamia, Simla, and by the Honourable Sir B. N. Mitra in reply to my unstarred question No. 229 of 26th March, 1927, with regard to the representation of Muslims in the Postal Department ?

(b) Will Government please state how many fresh candidates were employed in the office of the Director-General, Posts and Telegraphs, since January, 1927, and how many of them were Muslims ?

(c) Will Government be pleased to lay on the table a tabular statement showing separately the total number of appointments and the number of

appointments held by Muslims in each scale of pay, in the office of the Director-General, Posts and Telegraphs, as it stood on the 1st August 1927 ?

(*d*) What action do Government propose to take to ensure that the undertakings given by them from time to time with regard to the representation of Muslims in Government service, are strictly acted upon ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) No.

(*b*) Three, of whom one was a Muslim.

(*c*) A statement is laid on the table.

(*d*) Government do not propose to take any action as they have no reason to apprehend that their instructions in regard to the representation of minority communities in Government service are not being acted upon in this particular office.

Tabular statement showing number of appointments in the office of the Director General of Posts and Telegraphs as it stood on 1st August 1927.

Number of appointments.	*Hindus.*	*Christians.*	*Muslims.*
2 appointments on Rs. 500—700 ..	2	..	..
2 appointments on Rs. 350—450 ..	2	..	..
16 appointments on Rs. 250—350 ..	14	2	..
129 appointments on Rs. 80—250 ..	120	3	6
2 appointments on Rs. 150—200 ..	2	..	..
58 appointments on Rs. 50—140 ..	43	1	14
TOTAL 209	183	6	20

Maulvi Muhammad Yakub : Do not the figures stated by the Honourable Member show that the directions given by the Government of India are not carried out by the Department ?

The Honourable Sir Bhupendra Nath Mitra : The answer is in the negative. I am afraid the Honourable Member was not listening when I replied to the main question. In reply to part (*b*) I said that three fresh candidates were taken, of whom one was a Muslim.

REPRESENTATION OF MUSLIMS IN THE CENTRAL PRINTING OFFICE.

972. ***Mr. Abdul Haye** : (*a*) How many appointments have been newly created in the superior ministerial establishment of the Central Printing Office on account of the recent organisation in April last ?

(*b*) Of the above how many appointments and in what grades have been offered to such Muslims, Hindus and Christians who were not already serving in that office ?

(c) Do Government recognise the principle of employing members of the minority communities in their services ? If so, why was this opportunity not availed of to avoid the preponderance of Hindus by recruiting more Muslims who are in a hopeless minority in the said office, as stated by the Honourable Member in reply to my starred question No. 905 (*d*), dated 14th March, 1927 ?

The Honourable Sir Bhupendra Nath Mitra :

(*a*)	Superintendents	Two
	Assistants	Five
	Clerks	Eight.
(*d*)	Muslims	One Assistant and one clerk.
	Hindu	One clerk.
	Christian	One Superintendent and one clerk.

(*c*) The desirability of preventing an undue preponderance of any community is kept in view and as the figures I have just given indicated, only one out of the five new appointments was offered to a Hindu.

Mr. K. Ahmed : In view of the fact that the Honourable Member has in his answer to question No. 971 admitted the fact that he has not in his Department a sufficient number of Muhammadans, do Government propose now, for the benefit of the country and in the interests of the Department, to give effect to the rule of 33 per cent. of the appointments being given to the Muhammadans, which was declared by His Excellency the Viceroy in December 1925 ?

REPRESENTATION OF MUSLIMS IN THE OFFICE OF THE CONTROLLER, PRINTING, STATIONERY AND STAMPS.

973. ***Mr. Abdul Haye :** In view of the fact that there is no Muslim employed in the office of the Controller, Printing, Stationery and Stamps, as stated by the Honourable Member in reply to my starred question No. 905 (*a*) (*i*), dated 14th March, 1927, are Government prepared to issue instructions to take the earliest opportunity to recruit Muslims when fresh vacancies occur in future ?

The Honourable Sir Bhupendra Nath Mitra : The Controller of Printing, Stationery and Stamps is already aware of the policy of Government in the matter of the appointment of members of minority communities in public offices and will give due consideration to the claims of qualified Muslims along with those of other minority communities as yet unrepresented in his office, if and when an opportunity for fresh recruitment arises.

QUALIFICATIONS, LENGTH OF SERVICE, PAY, ETC., OF EACH MEMBER OF THE CLERICAL ESTABLISHMENT OF THE GOVERNMENT OF INDIA PRESS, DELHI.

974. ***Mr. Abdul Haye :** (*a*) Will Government be pleased to lay on the table a statement showing the names, qualifications, length of service, pay and scale of pay of each member of the clerical establishment in the Government of India Press, Delhi, as it stood on the 31st March, 1927 and on the 1st August, 1927 ?

(*b*) Will Government be pleased to state the rules and principles on which the promotion of the staff has been granted in the revision of pay introduced from the 1st of April, 1927 ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The answer is in the negative. The compilation of such a statement would require an amount of clerical labour and expense disproportionate to its value.

(*b*) The promotions were made with due regard to seniority consistently with efficiency.

DISCONTENT AMONG THE MUSLIM EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, DELHI.

975. ***Mr. Abdul Haye** : (*a*) Are Government aware of the fact that great discontent is prevailing among the Muslim employees of the Delhi Press for want of their representation in the higher scales, *viz.*, Assistant Manager, Head Assistant and Accountant ?

(*b*) If the answer to part (*a*) is in the affirmative, are Government prepared to take necessary steps to remove such discontent ?

(*c*) Is it a fact that out of four posts recently created in the scale of Rs. 80—140 none has been offered to any Muslim ?

(*d*) If the answer to part (*c*) is in the affirmative, will Government be pleased to state whether no Muslim possessing the qualifications necessary for the discharge of the duties of those posts was available from inside or ouside the Press or from other Government Presses ?

(*e*) Was the advertisement inviting applications for those posts published in the leading newspapers of all communities ? If not, why ? Will the Government please state the names of the papers in which the advertisement (if any) was published ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The answer is in the negative.

(*b*) Does not arise. In any case it is not the policy of Government in making promotions from one grade to another within the authorised establishment of an office or a service to give any special consideration to the question of communal representation in each grade.

(*c*) Yes.

(*d*) No Muslim possessing the necessary qualifications was available in the Government of India Press, Delhi, and none of the eight Muslims who applied from outside possessed the necessary qualifications.

(*e*) The advertisement inviting applications for the posts was published in the *Pioneer*, the *Civil and Military Gazette* and the *Hindustan Times* papers which were believed to have a wide circulation among members of the various communities at or about Delhi.

PERSONNEL OF THE PRESENT GOVERNING BODY OF THE LADY HARDINGE COLLEGE.

976. ***Sir Hari Singh Gour** : 1. (*a*) Will the Government be pleased to give the personnel of the present Governing Body of the Lady Hardinge College including the office bearers ?

(*b*) Is there any vacancy in the Governing Body ?

(*c*) If so, since how long ?

(*d*) How many meetings of the Governing Body were held in the course of the last 12 months and how often do they meet ?

2. (*a*) With reference to the speeches made by some of the Honourable Members on the Resolution on the 5th March 1925 criticising the management and affairs of the Institution, will the Government be pleased to state what remedial measures have been taken to improve the affairs of the Institution and with what result ?

(*b*) If not, why not ?

Mr. G. S. Bajpai : 1. (*a*) A statement showing the present personnel of the Governing Body of the Lady Hardinge Medical College has been placed in the Library.

(*b*) No.

(*c*) Does not arise.

(*d*) Three meetings were held during the last 12 months. Ordinarily only two meetings are held in a year.

2. (*a*) Seven additional members have been added to the Governing Body, namely,

(*a*) three members of the Indian Legislature ;

(*b*) one prominent businessman of Delhi ;

(*c*) one prominent Indian resident of Delhi ;

(*d*) one Medical officer, Delhi ; and

(*e*) one prominent Indian lady of Delhi.

For the expeditious despatch of business a sub-committee of the Governing Body has been formed and meets once a month.

(*b*) Does not arise.

Appointment of Qualified Indian Ladies to the Superior Staff of the Lady Hardinge Medical College and Hospital.

977. ***Sir Hari Singh Gour** : (*a*) With reference to the Government reply given in February 1924 undertaking to give preference to Indian lady candidates duly qualified for any post falling vacant on the superior staff of the Lady Hardinge Medical College and Hospital, will the Government be pleased to state the number of vacancies since occurring and the appointments made thereto ?

(*b*) How many applications were received ; how many of them were from Indian ladies and why were Indian ladies not appointed to those vacancies ?

(*c*) Is it a fact that the post of a Nursing Superintendent on the superior staff of the Institution has fallen vacant ? If so, are Government prepared to see that an Indian lady duly qualified is appointed thereto ?

Charges to Patients and their Relatives by the Lady Hardinge Hospital, Delhi.

978. ***Sir Hari Singh Gour** : (*a*) Is it a fact that on the celebration of the foundation day of the Lady Hardinge Medical College and Hospital in March last the Principal announced that about Rs. 25,000 was the year's income from the Hospital alone ?

(*b*) Is it a fact that the Institution charges patients or their relations for consultation and operation even during hospital hours and that such charges range from Rs. 5 to 200 per operation ?

(c) Is it a fact that charges are made even for the use of Serai cubicles depriving guardians of poor patients of their right to use the Serai free of charge ?

(d) Is it a fact that this Institution was mainly founded by contributions received from the Indian people with a view to afford facilities for medical aid to Indians of all ranks, especially the poor ?

(e) When were the rules relating to charges made and were any Indians on the Governing Body at that time ?

(f) Do Government intend to see that these rules are once more placed before the Governing Body when the Indian members in their full strength are present to consider them ?

Mr. G. S. Bajpai : With your permission, Sir, I propose to reply to Questions Nos. 977 and 978 together. The information asked for is being collected and will be supplied to the Honourable Member when received. As regards both these questions I should like to point out that the affairs of the Lady Hardinge Medical College, including appointments to the staff, are dealt with by the Governing Body and not by the Government of India.

AUDIT OF THE ACCOUNTS OF THE LADY HARDINGE MEDICAL COLLEGE AND HOSPITAL BY A GOVERNMENT AUDITOR.

979 ***Sir Hari Singh Gour** : (a) Is it a fact that the audit of the accounts of the Lady Hardinge Medical College and Hospital are made only by Chartered Accountants and not by the Government Auditor ?

(b) Is it a fact that the Government contributes about 3 lakhs of rupees towards its annual expenditure, and do Government intend to see that the accounts of the College are audited by a Government Auditor ?

(c) Is it a fact that the Institution prepares and publishes only a quinquennium report ?

(d) If so, are the Government prepared to see that an independent annual report of the Institution is published ?

Mr. G. S. Bajpai : (a) and (b). The Honourable Member is referred to the reply given to Lala Duni Chand's question No. 882 on 19th February, 1926.

(c) A short report is also issued annually as part of the annual report of the Countess of Dufferin's Fund.

(d) Does not arise.

TERMS AND TENURE OF APPOINTMENTS OF THE PRINCIPAL AND BURSAR OF THE LADY HARDINGE MEDICAL COLLEGE AND HOSPITAL.

980. ***Sir Hari Singh Gour** : (a) Will the Government be pleased to state what are the terms and tenure of the Principal and Bursar of the Lady Hardinge Medical College and Hospital ?

(b) For how long have the present Principal and Bursar been in charge of their present posts ?

(*c*) Is there any rule limiting their tenure to a certain number of years ? If not, are Government prepared to consider the advisability of limiting it to a number of years ?

Mr. G. S. Bajpai : (*a*) The Principal is a member of the Women's Medical Service and receives from the College an allowance of Rs. 400 a month for her duties as Principal and a teaching allowance of Rs. 250 a month as Professor of Obstetrics. The Bursar is employed on a contract of 4 years, which is renewable at the discretion of the Governing Body. The pay of the present Bursar is Rs. 700 a month. The tenure of the posts of Principal and Bursar is not fixed.

(*b*) The Principal and the Bursar have been in charge of their posts from 9th September, 1921 and 7th September, 1918, respectively.

(*c*) No. The matter is primarily the concern of the Governing Body.

EMPLOYMENT OF ITS GRADUATES BY THE LADY HARDINGE MEDICAL COLLEGE.

981. ***Sir Hari Singh Gour** : (*a*) Will the Government be pleased to state how many lady graduates the Lady Hardinge Medical College has turned out since its institution and what facilities are offered to them for employment in the Institution itself ?

(*b*) Has any scale of pay been fixed for the recruitment of such graduates in the Institution ?

(*c*) If so, will the Government be pleased to place on the table a statement on the subject ?

EMPLOYMENT OF GRADUATES OF THE LADY HARDINGE MEDICAL COLLEGE BY COUNTESS OF DUFFERIN'S FUND.

982. ***Sir Hari Singh Gour** : (*a*) Is it a fact that no scale of pay for the recruitment of graduates of the Lady Hardinge College has been fixed by the Dufferin Fund for employment in the Institutions maintained by that Fund ?

(*b*) If the answer to part (*a*) is in the negative, are Government prepared to see that graduates of this College are given facilities for employment by that Fund ?

(*c*) How many applications for admission to the College were refused during the last two or three years and on what grounds ?

Mr. G. S. Bajpai : I will reply to questions Nos. 981 and 982 together, Sir. The information asked for is being collected and will be furnished to the Honourable Member when received.

Sir Hari Singh Gour : Will the Honourable Member kindly consider the desirability of placing the information on the table seeing that it affects a large number of people other than the questioner himself ?

Mr. G. S. Bajpai : I am not sure whether the House is interested sufficiently in the details of the internal administration of the College. But if it is the wish of the House, I shall certainly consider the suggestion to place the information on the table of the House.

THE COUNTESS OF DUFFERIN'S FUND.

983. *Sir Hari Singh Gour : (a) Will the Government be pleased to state whether it is a fact that the Dufferin Fund was instituted with a view to afford medical aid to the women of India by medical women ?

(b) Is it a fact that for this purpose medical women have since been recruited ?

(c) Is it a fact that Government makes an annual contribution of about Rs. 4 lakhs towards this Fund ?

(d) Will the Government be pleased to state the amount of money invested by this Fund in Government or other securities ? What is its annual income therefrom ?

(e) Is it a fact that the Dufferin Fund does not yet fully meet the requirements of medical aid in the country ?

(f) Are Government prepared to revise their scheme of operations with a view to make this Fund more widely useful and better fulfil the aims and objects for which this Fund was instituted ?

(g) How many European medical women and how many Indian medical women are employed by this Fund ?

Mr. G. S. Bajpai : (a) Yes.

(b) Yes.

(c) The exact amount of the annual grant is Rs. 3,70,000.

(d) The Honourable Member is referred to the report of the Association for the year 1926, a copy of which has been placed in the Library.

(e) Yes.

(f) As the Honourable Member is aware Medical Administration is a provincial transferred subject and it is for Provincial Governments to consider how the activities of the Association can best be extended.

(g) Of the 44 officers of the Women's Medical Service, maintained by the Countess of Dufferin's Fund, there were 24 Europeans domiciled, and 20 Indians domiciled, on the 31st December, 1926.

EMPLOYMENT OF THE INDIAN GRADUATES OF THE LADY HARDINGE MEDICAL COLLEGE BY THE COUNTESS OF DUFFERIN'S FUND.

984. *Sir Hari Singh Gour : (a) Is it a fact that one of the main objects in instituting the Lady Hardinge College was to provide for the graduation in Medicine of Indian women so that they may be employed by the Dufferin Fund and thus restrict the importation of outside medical women ?

(b) Is it a fact that in instituting the Lady Hardinge College the view of the founders and donors was that Indian women should be qualified so that they may render medical assistance to their own country women by being employed by the Dufferin Fund ?

(c) If the answer, to parts (a) and (b) are in the affirmative, how far have those objects been attained and promoted and what facilities have Government given to Indian graduates of the Lady Hardinge College to employ them in Dufferin Fund Institutions ; and if not why not ?

Mr. G. S. Bajpai : (*a*) and (*b*). The main object of the founders of the College was to provide for the training in medicine of Indian women so that they may render medical assistance to their own country women through, as well as outside, the Women's Medical Service. It was no part of the policy of the founders to prohibit the employment of doctors from outside India except in so far as the supply of trained doctors from the College reduced the need for resort to outside sources.

(*c*) Government have asked for information as to the number of medical graduates turned out by the Lady Hardinge Medical College and the number now employed under the Countess of Dufferin's Fund and Local Governments, and will supply it to the Honourable Member when received. The Government of India do not make appointments to the Women's Medical Service maintained by the Countess of Dufferin's Fund, and cannot, therefore, undertake to provide facilities for the graduates of the College to join that Service.

Sir Hari Singh Gour : Will the Honourable Member kindly lay the information on the table as soon as it is received, instead of supplying it to the Member ?

Mr. G. S. Bajpai : I shall place the statement in the Library of the House, and I think that will meet the requirements of the Honourable Member.

Sir Hari Singh Gour : No, Sir. What we really want is that the public should know as to how far graduates of this college receive patronage at the hands of the Government

Mr. G. S. Bajpai : Very well. I shall consider the suggestion. It will all depend on the size of the statement which we have called for.

Enquiries by the Royal Commission on Agriculture into the Agricultural Resources of Ajmer-Merwara.

985. ***Rai Sahib Harbilas Sarda** : Will Government be pleased to state if the Royal Commission on Agriculture will make any inquiries into the agricultural resources of Ajmer-Merwara in view of the frequency of famines and years of scarcity in that province ? If not, why not ?

Mr. A. R. Dalal : The Commission will enquire into agricultural conditions generally throughout British India including Ajmer-Merwara.

Issue of Instructions to the Director of Public Information to fill Future Vacancies in his Office by Mussalmans.

986. ***Mr. Siddheswar Sinha** : Will Government be pleased to state if any instructions have been issued to the Director of Public Information asking him to fill up all the future vacancies in his office only by Mussalmans ? If the reply be in the affirmative will Government be pleased to lay the said letter on the table and state their reasons for issuing it ?

The Honurable Mr. J. Crerar : As a temporary measure orders of this nature were issued in September 1925 in view of the fact that there were no Muslims in the office. The orders were superseded in February

1926 by the general orders relating to representation of minority communities, which apply to all offices of the Government of India Secretariat.

MURDER OF SWAMI SHARDHANAND THE RESULT OF AN ORGANISED CONSPIRACY.

987. *Mr. Siddheswar Sinha :(a) Is it a fact that police officers investigating the murder case of Swami Shradhanand were supplied with certain documents supporting the allegation that the said murder was the result of an organised conspiracy ?

(b) If the reply be in the affirmative will Government be pleased to state what use was made of the said documents ?

(c) Will the Government be pleased to publish them ?

The Honourable Mr. J. Crerar : (a) Certain documents were furnished to the police officers investigating the case.

(b) After careful examination it was found that they afforded no ground for suspecting the existence of an organised conspiracy.

(c) Government do not propose to publish the papers.

†988.*

STOPPAGE OF MAIL TRAINS OF THE BENGAL NAGPUR RAILWAY AT SOMPETA IN THE GANJAM DISTRICT.

989. *Mr. V. V. Jogiah : Is it a fact that the people of Sompeta in the District of Ganjam in the Presidency of Madras made a representation, supported by the District and Divisional officers of Government, to the Bengal-Nagpur Railway authorities, that in view of the commercial importance of Sompeta and by reason of the location of civil and criminal courts and the Government Sub-Treasury, the mail trains be stopped there for a short time and the railway authorities declined to accede to their representations ? Have any steps been taken in the matter ? If not, why not ?

Mr. A. A. L. Parsons : Government have received no intimation, except that given in the Honourable Member's question, of any such representation, but have sent a copy of his question to the Agent, Bengal Nagpur Railway. They cannot themselves undertake to interfere in time-table arrangements.

EXEMPTION FROM INCOME-TAX OF THE INCOME FROM THE AHMEDABAD MILLS TILAK SWARAJ FUND USED FOR CHARITABLE EDUCATIONAL PURPOSES.

990. *Sir Victor Sassoon : Is it a fact that exemption from income-tax has not been granted under section 4 (3) (*ii*) of the Income-tax Act in respect of the income from the Ahmedabad Mills Tilak Swaraj Fund which is used for charitable educational purposes ? If so will Government be pleased to enquire and state the reasons ?

The Honourable Sir Basil Blackett : The Government are calling for a report whether the Income-tax Officer has passed an order such as is described and, if so, whether an appeal has been made to the Assistant

† Not put at the meeting, but the question and answer thereto will be found at pages 4282—83 of these proceedings.

Commissioner and disposed of. If and when it is ascertained that the Income-tax Officer has passed such an order and that it has been upheld by the Assistant Commissioner the Government will call for a report as to the reasons for such decision, and communicate the result to the Honourable Member.

Sir Victor Sassoon : Are Government aware that the Income-tax Officer at Ahmedabad, in investigating the claims, insisted on being informed as to what sort of education was being given at the free day and night schools run by the Labour Union, and asked that the subjects taught should be mentioned in detail ? Further, that a list of books prescribed for each school of the free day and night schools was to be forwarded to the Income-tax office ; that subsequently a teacher of the school was asked to be sent to the office.....

Mr. President : Order, order. The Honourable Member must not put several questions all at once.

The Honourable Sir Basil Blackett : I can at once say that the answer to all is in the negative. (Laughter.)

Sir Victor Sassoon : Will the Honourable Member take steps to see that inquisitorial methods should not be continued ?

The Honourable Sir Basil Blackett : That is a hypothetical question.

Mr. B. Das : Will the Honourable Member kindly enquire if the allegations in the supplementary question are true ?

The Honourable Sir Basil Blackett : I have undertaken to call for a report.

Mr. B. Das : On the point referred to by Sir Victor Sassoon ?

CHECKING OF ILLICIT TRAVELLING ON THE NORTH WESTERN RAILWAY.

991. ***Mr. Abdul Haye** : (*a*) Is it a fact that various measures are under trial to eradicate the evil of illicit travelling on Indian Railways, and that as a result, on the North-Western Railway the Divisional and Audit Travelling Ticket Examiners were amalgamated in 1926 and put under special Travelling Ticket Examiners, whose posts were specially created for supervision, regulation and control of Travelling Ticket Examiners' activities ?

(*b*) Is it a fact that in view of the higher class of work required of these special Travelling Ticket Examiners, selection was made by an examination held by a Senior European officer of the Indian Finance Department ?

(*c*) Will Government please state if this new measure has proved successful in checking illicit travelling ?

Mr. A. A. L. Parsons : (*a*) and (*b*). The reply is in the affirmative.

(*c*) It is a little too early to say yet.

GRANT OF HONORARY KING'S COMMISSIONS TO SUB-ASSISTANT SURGEONS OF THE INDIAN MEDICAL DEPARTMENT.

992. ***Mr. Abdul Haye** : (*a*) Will Government please state what is the total number of sub-assistant surgeons serving at present in the Indian Medical Department ?

(*b*) Will Government please state how many sub-assistant surgeons of this Department, who are on the effective list, hold honorary King's commissions ?

(*c*) Is it a fact that according to Army Instructions these sub-assistant surgeons are to be awarded honorary King's commissions at the rate of 1 *per cent.* of the total strength of the military cadre ?

(*d*) Is it a fact that vacancies in these commisions are not filled as usual on transfer to the pension establishment but on the death of the previous holder of the commission ?

(*e*) If the answer to part (*d*) be in the affirmative, will Government please state if this method of filling vacancies on death is at present adopted by Government in any Department other than the I. M. D. ?

(*f*) While granting these commissions at the rate of 1 per cent. of the strength of the military cadre, do Government take into consideration only the strength which is on the effective list or does it also include those who have been transferred to the pension establishment ?

(*g*) Have Government ever granted such honorary commissions to a sub-assistant surgeon of the I. M. D. who was on the pension establishment ?

Mr. G. M. Young : (*a*) 891.

(*b*) Four officers on the effective list hold honorary King's Commissions. The balance to make up the required percentage are at present on the retired list.

(*c*) Yes ; the proportion of one *per cent.* is fixed on the total strength of the active list, including sub-assistant surgeons in civil employ.

(*d*) The practice in the past has been as stated by the Honourable Member, but vacancies will in future be caused by retirements and steps are being taken to make 5 promotions against the 5 retired officers who now hold honorary King's commissions.

(*e*) Does not arise.

(*f*) Only the effective strength is now taken into account.

(*g*) When the scheme was first introduced the claims of certain pensioners were considered and a number of pensioners were included in the original awards. Only sub-assistant surgeons on the active list are now eligible.

ADEQUATE REPRESENTATION OF MUSLIMS IN DEPARTMENTS AND OFFICES SUBORDINATE TO THE FINANCE DEPARTMENT.

993. *Mr. Abdul Haye : (*a*) With reference to the Honourable the Finance Member's reply to my questions Nos. 896—900, 903, 910, and 911 on 14th March, 1927, will Government be pleased to state the date on which the instructions regarding adequate representation of Muslims and other minorities in Government offices (alluded to by the Honourable Sir Charles Innes on the 27th January, 1927 in his reply to Maulvi Mohammad Yaqub's unstarred question No. 3) were issued by the Honourable the Finance Member to the Heads of Departments and officers subordinate to the Finance Department (Civil and Military) ?

(*b*) Do those instructions relate to the fresh recruitments in all grades of services in the offices subordinate to the Finance Department ?

(c) Do those instructions govern the cases of (i) recruitment in temporary posts and (ii) promotion from the lower to the higher grades ? If not why ?

(d) Will Government be pleased to lay on the table a statement showing the total number of appointments made in the permanent and temporary vacancies as well as promotions given from the lower to the upper grades during the period from the date of issue of Government instructions referred to above, to 31st July, 1927, separately in each grade and in each office subordinate to the Finance Department and how many of such vacancies have been filled by Muslims in each grade and in each office by direct recruitment or promotion as the case may be during the period in question ?

APPOINTMENT OF MUSLIMS IN THE MILITARY TEST AUDIT DEPARTMENT.

994. *Mr. Abdul Haye : (a) Will Government please state the date on which the reorganization of the Military Test Audit Department was sanctioned and the number of officers, accountants and clerks at present employed therein ?

(b) What is the number of men who were not before in Government service who have been recruited to these appointments ?

(c) What is the number of Muslims appointed to each of these ?

APPOINTMENT OF MUSLIMS IN THE INDIAN ACCOUNTS AND AUDIT SERVICE AND THE SUPERIOR SERVICE OF THE MILITARY ACCOUNTS DEPARTMENT.

995. *Mr. Abdul Haye : (a) Is it a fact that several posts in the Indian Accounts and Audit Service and superior service of the Military Accounts Department are filled in annually by selections from the Assistant Accounts Officers, etc. ?

(b) If the answer to part (a) is in the affirmative, will Government state the number of appointments thus made and the number of Muslims thus promoted during the period from the date of introduction initiating the above system of promotion to the 15th August, 1927 ?

APPOINTMENT OF MUSLIMS AS ASSISTANT ACCOUNTS OFFICERS, ETC.

996. *Mr. Abdul Haye : (a) Is it a fact that a certain percentage of vacancies in the appointments of Assistant Accounts Officers and gazetted ranks of the Sub-Accounts Service of the Military Accounts Department is filled in by promotion of qualified officials by selection ?

(b) If the answer to part (a) is in affirmative, will Government be pleased to state the total number of such appointments between the date of introduction of such scheme and the 31st July, 1927, and the number of Muslims appointed to these posts ?

PAUCITY OF MUSLIMS IN THE SUPERVISING STAFF OF THE SUBORDINATE ACCOUNTS SERVICE AND IN GAZETTED APPOINTMENTS.

997. *Mr. Abdul Haye : Are Government aware of the fact that great discontent and disappointment is prevailing among the Muslim employees in the offices subordinate to the Finance Department on

account of the treatment meted out to them in the matter of promotions owing to the paucity of Muslims in the supervising staff, S. A. S., and gazetted appointments ?

APPOINTMENT OF MUSLIMS TO NEW POSTS IN THE SUBORDINATE ACCOUNTS AND CLERICAL SERVICES IN THE OFFICES OF THE AUDITOR GENERAL AND THE ACCOUNTANT GENERAL, CENTRAL REVENUES.

998. *Mr. Abdul Haye : (*a*) Is it a fact that a number of new posts in the Sub-Accounts and clerical services has been sanctioned by Government for the offices of the Auditor General and the Accountant General, Central Revenues ?

(*b*) If the answer to part (*a*) is in the affirmative, will Government be pleased to state whether the claims of the Muslim community will be duly considered in filling up those posts in the light of the Government instructions alluded to by the Honourable Sir Charles Innes in his reply to Maulvi Muhammad Yakub's unstarred question No. 3 on the 27th January, 1927 ?

The Honourable Sir Basil Blackett : I propose to reply to questions Nos. 993 to 998 together. I would refer the Honourable Member to the reply given on the 24th of last month to Mr. Anwar-ul-Azim's question No. 244. General instructions regarding the measures to be adopted for securing adequate representation of minority communities in Government offices were issued in February 1926 and these were immediately communicated by the Finance Department to the heads of departments and offices under it. The instructions were intended to be applied to all future recruitment, but not to departmental promotions, which must always be regulated by considerations of seniority and merit. No useful purpose would, therefore, be served by collecting the detailed information asked for by the Honourable Member regarding the appointments made by promotion. With regard to appointments made by direct recruitment, considerable trouble would be involved in collecting particulars and these cannot afford useful information until the instructions have been in force for some time longer.

Maulvi Muhammad Yakub : Have the Government ever enquired what effect was given to the instructions issued, or collected any statistics to show what action has been taken on the instructions issued by them ?

The Honourable Sir Basil Blackett : That is a general question which I think should be addressed to my Honourable colleague the Home Member and probably put down ; but I can say that the Members of Government are constantly watching the effect of those instructions on the offices in their particular charge.

Mr. K. Ahmed : Do I understand the Honourable the Finance Member to say that he has issued a circular to his Departments bringing to their notice that 33 per cent. of Muhammadans should be appointed according to the declaration made by His Excellency the Viceroy in December 1925, or does he mean only the instructions given to some of his head officers to act upon what he said in his instructions on the 2nd February 1926, as he has stated himself ? Which is correct, the former or the latter or both ?

The Honourable Sir Basil Blackett : I gather, the Honourable Member's question is, does he understand something ? I am afraid I cannot answer him.

ADEQUATE REPRESENTATION OF MUSLIMS IN THE INDIAN STORES DEPARTMENT.

999 ***Mr. Abdul Haye** : With reference to reply given on the 14th March, 1927, by Government to my starred question No. 907, will Government be pleased to state whether any steps have since been taken by Government to make adequate representation of Muslims in the Indian Stores Department ? If not, why ?

The Honourable Sir Bhupendra Nath Mitra : The claims of minority communities are always prominently kept in view in making selections for gazetted appointments in the Indian Stores Department.

Since the Honourable Member's question No. 907 was answered in March last three outsiders have been selected in India for appointment to gazetted posts in the Indian Stores Department. One of these three is a Muslim who was declared by the Public Service Commission to be qualified for the appointment offered to him.

REVISION OF THE POSTAL AND TELEGRAPH CODES.

1000. ***Mr. Abdul Haye** : (*a*) With reference to Government reply on the 14th March, 1927, to my starred question No. 902, regarding the revision of the Postal and Telegraph Codes, will Government be pleased to furnish the information asked for in sub-clauses (*d*), (*e*), (*f*), (*i*) and (*j*) of the question No. 902 separately for the work entrusted to the staff under Mr. S. P. Verma, and Messrs. P. N. Mitra and B. B. Bhattacharjee, reviewing the situation as it stood on the 28th February, 1927, and on 31st July, 1927, respectively ?

(*b*) Are the three officials named above solely employed for the Code Work or are they required to do some other work as well ?

(*c*) Have Mr. S. P. Verma and the staff under him previous experience of the executive or audit side of the Posts and Telegraph Department ?

(*d*) What will be the probable cost of compilation of the Codes and by what date is the work to be completed ?

(*e*) Has any such costly Code ever been compiled by the Government ?

The Honourable Sir Bhupendra Nath Mitra : The information is being collected and will be supplied to the Honourable Member in due course.

SAFEGUARDING OF THE INTERESTS OF MUSLIMS IN THE CENTRAL OFFICE OF THE NORTH-WESTERN RAILWAY.

1001. ***Mr. Abdul Haye** : 1. (*a*) Will Government kindly lay on the table a statement showing the number of Hindu, Muslim and Christian clerks in the Copying, Personnel, Operating, Way and Works, Commercial, Rates and Outstanding Branches of the Headquarters office of North Western Railway ?

(*b*) What action, if any, do Government propose to take to safeguard the Muslim interests in the Central Office of the North Western Railway ?

(*a*) Is it a fact that the number of Muslim clerks in the Personnel Branch of the Headquarters Office is on the decrease ever since the amalgamation ?

(*b*) What was the number of Muslims in this Branch before amalgamation and what is it now ?

(*c*) Is it a fact that not a single Muslim has been recruited in this Branch since January, 1925, whereas almost every vacancy, temporary or permanent, has been filled up by Hindus ?

(*d*) Will Government please state the number of Hindu clerks recruited since January, 1925 ?

(*e*) Is it a fact that two clerks coming from Multan side, who are still temporary in class II, have been given officiating chances in class III thereby depriving a confirmed senior Muslim clerk in class II ?

Mr. A. A. L. Parsons : I propose, with your permission, Sir, to answer questions Nos. 1001, 1003, 1006 and 1009 together. The information in the possession of Government with regard to communal representation on the North Western Railway will be found in Appendix F in Volume I and Appendix C in Volume II of the Report on Indian Railways for 1925-26, a copy of which is in the Library. The statistics were formulated in this form after consultation with, and acceptance by, the Central Advisory Council for Railways, and Government do not consider it desirable to supplement them by details regarding individual offices. The policy of the Government of India regarding the representation of minority communities was communicated to the North Western Railway Administration as to other Railway Administrations, and Government have no reason to believe that it is not being carried out by them.

Maulvi Muhammad Yakub : A supplementary question, Sir. Have the Government any reason to believe that these directions have been complied with ?

Mr. A. A. L. Parsons : They have no reason to believe that they have not been complied with.

Mr. Amar Nath Dutt : On a point of order, Sir. Before questions Nos. 1002 (*a*) and 1012 (*d*) are put, I would like to have a ruling from the Chair whether they are matters of public concern as described in Rule 14 (1) ?

Mr. President : If they did not relate to matters of public concern, they would not have been admitted.

SUPERSESSION OF MUSLIM BY HINDU CLERKS IN THE HEADQUARTERS OFFICE OF THE NORTH WESTERN RAILWAY.

002. ***Mr. Abdul Haye** : (*a*) Is it a fact that Uma Chand is closely related to the Superintendent in charge of Establishments at the Headquarters Office of the North Western Railway, and that he has been given class IV superseding many Muslims senior to him ?

(*b*) Is it a fact that all the clerks employed with the Retrenching Officer are Hindus and one of them has been given class IV in preference to a senior better qualified Muslim clerk ?

(*c*) Is it a fact that not a single Muslim clerk in the Personnel Branch of Headquarters' Office is in class IV, the only Muslim in that class having been transferred and replaced by a Hindu clerk on the same pay ?

(*d*) Will Government please state the number of Hindu and Muslim clerks in all branches of the Headquarters Office, as it stood at the time of amalgamation, and as it stands at present ?

Mr. A. A. L. Parsons : Government have no information.

RECRUITMENT OF MINORITY COMMUNITIES IN THE CLERICAL ESTABLISHMENT OF THE HEADQUARTERS OFFICE OF THE NORTH WESTERN RAILWAY.

†1003. ***Mr. Abdul Haye** : Are Government prepared to consider the advisability of asking those responsible for the recruitment of the staff in the clerical establishment of the Headquarters Office of the North-Western Railway to abide by the instructions contained in the Government of India, Home Department Memorandum No. F.-176|25-Ests., dated 5th February, 1926, regarding the recruitment of minority communities ?

SELECTION OF A HINDU FOR THE POST OF JUNIOR INSTRUCTOR AT LYALLPUR, THE NORTH WESTERN RAILWAY.

1004. ***Mr. Abdul Haye** : (*a*) Is it a fact that a competitive examination of booking clerks from all North Western Railway Divisions was held in the beginning of July last to select candidates for the Junior Instructor's post at Lyallpur ?

(*b*) Is it a fact that a Muslim who stood first in that test was not appointed to the post because he was drawing Rs. 60 *per mensem* and that it was not considered desirable to give him Rs. 150 *per mensem* ?

(*c*) Will Government please state the original pay at the time of selection of the Hindu candidate selected for the appointment in Lyallpur School ?

Mr. A. A. L. Parsons : Enquiry is being made and I will let the Honourable Member know the result.

PROMOTION OF A MADRASI CLERK OF THE OFFICE OF THE CHIEF AUDITOR, NORTH WESTERN RAILWAY.

1005. ***Mr. Abdul Haye** : Is it a fact that a Madrasi clerk of the Chief Auditor's office drawing Rs. 68 *per mensem* with only a year's service has been given Rs. 140 in the Agent's Office of the North Western Railway ? If so, will Government state the reason ?

Mr. A. A. L. Parsons : Government have no information. The matter is entirely at the discretion of the Agent and there is no reason to believe that in filling up the appointment he did not satisfy himself that the nominee was fully qualified for the duties.

Sir Hari Singh Gour : Sir, will you permit me to put my question No. 988 ?

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† For answer to this question see answer to question No. 1001.

Mr. President : The Honourable Member just disappeared when the question was about to be called. I cannot permit him to put it now.

Sir Hari Singh Gour : I was going to look up a reference necessary for that purpose.

Mr. President : Order, order.

HINDU AND MUSLIM CLERKS IN THE PERSONNEL BRANCHES OF DIVISIONAL OFFICERS ON THE NORTH-WESTERN RAILWAY.

†1006. ***Mr. Abdul Haye** : Will Government please state separately the number of Hindu and Muslim clerks together with their pay and period of service in the Personnel Branches of Divisional Officers on the North Western Railway ?

EMPLOYMENT OF AN OUTSIDER AS SUPERINTENDENT, COMMERCIAL BRANCH, OF THE HEADQUARTERS OFFICE OF THE NORTH WESTERN RAILWAY.

1007. ***Mr. Abdul Haye** : (*a*) Is it a fact that the post of the Superintendent, Commercial Branch of the Headquarters Office of the North Western Railway, which is about to fall vacant is to be filled by an outsider ?

(*b*) If the answer to part (*a*) is in the affirmative, will the Government please state what are the educational qualifications of this outsider to fill the vacancy, and what is his previous experience in the Commercial Branch ?

(*c*) Was due consideration given to the claims of the deserving senior Muslim clerks ?

Mr. A. A. L. Parsons : Government have no information, and are not prepared to interfere with the discretion of the Agent in the matter.

MUSLIM TRAFFIC INSPECTORS AND JUNIOR ASSISTANT OFFICERS ON THE NORTH WESTERN RAILWAY.

1008. ***Mr. Abdul Haye** : (*a*) Is it a fact that there is not a single Muslim Traffic Inspector on the whole North Western Railway whereas there are many Hindu Traffic Inspectors ?

(*b*) Is it a fact that three posts of Junior Assistant Officers on the North Western Railway have been recently given to Hindus and none to Muslims ?

(*c*) Are Government prepared to enlist successful Muslims for similar appointments until communal inequalities are removed ?

Mr. A. A. L. Parsons : I am making enquiries and will communicate with the Honourable Member.

MUSLIM AND HINDU CLERKS IN THE OFFICE OF THE EXECUTIVE OFFICER, PERMANENT WAY BRANCH, NORTH WESTERN RAILWAY.

†1009. ***Mr. Abdul Haye** : (*a*) Will Government please state the present number of Muslim and Hindu clerks in the office of the Executive Engineer, Permanent Way Branch, North-Western Railway, Lahore ?

† For answer to this question see answer to question No. 1001.

(*b*) Is it a fact that the five new vacancies in this office were filled up by Hindus only and not a single Muslim was taken ?

EDUCATIONAL QUALIFICATIONS OF B. BAHADUR SINGH AND OTHER SPECIAL TRAVELLING TICKET EXAMINERS OF THE NORTH WESTERN RAILWAY.

1010. ***Mr. Abdul Haye** : (*a*) Will Government please state the educational qualifications of B. Bahadur Singh and other Special T. T. Es. of the North-Western Railway ?

(*b*) Is it a fact that B. Bahadur Singh was selected Special T. T. E. when he was getting Rs. 150 *per mensem* ?

(*c*) What was his relative position as regards seniority at the time ?

Mr. A. A. L. Parsons : (*a*) Government understand that one is a graduate and two have passed the Matriculation Examination, the gentleman mentioned not being one of them.

(*b*) Yes.

(*c*) He was selected in preference to seven seniors.

HINDU AND MUSLIM CLERKS IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

1011. ***Mr. Abdul Haye** : 1. Will Government please state the number of Hindu and Muslim clerks with their respective educational qualifications, period of service, if any, and pay they draw, who have been recruited to the Railway Clearing Accounts Office, by :

(*a*) transfer from the Chief Auditor's Office ; and

(*b*) fresh appointment ?

2. Will Government please state the number of Hindu and Muslim clerks who have been taken in the upper grade in the Railway Clearing Accounts Office ?

3. How many Hindus and how many Muslims have been taken as accountants without passing the examination ?

Mr. A. A. L. Parsons : The compilation of the information for which the Honourable Member asks would involve a great deal of trouble which Government are not prepared to impose on the authorities concerned.

STARTING SALARIES FOR GRADUATES AND MATRICULATES IN THE CLERICAL ESTABLISHMENT OF THE OFFICE OF THE NORTH WESTERN RAILWAY AT LAHORE.

1012. ***Mr. Abul Haye** : (*a*) Will Government be pleased to state what are the starting salaries for graduates and matriculates in the clerical establishment of the North Western Railway offices at Lahore ?

(*b*) Is it a fact that Prem Chand, B.A., who was appointed on Rs. 80, is now drawing Rs. 130 ***per mensem*** with less than a year's service ?

(*c*) Is it a fact that one Jagdish Lal, who is only a matriculate, was appointed on Rs. 80 direct ?

(*d*) Is it a fact that Kanshi Ram, who is an F. A., was appointed direct on Rs. 100 and is now getting Rs. 150 although he has not a year's service at his credit ?

Mr. A. A. L. Parsons : (*a*) I am not aware whether there is any special rule or practice laying down starting salaries for graduates and matriculates in the clerical establishment of the North Western Railway offices at Lahore, but I am making enquiries and will let the Honourable Member know the result.

(*b*), (*c*) and (*d*). The matter is entirely at the discretion of the Agent and Government are not prepared to interfere with that discretion.

INADEQUATE REPRESENTATION OF MUSLIMS IN THE OFFICE OF THE CHIEF AUDITOR OF THE NORTH WESTERN RAILWAY.

1013. ***Mr. Abdul Haye** : (*a*) Is it a fact that of the 16 senior accountants in the grade of Rs. 270—20—450 in the Chief Auditor's Office of the North Western Railway at Lahore, no one is a Muslim ?

(*b*) Is it a fact that there are only two Muslim junior accountants as compared with 20 Hindus ?

(*c*) Is it a fact that there are three Muslim accountants in lieu of clerks as compared with 18 Hindus (in the grade 80—10—250—20—270) ?

(*d*) Is it a fact that there is one Muslim I.C.G. in grade I as compared with 4 Hindus and 8 Muslim I. C. G.'s in grade II as compared with 27 Hindus ?

(*e*) Is it a fact that there are three Muslim stock verifiers as compared with 12 Hindus ?

(*f*) If the above facts are correct, do Government intend to redress the grievances of the Muslims as regards inadequate representation ?

The Honourable Sir Basil Blackett : I would refer the Honourable Member to the last sentence of the reply just given to his questions Nos. 993 to 998.

Mr. K. Ahmed : The Honourable Member says he has answered this question in his answer to questions Nos. 993 to 998. But if Members of the Assembly are not satisfied with the action taken by the Agent of the Railway, do Government propose, for the benefit of the country.....

The Honourable Sir Basil Blackett : I suggest that it would be for the benefit of the country if the Honourable Member understands what is said before he puts questions. I was not talking about Agents of Railways but about the Auditor's Office at Lahore—a different matter.

REMOVAL OF STATE PRISONERS AND DETENUS IN BURMA TO THE MARY'S SCHOOL BUILDINGS AT MANDALAY.

1014. ***Mr. S. C. Mitra** : (*a*) Is it a fact that the Government of Burma on the suggestions of the Superintendent of Jail, Deputy Commissioner of Mandalay and of official and non-official visitors recommended to

the Government of India that State prisoners and detenus confined in different Jails in Burma should be removed and lodged together in Mary's School buildings at Mandalay which have been purchased by the Burma Government ?

(*b*) Is it a fact that the Government of India also approved of the scheme subject to a Bengal Government official visiting and approving the site ?

(*c*) Is it a fact that Mr. Lowman was sent to Mandalay to see the site and then reported that it was not desirable to keep all the State prisoners and detenus together ?

(*d*) If the answers to the previous questions are in the affirmative and if on the above suggestion of Mr. Lowman this scheme was abandoned, will Government please explain why Mr. Lowman was sent at all to Mandalay at a considerable expense ?

(*e*) Is there any truth in the allegation that Mr. Lowman disapproved of the scheme only because of the altercations he had with the State prisoners in the Mandalay Jail ?

The Honourable Mr. J. Crerar : (*a*) A proposal on these lines was submitted by the Government of Burma.

(*b*) The Government of India approved the proposal in the first instance, but subsequently modified their views.

(*c*) Mr. Lowman visited Mandalay, but the Government of India are not aware of the nature of his report. The decision referred to above was taken on general grounds.

(*d*) Does not arise.

(*e*) The Government of India are not aware whether Mr. Lowman reported in favour of or against the scheme.

SHORT NOTICE QUESTIONS AND ANSWERS.

Mr. Jamnadas M. Mehta : Sir, with your permission I will ask a short notice question of which I have given notice.

Sir Hari Singh Gour : Before Mr. Mehta asks his short notice question, may I, Sir, be permitted to put my question No. 988 ?

Mr. President : The Honourable Member knows that his question was on and he at once disappeared when it was about to be called. It is not right that the Honourable Member should get up now and again and ask that he should be allowed to put that question. He should at least have asked the Chair before we was leaving. Mr. Jamnadas Mehta.

Construction of the Vasad-Borsad-Katana Railway.

Mr. Jamnadas M. Mehta : (*a*) Will Government be pleased to say whether the construction of the Vasad-Borsad-Katana Railway has been started ; if not, when do Government propose to start it ?

(*b*) Do Government realise that thousands of people in Gujarat have become homeless and have been otherwise ruined by recent floods ?

(*c*) Are Government prepared to expedite the starting of the construction work of the Vasad-Borsad-Katana and other railways in Gujarat with a view to give relief to the stricken people ?

Mr. A. A. L. Parsons : Owing to negotiations with the Baroda Durbar, from whom a final reply was only received on the 29th August, sanction has not yet been given to the construction of the Vasad-Borsad-Katana Railway, and the agreement of the Bombay, Baroda and Central India Railway Company has still to be obtained on one outstanding point. The Railway Board are, for the reasons mentioned by the Honourable Member, most anxious to start the construction of this line at the earliest possible date, and they have asked the Agent of the Bombay, Baroda and Central India Railway to communicate the agreement of his Company on this point by telegram as quickly as he can. They propose then to instruct him to commence the construction forthwith.

The Railway Board will examine whether there are any other projects in the afflicted area which can be taken up immediately, if necessary, by advancing their place in their construction programme.

POSTPONEMENT OF THE DISCHARGE OF WORKMEN FROM THE KHARAGPUR WORKSHOPS UNTIL AFTER THE PUJA HOLIDAYS.

Diwan Chaman Lall : In view of the possibility that men discharged from the Kharagpur workshops may find it difficult to set about getting work during the Puja holidays, are Government prepared to ask the Agent of the Bengal Nagpur Railway to postpone such discharges until the holidays are over ?

Mr. A. A. L. Parsons : I should first explain that the date chosen for the discharge of men from the Kharagpur Workshops was originally selected in the interests of the men, many of whom might be expected in the ordinary course to go to their homes during the Pujas. But the Railway Board recognise that the holidays may add to the difficulty of discharged men in finding new work immediately, and as soon as this possibility was mentioned to me by Mr. Acharya, we wrote to the Agent of the Bengal Nagpur Railway, asking him if he could arrange to give the men who are being got rid of their pay up to the end of the Pujas in addition to whatever other benefits they might be receiving. We also told him that, unless there were serious practical difficulties, we should like him to do so and that we were prepared to sanction any departure from the rules which this might occasion. We have since learnt that he has agreed. This course, I think, will be more advantageous to the men than postponing their discharge, since while getting pay up to the end of the Pujas they will be able to use the Puja holidays in search of work.

12 NOON.

With your permission, Sir, I should like to supplement this reply by apprising Honourable Members of the latest information which I have received of the position at Kharagpur. It is contained in a telegram which the Railway Board received yesterday from the Agent of the Bengal Nagpur Railway—the telegram being dated the 11th September. The telegram runs as follows :

"Last two days Kharagpur shop men have turned out but have done no work adopting a policy of passive resistance. On the other hand there have been isolated cases of intimidation and assaults on subordinate supervising staff. At Labour Union mass meeting yesterday (Saturday) leaders recommended continuance of policy of passive resistance, that is, all men surging up to shops but not working. In opinion of District Magistrate and Cole (Mr. Cole is the Chief Mechanical Engineer of the Railway) feeling of tension great and growing. Cole considers shops should be closed as, if men remain idle and tension grows, serious disturbances in shops will take place resulting in probable serious damage to property. If shops remain open and serious disturbances occur inside, which District Magistrate thinks probable, he cannot guarantee protection of person or property. He considers that if shops close he will be better able to control probable outbreaks. Have discussed matter fully with the District Magistrate and Cole and I agree that closing of shops is the lesser evil as likely to lead to less trouble and in view of situation now arisen have decided to close shops till situation clears."

The date on which the shops were closed is not mentioned in this telegram ; but I understand from another telegram received by the Railway Board from an official of the Labour Union, that they were closed on the 12th September :

"On September 16th arrangements are being made to pay men their August wages, settlement of all men on reduction commencing the following day. All men down for discharge will be paid up to the end of the Puja holidays, *viz.*, 11th October—*vide* my letter of yesterday's date. I am intimating that shops will be opened as soon as the men's leaders will give assurances that men are willing to work."

Diwan Chaman Lall : May I ask what were the reasons which led these workers to go into the workshops and adopt passive resistance ?

Mr. A. A. L. Parsons : I understand they were advised to do so by their Labour Union.

Diwan Chaman Lall : What were the grievances behind this action taken by the workmen ?

Mr. A. A. L. Parsons : I am aware of no grievances except the general grievance that a reduction in the staff is being carried out.

Diwan Chaman Lall : May I ask whether any damage was done to property in the workshops by any of these men who were not willing to work there ?

Mr. A. A. L. Parsons : I do not think we have received information of any damage in the workshops. As I mentioned there have been one or two cases of intimidation of which we have had notice.

QUESTIONS NOT ASKED AT THE MEETING, OWING TO THE ABSENCE OF THE QUESTIONERS, AND ANSWERS TO THE SAME.

PURCHASE OF PAINTS, VARNISHES AND ENAMELS OF EUROPEAN MANUFACTURE BY THE NORTH WESTERN RAILWAY.

938. ***Mr. N. C. Chunder** : (*a*) Will Government be pleased to state whether a notice was advertised by the Controller of Stores, North Western Railway in the *Statesman* (of Calcutta) of the 23rd August, 1927, inviting sealed tenders for the supply amongst other things of paints, varnishes and enamels of European manufacture ?

(*b*) Will Government be pleased to explain whether European manufacture means or includes articles manufactured in India by European firms or companies ?

(*c*) Will Government be pleased to state whether :

(*a*) Paints
(*b*) Varnishes
(*c*) Enamels
} of indigenous origin

are available ? If so, why have no tenders been invited therefor ?

(*d*) Are the tenderers bound to despatch samples to the office of the said Controller if so required to do ?

(*e*) Has the said Controller ever called for and examined samples of paints, varnishes and enamels of indigenous origin ? If so, with what result, if not, why not ?

(*f*) Are quotations being obtained from England for paints and varnishes ?

(*g*) Will Government state why quotations are not being obtained from England for enamels ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) No.

(*c*) Paints, varnishes and enamels of indigenous origin are available. Tenders, however, were not invited for these as the North Western Railway obtain their supplies of indigenous paints and varnishes through the Indian Stores Department.

(*d*) Yes, one of the terms of the call for tenders was that samples if required must be despatched to the office of the Controller of Stores, Moghalpura.

(*e*) Yes. Trials have been made with such material and as a result practically all paints and some of the varnishes are of indigenous origin. An indigenous enamel has not so far been tried which has been found suitable for the requirements of the Railway.

(*f*) Yes.

(*g*) Quotations are being obtained from England for enamels.

AMOUNT OF HONORARIUM TO BE PAID TO THE ARCHITECT OF INDIA HOUSE IN LONDON.

988. ***Sir Hari Singh Gour** : (*a*) Will the Government be pleased to state the honorarium agreed to be paid to the architect of India House in London ?

(*b*) If it be a percentage on cost what will it amount to on the estimated cost ?

(*c*) Did Government call for designs for the building by a public advertisement ? If so, in what papers, English and Indian, were the advertisements published ? If not, why not ?

(*d*) What steps have the Government taken to see that India House is an example of the best type of Indian architecture ?

The Honourable Sir George Rainy: (*a*) and (*b*). The fee of the architect is fixed by the Royal Institute of British Architect as a percentage on the cost of the building, and the Institute's rules do not permit an architect to undertake work for less than the authorised fee. The percentage is ordinarily 6 per cent., and this would amount to about £16,500 on the estimated cost of India House.

(*c*) No. The design was prepared by Sir Herbert Baker, who was selected as the architect for the building. The Government of India do not consider that anything would have been gained by the procedure suggested.

(*d*) I would refer the Honourable Member to the reply given by me to a similar question by Mr. Neogy on the 1st September.

UNSTARRED QUESTIONS AND ANSWERS.

Delay by Railways in the Disposal of Applications for Sidings by Collieries.

105. **Mr. K. C. Neogy**: (*a*) Has the attention of Government been drawn to the recommendation recorded by the Indian Coal Committee in paragraph 71 of their Report that undue time should not be taken by the Railway Administration in disposing of applications for sidings by collieries on Assisted Siding Terms, and in the eventual construction thereof after they are sanctioned ?

(*b*) Are Government aware that even this recommendation of the Indian Coal Committee is not being worked up to at present—that unusual time elapses (*i*) between the first application for siding and the decision thereon, (*ii*) between the decision and the preparation of plans and estimate, (*iii*) between the deposit of money for sub-grade work and final construction of siding and (*iv*) between the construction and the refund of unspent balance of the money deposited by the applicants ?

(*c*) Are Government aware that, in the case of the Dobary No. 3 Siding on the East Indian Railway, application was made in June 1921, was sanctioned on 5th March, 1923, and the plan and estimate were submitted on 11th March, 1924, *i.e.*, after one year, and the cost of sub-grade work having been deposited in June 1924, the siding was actually opened for traffic in January, 1927 and the refund of the unspent amount of the deposit is still outstanding without earning any interest meanwhile, in spite of repeated reminders by the party ?

(*d*) Is it a fact that in 1921, the Indian Mining Federation initiated a proposal which was supported in the minute of dissent of the Indian Coal Committee, that a special machinery should be set up to consider all applications for siding from the collieries in the Bengal and Bihar coalfields ? Should the reply to the questions (*b*) and (*c*) above be generally in the affirmative, are Government prepared to accept such a proposal for setting up a special machinery ? If not, do they propose to enforce on the railways concerned the observance of a time chart indicating the maximum permissible interval between the different stages during the pendency of an application for siding till its final completion ?

Mr. A. A. L. Parsons : (*a*) The answer is in the affirmative.

(*b*) Government are aware that in some cases delay has occurred in the provision of sidings. In the first place, compliance with an application must sometimes be withheld until the Railway Administration is satisfied that the colliery's business has grown or will grow sufficiently large to justify the outlay by the Railway on a siding. Secondly, after a decision to build the siding is arrived at, time is often lost in reconciling the conflicting interests of various parties. Thirdly, after the money for the sub-grade work has been deposited, delay may occur in the acquisition of the land. Government have received no complaint that delay occurs after construction in refunding the unspent balance of money deposited by applicants.

(*c*) In the case of Dobary No. 3 siding the Railway Administration Reports that the siding was opened in September 1926, not January 1927, as stated by the Honourable Member. Government have received no representation that the balance of the deposit has not been refunded but are enquiring.

(*d*) Government are aware of the proposal made by the Indian Mining Federation in 1921, but cannot find any reference to it in the minute of dissent in the Indian Coal Committee's Report. Government are not prepared to adopt the proposal of the Indian Mining Federation. When delay occurs in the provision of a siding, the causes are often not under the control of the Administration. For this reason the enforcement of a time table as proposed by the Honourable Member is not considered practicable.

RENT FOR COAL DEPÔTS IN ALL THE CALCUTTA STATIONS, ETC.

106. **Mr. K. C. Neogy** : (*a*) Is it a fact that rent for coal depôts are not identical in all Calcutta stations (Sealdah, Howrah, Howrah-Punjab line and Uitadingi) nor are the non-mechanical facilities the same in these stations ? If so, do Government propose to set up a permanent machinery to equalise facilities and rents among these stations with a view to fostering the trade in soft coke in the Calcutta city and suburbs ?

(*b*) Is it a fact that the pilferage from coal and coke wagons arriving in Sealdah is markedly higher than that with regard to the same traffic arriving in other Calcutta stations ?

(*c*) Is it a fact that at Sealdah the contents of coal wagons booked to non-depôt holders are allowed to remain on the railway yard without any wharfage being charged, to the greatest injury of the registered depôt holders who have to pay heavy rent for depôt spaces.

(*d*) Is it a fact that non-depôt holders at Sealdah are allowed to take deliveries of coal from wagons booked to them under " To Pay " system, without paying the railway freight, and is it a fact that the Eastern Bengal Railway authorities could not realise a large amount of freight owing to the latitude permitted in delivery referred to above ; if so, will Government be pleased to state the total amount that could not be realised and the amount of such outstanding as at the 15th of August, 1927 ?

(*e*) Is it a fact that the wagons booked to registered depôt holders at Sealdah are in many cases not placed alongside their respective depôts,

but are placed sometimes a long way off the depôts ? If so, are Government prepared to ask the Eastern Bengal Railway authorities to adopt the method prevailing on the East Indian Railway system at Howrah and other Calcutta stations that wagons booked to a registered depôt are placed alongside the respective depôts and are not considered as " placed wagons " until they are so done ?

(*f*) Is it a fact that when wagons are placed at Sealdah coal yard no signature is obtained by the railway staff of the consignees as well as of the depôt holders noting the time of placing of such wagons ? If so, are Government prepared to enforce the practice that such signature shall be invariably taken at Sealdah at the time of placing of wagons ?

Mr. A. A. L. Parsons : The information has been called for and will be furnished to the Honourable Member on receipt.

EMPLOYMENT OF GOVERNMENT SERVANTS BY THE ROYAL TURF CLUB, CALCUTTA.

107. **Mr. A. H. Ghuznavi** : (*a*) Will the Government be pleased to state how many employees of the Calcutta Customs Appraisers Department and of other Government offices in Calcutta are working in the Calcutta Races Totalizator or in any other branch of the Royal Calcutta Turf Club and are receiving remuneration for such services from the said Turf Club ?

(*b*) Will Government be pleased to call for a list from the Royal Calcutta Turf Club of Government servants employed by the said Club in connection with the races and other duties who receive remuneration for services rendered ?

(*c*) Are Government employees permitted to accept such services ?

(*d*) Are the Government aware that instances have occurred that Appraisers of the Calcutta Custom Office, employed in race work, have left their duties as early as 12 Noon on race days (especially in the winter season when races start early) neglecting their duties inasmuch as they locked up in their drawers for days and days the customs import passes for appraisement with the regrettable consequence that the goods relating thereto incurred heavy demurrage to the great loss of the importers ? If not, are the Government prepared to enquire into the matter and inform the House of the result of their enquiry ?

(*e*) Do the Government propose to take steps to prohibit Government servants from accepting services elsewhere to the detriment of the public interest ?

The Honourable Mr. J. Crerar : The information asked for is being collected and will be supplied to the Honourable Member in due course.

DISMISSAL OF RAILWAY EMPLOYEES.

108. **Mr. M. Ruthnaswamy** : 1. Will the Honourable the Commerce Member be pleased to state, if it is a fact :

(*a*) that railway companies reserve to themselves in their agreements with their employees a power to dismiss them on one month's notice " for any reason " whatsoever ;

(*b*) that such dismissals have been held to be wrongful by the subordinate Judge of Nagpur in Lenlage *vs.* the Great Indian Peninsula Railway decided in 1924 ;

(c) that such dismissals are a matter of frequent occurrence even now ; and

(d) that the payment of bonus is considered to be a matter of grace and favour on the part of the employees ?

2. Have Government considered the question of instructing all railway companies to alter the agreement so as to make a railway servant liable to dismissal only for proved misconduct ?

Mr. A. A. L. Parsons : 1. (a) No provision is made in the agreements for dismissal with notice. Provision is made for termination of service on notice being given by either side ; the period of notice varies from one to six months.

(b) Government have no information.

(c) Employees are discharged under the terms of the agreement when in the interests of the Railway Administrations their services are no longer required.

(d) Presumably the Honourable Member is referring to service gratuity. If so, a gratuity is granted as a reward for good, efficient, faithful and continuous service. The grant of gratuity is at the discretion of the Railway Administrations and it cannot be claimed as a matter of right.

2. The agreements provide for dismissal for proved misconduct only. If the Honourable Member is referring to discharges under the terms of the agreement Government do not propose to alter the agreements as suggested by him.

POLICE ESCORTS FOR REMITTANCES OF GOVERNMENT TREASURE SENT BY RAILWAY.

109. **Mr. M. Ruthnaswamy** : (a) Has the attention of the Government been drawn to an article entitled " Safety at lonely stations " at page 3 of the issue for January 1927 of the Indian Railway Magazine ?

(b) Is it a fact that even guards of cash " carrying trains " have no police protection given to them ?

(c) Are the Government prepared to consider the advisability of allowing the use of fire-arms to all station masters and railway guards ?

Mr. A. A. L. Parsons : (a) Government have seen the article referred to.

(b) Police escorts accompany all remittances of Government treasure sent by railway except remittances of nickel, copper and bronze coin.

As regards private treasure, consignments weighing more than 54 maunds are only conveyed in owners' charge. Whether any protection is required for smaller consignments is under consideration.

With regard to railway earnings remitted by train, arrangements have been made to reduce such remittances as much as possible by payment into local treasuries. No police protection is, as a rule, given.

(c) On certain specially dangerous sections of railway, arms are given to the staff, for example on the Quetta and Rawalpindi divisions,

but Government do not consider that there is any necessity to allow the use of fire-arms to all station masters and railway guards, particularly, as in many cases, such fire-arms would prove to be a greater source of danger than advantage to the person concerned.

ACCIDENTS ON THE SOUTH INDIAN RAILWAY.

110. **Mr. M. Ruthnaswamy** : (*a*) Has the attention of the Government been drawn to an article entitled " Buried alive " at page 10 of the Indian Railway Magazine in its issue for May-June 1927 ?

(*b*) Is it a fact that it is the third accident of its kind on the South Indian Railway during the last three years ?

(*c*) Is it a fact that as the result of a departmental enquiry an European engineer was reduced and a maistry prosecuted ?

(*d*) Will the Government be pleased to state the ages of the victims and the amounts of compensation awarded to them ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) to (*d*). Enquiries are being made and the result will be communicated to the Honourable Member.

ACCIDENTS DUE TO THE NON-FENCING OF RAILWAY LINES.

111. **Mr. M. Ruthnaswamy** : (*a*) Has the attention of the Government been drawn to the two accidents mentioned at pages 129 and 130 in the July issue of the Indian Railway Magazine ?

(*b*) Is it a fact that a large portion of the railway line at Thirumathikunnam, the place of accident, is unfenced ?

(*c*) Has the Governor General in Council issued orders under section 13 of the Railways Act to have all railway lines fenced ?

(*d*) If so, do Government intend to take any notice of the negligence ?

(*e*) Are the Government prepared to take action to ensure that the members of the Local Advisory Committees should be asked to be present at all enquiries into accidents attended with loss of life ?

(*f*) Will the Government be pleased to state if any and, if so, how much, compensation has been awarded to the victims in the aforesaid two accidents ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) Such information as we have goes to show that the line is fenced at this spot, but I am making enquiries.

(*c*) No.

(*d*) I am not sure that I understand what alleged act of negligence the Honourable Member refers but, as I have said, I am enquiring whether the line is fenced at this spot.

(*e*) The question of the possibility of associating representatives of the public with enquiries into accidents has been carefully considered by Government, but with the advice and consent of the Central Advisory Council the proposal to provide for such association has been dropped.

(*f*) I will enquire whether any compensation has been paid and let the Honourable Member know. In one of the cases mentioned there seems, *prima facie*, no reason for any such payment.

REVISION OF THE PAY OF CLERKS ON THE SOUTH INDIAN RAILWAY.

112. **Mr. M. Ruthnaswamy** : (*a*) Are the Government aware that at the last Session of the Legislative Assembly Government stated that the revision of the pay of clerks on the South Indian Railway was under contemplation ?

(*b*) Are the Government aware that the Agent of the South Indian Railway said in answer to the deputation of the members that waited on him recently that it was not proposed to revise their salaries ?

(*c*) Will the Government be pleased to state which of these statements is correct ?

Mr. A. A. L. Parsons : (*a*) and (*c*). At the last Session of the Legislative Assembly it was stated that the question of revising the starting pay of junior clerks was under the consideration of the South Indian Railway Company. This was certainly a correct statement of fact at the time it was made.

(*b*) Government have no information, but will enquire

GRANT OF ALLOWANCES TO THE OFFICERS AND CLERKS OF THE TELEGRAPH OFFICE, SIMLA, MOVING WITH THE GOVERNMENT OF INDIA BETWEEN SIMLA AND DELHI.

113. **Mr. N. M. Joshi** : (*a*) Will the Government be pleased to state the allowances that are being paid to the staff of the attached offices of the Government of India, namely, the Director General of Posts and Telegraphs and the Military Accountant General ? Are these allowances paid on the ground of the nature of work in the offices mentioned or on account of the higher cost of living in Simla and Delhi or on account of the move of the two offices with the Government of India ?

(*b*) Is it a fact that three-fourths of the staff of the Simla Government Telegraph Office move with the Government of India Headquarters ? If so, will Government kindly mention the number of such persons concerned and the grade they belong to ?

(*c*) Do not the officers and clerks of the Telegraph Office, Simla, face the same hardships as those in the two attached offices of the Government of India mentioned in part (*a*) above ?

(*d*) Are these officers and clerks of the Simla Telegraph Office paid the same allowances that are paid to the staff of the two attached offices ? If not, why not ?

(*e*) Do these telegraph employees receive the same treatment in regard to joining time when they move down to Delhi or up to Simla as the employees of the two attached offices ? If so, why is the distinction made in respect of the allowances and why is the Simla Allowance Code applied to the telegraph employees in one respect and not in another ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The establishment of the offices of the Director General of Posts and Telegraphs and of the

Military Accountant General receive allowances under the Simla Allowance Code. These allowances are paid in consideration of the expensiveness of living in Simla and of other disadvantages to which these establishments are subject as a result of their having to move with the Government of India.

(*b*) Yes.

Office Superintendent	1
Telegraph Master, General Service	3
Telegraphists, General Service	28
Clerks	15
Munshies, ...	3
Time keepers	2
Compositors	6

(*c*) The Office Superintendent and the General Service Telegraph Masters and Telegraphists, Simla, are provided with free quarters and thus protected against excessive house-rents. With this exception the reply is in the affirmative.

(*d*) No. The Telegraph Office staff receive allowances specifically sanctioned for them by the Government of India. The allowances are based on the recommendations of the Telegraph Committee of 1921.

(*e*) No. The telegraph employees are granted joining time under the Supplementary Rules while the establishments of the Director-General's and Military Accountant General's offices are granted joining time under rule 18 of the Simla Allowances Code. The restrictions until recently imposed on the grant of joining time to the former have been removed.

The second part does not arise.

GRANT OF FREE QUARTERS OR HOUSE-RENT IN LIEU THEREOF TO THE SIGNAL ROOM CLERKS TRANSFERRED FROM OLD DELHI TO NEW DELHI.

114. **Mr. N. M. Joshi** : Is it a fact that the services of the signal room clerks of the Simla-Delhi Telegraph Offices are not transferable except on promotion ; if so, will the Government please state whether the signal room clerks transferred from Delhi Old Secretariat to New Delhi have been either provided with free quarters or house-rent allowance ? If the answer be in the negative, will Government please state if they propose now to redress their grievance by granting house-rent or free quarters ?

The Honourable Sir Bhupendra Nath Mitra : The answer to the first part of the question is that signal room clerks are transferable from one station to another either on promotion or on revision of establishment or in the interests of discipline.

The answer to the second part is in the negative.

In respect of the third part Government do not admit that the clerks concerned have a grievance. Signal room clerks are not entitled to free quarters nor to house-rent allowance.

LONG HOURS OF WORK OF ASSISTANTS AND CLERKS EMPLOYED IN THE FINANCE AND COMMERCE DEPARTMENTS OF THE GOVERNMENT OF INDIA SECRETARIAT.

115. **Kumar Ganganand Sinha** : (*a*) Is it a fact that the prescribed hours of work in the Government of India Civil Secretariat Department are generally from 10-30 A.M. to 4-30 P.M.?

(*b*) Is it a fact that in some of the Departments (*e.g.*, the Finance and Commerce) assistants and clerks are generally in office much beyond the prescribed hours, *i.e.*, up to 6 or 7 P.M. ?

(*c*) If the answer is in the affirmative, will Government please state what this is due to ; is it due to the fact that they have to wait till their officers leave or because the work is excessive or because the staff is insufficient ?

(*d*) If the reasons are not any of those specified above will the Government be pleased to state what the reasons are ?

(*e*) Are the men who stay late in office paid any remuneration for the extra labour ; if so, what ; if not, why not ?

The Honourable Mr. J. Crerar : (*a*) Yes, except on Saturdays when the hours are usually 10-30 A.M. to 2 P.M.

(*b*) and (*c*). No. Assistant and clerks *sometimes* have to stay late in office when work is heavy. I am not aware that this is *generally* the case.

(*d*) Press of work.

(*e*) The staff of the Secretariat are whole-time servants of Government and no extra remuneration is paid for occasional overtime work.

DISCHARGE AFTER NINE YEARS' SERVICE OF 23 TEMPORARY COMMISSIONED OFFICERS OF THE INDIAN MEDICAL SERVICE.

116. **Lieut.-Colonel H. A. J. Gidney** : (*a*) Is it a fact that on the 1st September, 1926, 23 temporary commissioned I. M. S. officers were served with notice of discharge from the Service after having served the Indian Army for 9 years ?

(*b*) Was this discharge effected by Army Order Z.-2396-2 (D.M.S.-1-B), dated Simla, 23rd April, 1926 (limitation of the period of service of temporary commissioned officers of the I. M. S.) ?

(*c*) If so, will the Government please state if, when these temporary officers were entertained, they were informed of this intention on the part of the authorities and have they no vested interests in their service ?

(*d*) Have any Europeans been enlisted *in India* as temporary I. M. S. officers and have they also been discharged at the end of 9 years or have they been retained and given a higher rate of pay during their service and promoted ?

(*e*) Is it a fact that in place of these discharged 23 temporary I. M. S. officers 24 new junior temporary officers were engaged ?

Mr. G. M. Young : (*a*) The annual contracts of 23 officers lapsed on or about the date mentioned and were not renewed. These officers had served altogether for 9 years on annually renewed contracts.

(*b*) Yes, Sir. Except that the document referred to by my Honourable friend was a memorandum and not an Army Order.

(*c*) No, Sir. As I have stated on previous occasions these officers were originally engaged on annual contracts, subject to renewal at their option as well as that of Government for further periods of a year at a time. They have therefore no vested interests beyond what is represented by the annual contract. They were entitled to such notice of non-renewal of their contracts as is laid down in the terms of the contract. That notice was duly given to all of them.

(*d*) Europeans have been recruited as temporary I. M. S. officers on the same terms as Indian temporary I. M. S. Officers, but I cannot say whether any of them were actually recruited in India. The second part of this question does not arise.

(*e*) The temporary officers whose contracts were not renewed were replaced by the same number of newly recruited officers with temporary commissions. As I have informed the House, Government are re-examining this question, though they can give no undertaking that the 9 years' rule will be modified.

GRANT OF GRATUITY OR SOME FORM OF PENSION TO TEMPORARY INDIAN OFFICERS OF THE INDIAN MEDICAL SERVICE WHEN THEY ARE DISCHARGED.

117. **Lieut.-Colonel H. A. J. Gidney** : (*a*) Is it a fact that temporary I M. S. officers engaged in England receive £1,000 as a gratuity on the completion of 5 years of temporary service, and that this gratuity is increased if further temporary service is rendered ?

(*b*) If the answer to part (*a*) is in the affirmative, will the Honourable Member please state if there is any difference in the duties performed by the European and the Indian temporarily engaged I. M. S. officers ?

(*c*) If the answer to part (*a*) is in the negative, will the Government please state the reason for this difference in treatment ?

(*d*) Are Government prepared to sympathetically consider the granting of a similar gratuity or some form of pension to Indian temporarily engaged I. M. S. officers when they are discharged ? If not, why not ?

Mr. G. M. Young : (*a*) No, Sir. As I have explained fully in my reply to Diwan Chaman Lall's question No. 806, no temporary I. M. S. officers are engaged in England, but the terms of appointment to permanent commissions in the I. M. S. now include the option of retiring after 6 or 12 years service with a gratuity of £1,000 or £2,500 instead of pension. Indian officers recruited to the permanent service now have this option equally with Europeans. No temporary officer, whether Indian or European, whether recruited in England or in India, is entitled to a gratuity under the terms of his contract.

(*b*), (*c*) and (*d*). Do not arise.

MOTION FOR ADJOURNMENT.

THE GOLD STANDARD AND RESERVE BANK OF INDIA BILL.

Mr. President : I have received the following notice of a motion for adjournment of the House from Diwan Chaman Lall :

"I beg to give notice of the following motion of adjournment to discuss a matter of recent and urgent public importance, namely, the affront offered to the Legislative Assembly by the Government in withdrawing this Session the Gold Standard and Reserve Bank Bill before the Assembly had had an opportunity of discussing the remaining clauses of the Bill."

The matter proposed to be discussed seems to me to be in order, and I have to ask whether the Honourable Member has the leave of the Assembly to move the adjournment.

(No member stood up to object.)

As no Honourable Member takes objection I intimate that leave is granted and that the motion will be taken up at 4 P.M.

APPOINTMENT OF MUNSHI ISWAR SARAN TO THE LIBRARY COMMITTEE.

Mr. President : I have to inform Honourable Members of this House that I have appointed Munshi Iswar Saran to the Library Committee in place of Diwan Bahadur R. Ramchandra Rao who has ceased to be a Member of the Legislative Assembly.

RESOLUTION *RE* INDIANISATION OF HALF THE CADRE OF OFFICERS OF THE INDIAN ARMY.

Mr. President : The House will now resume further discussion of the following Resolution moved by Dr. B. S. Moonje on the 25th August 1927, and also the amendment moved thereto by Mr. Srinivasa Iyengar. The Resolution is :

"That this Assembly recommends to the Governor General in Council that as a beginning in the direction of preparing India for self-defence immediate steps be taken to bring about the Indianisation of half the cadre of officers in the Indian Army, unanimously recommended by the Skeen Committee, within a period of fifteen years, and to carry out the unanimous recommendations of the Committee with regard to the establishment of an Indian Sandhurst and the recruitment of Indian officers in those arms of the defensive forces, paid for out of Indian revenues, from which they are at present excluded."

The amendment of Mr. Srinivasa Iyengar is :

"That for the original Resolution the following be substituted :

'Subject to the revision of the whole scheme of the defence of the country in any future constitution for India acceptable to the people of India, and while feeling that the recommendations of the Indian Sandhurst Committee, specially relating to the continuance of British recruitment, do not satisfy Indian public opinion, this Assembly is of opinion that the acceptance of the unanimous recommendations of that Committee will mark a definite beginning in the Indianisation of the Army in India, and it therefore recommends to the Governor General in Council that he may be pleased to accept those recommendations and give immediate effect to them'."

Rai Sahib Har Bilas Sarda (Ajmer-Merwara : General) : Sir, I do not intend to speak on the military situation of Asia as affecting India, nor how, as time passes, the awakening of China, Persia and Afghanistan

and their gradual evolution as powerful military states have darkened the prospects of people of this country living peaceful lives, nor, how the increasingly estranged relations between Russia and England are rendering the military and political outlook so far as this country is concerned less and less satisfactory. That has been done by my Honourable friend Dr. Moonje. I wish to say a few words as to the alleged difficulty in the way of the Indianisation of the Army ; but before I do so I wish to say a few words with regard to what my Honourable friend, Colonel Crawford, said the other day with regard to the Skeen Committee. He said that the Skeen Committee was a failure because it mistook its task. Instead of concerning itself primarily with the efficiency of the Army, it concerned itself with the question as to how many Indians should be appointed to it. He also said in rather an apologetic tone, as if he was telling a truth which was unpalatable but which must be told, that the efficiency of the Army was not compatible with the increasing Indianisation of the Army, for British officers were unwilling to serve under Indians because of differences of social life.

As to the first point, I believe nobody here thinks that the Skeen Committee, which was presided over by such a distinguished soldier as General Skeen, the Chief of the General Staff, and on which there was also an eminent officer like Mr. Burdon, Secretary to the Government of India in the Army Department, did not pay heed to the question of efficiency. The fact is that my Honourable friend, and gentlemen of his way of thinking wish to keep the Army in India as a close preserve for Britishers, and whenever any proposal is made to give the Indians their due share in the defence of their country, the cry is always raised, " efficiency in danger." But, Sir, it is time that Colonel Crawford realised that this cry " wolf, wolf " no longer deceives anybody now.

As regards the second point, my Honourable friend is mistaken if he thinks that Indians believe in the danger which he tries to foreshadow. The English are a very practical people, and no people in the world know how to bow to the inevitable with greater grace. So long as they know that they can dictate their own terms, they will do so, but the moment they come to know, that they cannot have things all their own way, they will fall into line and accept the situation. When they know that they cannot have all the prizes in the Army, they will be content with what they can get and serve India. But, Sir, if the worst comes to the worst, and if when Indians are placed in command of battalions and regiments, the English officers refuse to have anything to do with the Army, though we shall be very sorry, we shall not be dismayed. We shall regard this as one of the ills which the body politic of India is heir to. We are anxious to enlist in the service of our country all the assistance that we can get from British officers, but if they still do not come, we shall not go into mourning ; we shall not sit in ashes and sack-cloth mourning our fate. They will not find us with tears in our eyes and hands folded beseaching these so many achilles sulking in their tents to come and command us. Sir, we Indians, Hindus and Muhammadans and Anglo-Indians, have sufficient suitable material in this country which, when trained, will help us to create an army which would be quite sufficient for the defence of our country. I wonder if my friend Colonel Crawford knows that General Sir Ian Hamilton says in his Scrap Book on the first part of the Russo-Japanese War :

" Why, there is material in the North of India and in Nepal sufficient, and fit, under good leadership, to shake the artificial society of Europe to its foundations ".

[Rai Sahib Har Bilas Sarda.]

Another military writer writing in the *Contemporary Review* a few years ago, said :

"If the Prussian conscription were applied in India, we should, without counting reserves or land'wehr or any force not summoned in time of peace, have two and a half millions of soldiers actually in barracks, with 800,000 recruits coming up every year—a force with which not only Asia but the world might be subdued."

Now, Sir, when we have got such material, and if we can get trained officers, there is no reason why we should not be able to have an army adequate for our purposes. Perhaps Colonel Crawford knows that it was not with the help of British officers that the Indian Army put a stop to the ever victorious march of Alexander the Great and later inflicted the disastrous defeat on the celebrated Greek King and General Seleukus and wrested half Western Asia from him, was it because the army was led by British officers that it hurled back the untold legions of Semaramis the Great of Assyria and inflicted a defeat on the Assyrian army from which it never recovered, or again when King Sobhogsen defeated Antiochus the Great. The nation that achieved such brilliant triumphs may be safely taken to possess suitable material for an efficient army. We have also got amongst us here descendents of those who founded in India an empire in the 16th century which was the strongest of its time. Thus we have got material for officering the army in this country which, when properly trained, would be quite adequate for the defence of our country.

Now, Sir, the chief difficulty alleged to be in the way of Indianization of the Army is the paucity of suitable youngmen who could be trained as officers for the Army. As I have said, there were in India, before the English came to this country, large armies commanded by Indians who showed great powers of command and who achieved great military feats which throw lustre on the history of India. It is only since the British Raj has been established that armies in India have ceased to be commanded by Indians, not because sufficient and suitable officers have not been forthcoming, but because it has been the policy of the British Government to train Indians for military service or to give them even the smallest control over the Army. It is perfectly true, Sir, that military science has made wonderful advance in these days and that a person has to undergo long training before he is fully equipped to be an efficient officer. But when Europeans who commanded European armies before these developments took place are now able to adjust themselves to the changed circumstances and are able to command modern armies, there is no reason why Indians who are regarded as a highly intellectual race should not also be able to adjust themselves to the changed circumstances. When India can produce good soldiers, there is no reason why with proper training she should not be able to produce officers to command the army. Are there any countries with large armies where the armies are officered exclusively by foreigners. Is human nature then so radically different in India from that in the rest of the world that it can produce only soldiers but not officers even when training is available ? Sir, I think there is sufficient material present in Rajputana to furnish a large part of the Army with officers ; so is the case with the Punjab, Maharashtra, Oudh and other provinces. We must not judge of the capacity of Indians for military service from the students who go up for the Sandhurst examination. Even Sir John Maynard, formerly Member of the Executive Council of the Punjab, who served for

ERRATA.

In line 20 from the bottom of page 4244 of Volume IV, number 60, of the Legislative Assembly Debates, dated the 13th September, 1927, *before* the words " to train Indians " *insert* the word " not ".

In the 7th line from the bottom of page 4245 of the same debates, *for* the word " discontent " *substitute* " discount ".

40 years in India has assured us—I read from the Skeen Committee's Report :

"in the Punjab alone there are many boys who do not appear for the Sandhurst examination but are of better quality than the accepted Sandhurst candidates, whom he himself had seen ".

It is only because the people do not think that Government is anxious that youngmen in India should take to the profession of arms that there is this alleged paucity. If the people of India are convinced that it is the genuine desire of Government that Indians should take their proper share in the defence of their country, the military colleges and schools which would be established for the purpose would be flooded with young men who will be found to be able to hold their own against young men of any other country.

Sir, the recommendations of the Indian Sandhurst Committee are neither generous nor liberal. And even if the recommendations in their entirety are given effect to, it is very doubtful if half the officers of the army will be Indians even after 25 or 30 years. We can well understand the caution and hesitation of Government in the matter, considering the great stake that England has in the country, for England's world position depends upon India not breaking away from her. And, Sir, when it is the avowed policy of Government to give self-government to this country, is it not wise and prudent that Government should win and retain the good will of Indians by conceding to them the right of defending their own country and by training them to do so. What is therefore important at the present time is that a real beginning in a right earnest spirit be made and, though the recommendations of the Skeen Committee are far from satisfactory, still the country accepts them as a proof of the genuine desire of Government to set the country on the road which will lead to the position when Indians will be able to defend their own country.

Two things, however, are necessary for the success of this scheme. The system of recruitment which has been recommended is over-cautious and in fact unsatisfactory. The scheme laid down in pages 29 and 30 of the Report appears to aim at securing what in present-day political parlance may be called " safe men ". Government should show greater trust in the people if the scheme is to have a chance of success. Secondly, Government should lose no time in moving the universities and other educational authorities suitably to modify the courses of study so as to enable young men so inclined to take to the profession of arms. And Government will find that in ten years' time suitable material would in a much larger degree be available than they would be able to make use of.

One word more and I finish. I hope Government will not give undue weight to the interested protests of people who profess to be representatives of the so-called martial classes against the intellectual classes entering the Army. They declaim against the intelligentsia, against the nimble-brained people as if brains were at a discount in the Army. The equipment of officers, Sir, is not the same as that of soldiers serving in the ranks. Ire, grit, nerve and character are the essentials of military life, but they are not the monopoly of those who have learnt to use a bayonet or a rifle when commanded to do so. It is no use concealing the fact that the present paucity of suitable candidates fit to be trained as officers in the Army is due solely to the fact that the doors of the Army are

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closed to the intellectual classes. This bar to keep the intellectual classes from entering the Army is, I fear, another way of keeping the Army reserved for Britishers, for they will always be able to say that young men of sufficient education with sufficient brain power to be able to compete with English boys at the Sandhurst examination are not forthcoming. Sir, I support the amendment proposed by Mr. Srinivasa Iyengar.

Mr. H. G. Cocke (Bombay: European) : Sir, I confess that I approach this subject with some diffidence because I realise that we in this House are mainly amateur soldiers or no soldiers at all. And it is obviously a subject which is very complex and a subject upon which we can only come to a decision after hearing the very best advice possible. We are attempting to build a structure and it is absolutely essential that the foundations to that structure should be well and truly laid. If a mistake is made in the initial stages it may re-act against the whole problem we are out to solve. And as my Honourable friend says, the whole building might fall down. We agree that the problem is one that should undoubtedly have been faced much earlier. It is easy to be wise after the event and it is very little good discussing that aspect of the matter now. History to some extent will possibly help us in this matter. At the same time, I do not consider that delving into the past, as the Honourable Member did who has just sat down, will help us very much. Armies are changing very rapidly and conditions are changing, and in building up our structure we have got to consider the future much more than we have to consider the past. Undoubtedly, to some extent this subject is one which will have to be tackled by the Statutory Commission because it is not a local problem, it is not merely an Indian problem, it is an Imperial problem and it is for that reason that we on these Benches feel that, much as we admire and sympathise with the recommendations of the Skeen Report, we feel that until that Report has been discussed and advised upon by those who are expert in the creation and maintenance of armies, particularly with regard to the Imperial aspect, we on our side are not inclined either to approve or condemn the main recommendations of the Report to-day. We wish to hear further views on the subject and to frame our own opinions later. Undoubtedly, we have got to visualise the prospect in the future of the Indian Army having to stand not perhaps entirely alone, but in the main alone, and that situation has got to be worked up to. My Honourable friend who has just sat down referred to Colonel Crawford's speech made some little time ago in this House in connection with this Resolution and he said that Colonel Crawford desired to keep the Indian Army a close preserve for British officers. Colonel Crawford attempted to correct the Honourable Member but he did not give way. I wish to point out that the Honourable Member said the exact opposite of what Colonel Crawford said in his speech, and considering the speech was made some weeks ago and the Honourable Member has had time to peruse it, I think he might have been rather more careful in referring to it. Colonel Crawford said :

"I believe entirely that we must concentrate all our energies on the building up of an Indian Army of all arms officered entirely by Indians if we are ever to make this country capable of Dominion self-government."

Rai Sahib Harbilas Sarda : May I just correct the Honourable Member. I will read his words from the official report of his speech. He said :

"We will concentrate, not upon the question of efficiency but upon the question of how many men are we going to take in. That is really what the Report does."

Mr. H. G. Cocke : The Honourable Member said that Colonel Crawford had stated that he wished to keep the British Army a close preserve for British officers and I have corrected him on that point.

Rai Sahib Harbilas Sarda : No, I did not say that he said so.

Mr. H. G. Cocke : We here are absolutely at one on that point that the Indian Army will have to be Indianised and remoulded but, as I have already stated, it is a very large problem and not a local one and a problem on which we wish to have further advice before committing ourselves to any details. You cannot deal with the British Army and the Indian Army in water-tight compartments. You have got to consider the whole problem of Imperial defence as a whole, and the terms of reference to the Skeen Committee were undoubtedly limited. That Committee was not in a position to review the whole situation from top to bottom. The Army Council and the authorities in England have got every right to participate in this matter and their advice is recognised to be a matter of importance. The statement of the Report at page 41 is to the effect that :

"apart from any consideration which might influence ourselves, the Army Council must have the right to decide what standard of training and qualifications is to be regarded as adequate in the case of an army officer who is to hold the King's commission."

Don't let us be in a hurry in arriving at a decision on this Report. It will be noted that the original Resolution and the amendment before the House at the present moment both include the word "immediate". In the Resolution we are to take "immediate steps", and in the amendment to give "immediate effect" to the recommendations. I say that both those words are unfortunate and this House is certainly not in a position to adopt any Resolution which includes the word "immediate".

One of the great problems which has got to be solved is the question of the improvement in the supply of the British officers. We have already been told that there is a shortage under ordinary conditions to-day. If the remoulding of this Army is going to make the problem more difficult, then, in the very words of the Report, the scheme will break down. Therefore, one of the first difficulties that has to be got over is that the scheme should be such that it will be more acceptable to the British officer than the present scheme is likely to be.

Mr. B. Das (Orissa Division : Non-Muhammadan) : That is your main point.

Mr. H. G. Cocke : It is not merely or mainly a question of the terms upon which these officers are induced to come out to this country, but I venture to think it is mainly a question of getting at the heart of the Britisher whom we want to attract. In other words, if the scheme is well laid on a sound foundation, it is likely that you will get men to come out because they will realise that they are helping to create efficiency in the Army. If from the first it is considered that the matter is being tackled on wrong lines, you will be much less likely to get the required number and stamp of the British officers.

[Mr. H. G. Cocke.]

I have already dealt with the question of the training of Indian officers. We all realise that they have got to be trained. It is only a question of the best method. A military college will undoubtedly have to be formed and we on this side will be only too glad to welcome that step.

Sir, we do not consider that the time has arrived for going into detailed proposals. If the scheme propounded by the Skeen Committee were adopted by this House in its entirety to-day I think it will be a misfortune. I notice that Mr. Roy said on the previous occasion that it would be an economic, social and political misfortune if the scheme were not adopted. I should like to quote his exact words. He said that :

"if the entire recommendations of the Skeen Report were not accepted, it will mar political, economic and social progress."

I have a better opinion of India than that. When he says that, if the Report is not adopted entirely, it will mar the progress of India, I do not at the moment believe him.

As regards the domiciled community of India, we realise that there is excellent material in this country and we sincerely hope that that will be made use of. There are many schools in this country which turn out a very good class of boy who will be very useful in the future moulding of the Indian Army.

The scheme outlined in the Skeen Report is full of safeguards, and if we adopt this Report without any change whatever, it is liable to break down. His Excellency the Commander-in-Chief read out an extract from the Report on the previous occasion pointing out that this scheme or any scheme would depend on the requisite material being forthcoming and on the state of efficiency to be obtained. Another quotation is this :

"Our main scheme will ultimately stand or fall by the quality of the material which it succeeds in producing and which has yet to be produced in the numbers constituting the basis of our primary proposals."

And again, on the subject of education, which, as we all know, hits the very root of the problem, the Report says :

"We would make it a condition that Indian boys seeking to enter Woolwich or Cranwell should be required to pass the same qualifying tests as British boys."

That recognises at once the very high standard of education which has got to be attained and which cannot be attained to-day. I therefore suggest to the House that neither the present Resolution nor the amendment should be pressed, and that the matter can be discussed again on a later date when we have more information before us and when we should be in a better position to argue and discuss most of the foundations of the structure we are all anxious to build.

Lieutenant Sardar Muhammad Nawaz Khan (Punjab : Land holders) : Sir, with your permission, I rise to move the amendment which stands in my name.....

Mr. President : Order, order. The amendment which now holds the field is the amendment of Mr. S. Srinivasa Iyengar. If that amendment is defeated—the Honourable Member must make every endeavour to defeat it if he wants to move his own—then he will have an opportunity of moving his amendment. What the Chair proposes to do is to allow discussion

on the original Resolution and the amendment of Mr. Srinivasa Iyengar to proceed, and then put Mr. Srinivasa Iyengar's amendment to the vote, and if that is defeated, to take up the next amendment.

Munshi Iswar Saran (Lucknow Division : Non-Muhammadan Rural) : Sir, I wish to assure the House that I listened with such attention and respect to the speech of His Excellency the Commander-in-Chief as is due to his exalted position, and since its publication in the Official Report, I have read and re-read it with very great care, but I am constrained to say with all respect that the speech is utterly disappointing and unsatisfactory. The speech of His Excellency can be divided into two parts ; in the first part His Excellency has asked the House to wait for the result of the communication that is in progress between the Government of India on the one hand and the authorities in England on the other, and in the other part His Excellency allowed us to have a peep into the mind of the Government of India when His Excellency dealt with the question of efficiency and our defective system of education, and so on. With your permission, Sir, I shall deal first with the first part of His Excellency's speech.

Mr. President : The Honourable Member has 15 minutes only.

Munshi Iswar Saran : I shall do it in less time, Sir. Now, it would appear to a man who is not familiar with the proceedings of this House and with the history of India that this question about the Indianisation of the Army was brought up before the Government of India and the authorities in England for the first time, and, therefore, they did not know what conclusion to come to as they had not time enough to study the question in all its various aspects. But, Sir, is that so ? I submit that if you look to the past history of this question and if you keep in mind the agitation that has been going on in the public press and on the public platform, you will find that this question has been prominently before the Government of India and the authorities in England at least for 30 to 40 years. In view of the reminder which you, Sir, were pleased to give I shall be very brief and give one or two facts only. It will be remembered that on the 28th March 1921, while the debate on the Report of the Esher Committee was in progress in this House, I had the honour to move an amendment which ran as follows :

> " As soon as funds be available, steps should be taken to establish in India a Military College, such as Sandhurst, and the desirability of establishing in India training and educational institutions for other branches of the Army should be steadily kept in view."

You will notice, Sir, that His Excellency, the then Commander-in-Chief, accepted this amendment after it had been incorporated in the Resolution itself. Then, Sir, you will find that on the 24th January 1923, that Mr. Yamin Khan moved a Resolution on this question. It was then that His Excellency Lord Rawlinson said :

> " The Government are well aware that Members of the Legislature, and indeed and even wider circle of political opinion in India, are deeply interested in this very important problem. I can assure you that the Government have taken, and are taking, an equally keen interest in the matter."

His Excellency hoped that he would be able to make an announcement soon after the decision of the authorities in England had been arrived at. We then find that on the 4th July 1923 Sir Sivaswamy Aiyer moved a Resolution in the Legislative Assembly that effect be given to certain

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Resolutions which had been passed by this House in connection with the Report of the Esher Committee. On the 19th February 1925, Mr. Venkatapati Raju moved a Resolution and it was then that the Home Member moved an amendment which incorporated a suggestion that a Committee should be appointed to go into this question and submit its report. I am inclined to think that the Indian Sandhurst Committee was the result of the amendment moved by the Honourable the then Home Member. Again, you will find that in 1921 a Committee called the Military Requirements Committee presided over by His Excellency the Commander-in-Chief and consisting entirely as far as I recollect of official representatives was formed. (*An Honourable Member* : " Not entirely ".) My Honourable friend says not entirely. That is my recollection and therefore I said as far as I recollect. I remember that the then Law Member, the then Finance Member and my Honourable friend, Sir Denys Bray were members. From 1921 to 1927 this report of the Military Requirements Committee is engaging the attention of the authorities. It was early in 1922 that I put a question and the answer given was that the Report of that Committee was receiving the attention of Government. In 1923, again, in answer to a question the Government said that they had not received the views of the authorities in England. Now, Sir, I submit that this question has been before the Government in India and before the authorities in England at least since 1921, and now to say, " Please wait till we have considered this question in all its bearings, please wait for the decision of the authorities in England ", is putting too much strain on our credulity.

What do we find ? The Report of the Sandhurst Committee was issued in 1926, and wellnigh one year has elapsed, and what have the Government done ? (*An Honourable Member* : " Nothing ".) Government have not sent up their final proposals. What the Government have done according to His Excellency the Commander-in-Chief is that they have submitted only provisional recommendations to the authorities in England, and we were told by His Excellency that after the views of this House are known, a full despatch will be sent to the authorities in England. Why, Sir, this differential treatment between the Report of the Indian Sandhurst Committee and the Report of the Lee Commission ? We find that within six months of the issue of the Report of the Lee Commission, the then Home Member brought forward a resolution in the Legislative Assembly incorporating the recommendations which he expected this House to accept. Why, may I ask—with all respect,—why did not the Government of India wait and say, " Oh, let us know the views of the Legislative Assembly about the recommendations of the Lee Commission ". No. Instead of doing that, they formulated their proposals and they put them before the House and expected the Assembly to accept the recommendations made by Government. Then, Sir, may I ask, if this debate was initiated by Government ? I would have understood the desire of Government to know our views if Government had said to the Assembly : " Here is the Report of the Indian Sandhurst Committee. Before we make up our minds finally, will you express your opinion about it ?" They did nothing of the kind. It was left to the

non-official Members of this House to bring forward a motion on this question.

There is one thing in this connection which I shall beg the House to remember. When Sir Alexander Muddiman, the then Home Member, brought forward his Resolution in connection with the Report of the Lee Commission, he laid stress on two points, one was the personnel of the Commission, and the other was the unanimous character of the Report and also that the conclusions of the Commission were conclusions arrived at after a compromise. I claim, and I am sure no one will be able to contradict me, that the Report of the Indian Sandhurst Committee has the same virtue as was stated to be possessed by the report of the Lee Commission. Here is a Report which is unanimous—officials and non-officials, military men and public men, they are all unanimous, and in the words of Sir Alexander Muddiman, it has got the great virtue of being the product of a compromise. Why not accord to it then, the same treatment as you have accorded to the recommendations of the Lee Commission ?

Mr. B. Das : Because it concerns Indians only.

Munshi Iswar Saran : Now, Sir, I submit that the Government for reasons best known to themselves are not prepared at this moment to tell us on the floor of this House what they wish to do in connection with this Report. If they wish to do so, there is nothing to prevent their doing it. Don't we know that in 1914 there was a conference appointed by the South African Government in order to go into the troubles in Natal and the report of that Conference was placed on the table of the House in South Africa. It was here that Lord Hardinge in 1914 got up and expressed his own views about the report that had been submitted in South Africa only that very day. I submit, Sir, if you want to express your opinion about the Sandhurst Committee, you can do so. There is nothing to prevent you from letting us know what conclusions you have arrived at or what recommendations you have made to the authorities in England. Sir, in this connection one should very much like to know the attitude adopted towards this question by the distinguished Indian gentlemen who are in the cabinet of the Government of India. Sir, I submit, that in view of all these and other circumstances the conclusion is irresistible that the Government of India is not so keen about the recommendations of the Skeen Committee as it was keen about the recommendations of the Lee Commission, and I hope the House will foregive my saying that there is a great deal of force in what people generally say. Some have the courage to say it publicly, others say it privately—that the Government will not move unless it is forced by circumstances to move. You may resent the statement, but I am saying it publicly, and there are thousands and thousands of people who say the same thing, that Government will not move unless there is something to force it. I say, Sir, we are feeble, we are weak, we are helpless. There is no doubt about it, but I do resent our being treated like children. Treat us as people who are disunited but do not treat us as children. I say to Government—Play the game. If that is your intention, tell us plainly that you are going to throw this Sandhurst Report on the rubbish heap and that you will have nothing to do with it. We shall then know where we stand. Or say that you will give effect to such and such part and not to others. Please tell us

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where we stand. This negotiation and this correspondence will go on, as it has been indeed going on for some considerable time. Did you not think of all this when you appointed the Committee ?

As soon as the Report of the Indian Sandhurst Committee was published, a foreword was attached to it. My Honourable friend Mr. Jinnah and other busy men, (?) are we to understand, have been engaged in preparing the report which will supply material to Government to enable them to explore other avenues which were not within the purview of the Committee. The Sub-Committee consisting of busy men visited Canada, France and other places, and made their recommendations. You have the result of their labours and I say to Government, come to a conclusion. It does not matter what your conclusion is. I only beseech you not to continue to say that this matter is still engaging attention. Surely Government can come to a conclusion if only they care to.

There are two points which I shall with your permission make clear. It has been said by my Honourable friend the Mover that in a time of trial or difficulty it is possible the British Government may not be able to help India in her defence. I would not base my claim for Indianisation on that ground. I shall assume that England will ever be willing and will ever be able to defend India. I shall further assume that England will not charge us a single penny, that she will defend us out of pure love and out of sheer generosity. In spite of these assumptions, I still say that it hurts our national self-respect not to be able to defend our country and for our defence to depend upon foreigners. Sir, self-government may come, self-government may not come, but we desire to have the power and the capacity to defend our hearths and homes and to defend the honour of our women. Before I proceed further I shall say one other word and it is this, that there is a great deal of confusion of thought—I shall not use a stronger expression—about the capacity to defend being a condition precedent to the acquisition of self-government. I submit that this capacity is not and has not been a condition precedent so far. If you look to the history of the self-governing Dominions you will find that in no case was the capacity to defend itself a condition precedent to the grant of self-government. If you refer to the book called " The Empire at War " by Sir Charles Lucas, in Volume I, page 69, this is what you find :

" .... it may be summed up that at the time of the mid-century wars, between 1850 and 1860, as far as the Colonies were concerned, Imperial partnership was mainly limited to gifts of money for relief, or at most, to elementary preparations for self-defence in the event of the removal of the Imperial garrisons. In other words, a little more than sixty years ago, the overseas provinces of the Empire, with the exception of India, so far from being prepared to fight the battles of the Empire beyond their own shores, were not prepared in any effective sense to defend those shores. Defence was still looked upon as the charge of the Mother Country."

Sir, may I now turn to the second part of the speech in which His Excellency was pleased to refer to the question of efficiency. Now, Sir, there is no time otherwise I should have invited the attention of this House to the testimony borne, not as my Honourable friend Mr. Cocke said by ancients, but by modern authorities. I shall quote only a few words from Lord Rawlinson. He said :

" The Indian Army has a traditional reputation for efficiency and reliability which is I think universally acknowledged. It will be unnecessary for me to dilate on

their endeavours, their self-sacrifice, for Honourable Members all know the great achievements of the Indian Army before the great war, during the great war and since the great war, both in India and overseas.''

Sir, it passes my poor intelligence and comprehension how the question of efficiency arises. When did you give our men a chance of working as officers and when did they fail ? Did they ever fail ? If not, then I submit the onus lies heavily on you to prove that if you give a chance to our young men to work as officers in the Army they will not prove as efficient as anybody under the sun.

Turn we now to the question of education in this country. I do not suppose the framers of this Indian Sandhurst Committee Report ever thought what use would be made of their harmless remarks on the question of education. If you look at the history of education in this country.....

Mr. President : The Honourable Member must now conclude his remarks.

Mushi Iswar Saran : Now I must conclude. I wish I had the opportunity to say a few words about the provocative speech of Colonel Crawford.

Mr. President : The Honourable Member should have done it in the beginning. Will he now conclude his speech ?

1 P.M.

Munshi Iswar Saran : Very well, Sir, I shall then resume my seat.

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province : Nominated Non-Official) : Sir, I am glad to have been given this opportunity of speaking on his subject in which I am greatly interested—perhaps not so much as my friend, Dr. Moonje is interested ; but I can say that I am interested in the subject a good deal. Sir, I admire the way in which he has put the subject before the House. He has gone very thoroughly into it, and I think he well deserved the appellation of " Colonel '' hinted at in this House the other day. Sir, there were certain matters in his speech which are really fundamental and which ought to be more clearly brought before the House, and though I do not command a knowledge of the English language to such an extent as to do full justice to the subject, still I shall try to explain my views, Sir. Before proceeding to the points on which I should like to speak at some length later on as regards India, Indianisation, national spirit and such things, I think the House will be expecting from me something on the Skeen Committee's Report itself, of which I was one of the signatories. I thought, Sir, that we had compiled a very short and sweet report, and we hoped that the Report would meet with the approval and satisfaction of both the Government and the public ; but when I returned from Bombay after having signed the Report, the first question which was put to me in my part of the country was, what we had done for the martial races ! I tried to utter a few smooth words, but I was afraid that when the Report was published, it would give no satisfaction to the martial races in the north—and so it happened. I now see that deputations are waiting on His Excellency the Commander-in-Chief and are parading the lobbies of this House, and I am sure more so the lobbies of the Council of State, which has some leaders of the martial races, asking the Members of both the Houses to safeguard their interests, and I do not know what can be done for them now. As regards the Report itself,

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Sir, I think it is a very simple measure. All that we want for the present is simply to double the vacancies now open to Indians in the Army. There is a provision for an Indian Sandhurst later on in 1933. We have also suggested that half the number of officers should be Indians in 1952. Beyond that we could suggest or recommend nothing. We could not say as to when it would be possible to eliminate the British element from the Army. We also provided for a revision of the whole scheme after ten years. We thought that with so many safeguards the Report would be acceptable to Government, and I do hope that it is not unacceptable to Government. The only thing that occurs to me is that, having regard to the Imperial nature of the question or something connected with the Imperial policy of the defence of the Empire, it is being gone through more carefully and more cautiously. I think it is well that this scheme is brought before the House and is being discussed and debated. The opinion of the House will go before the authorities at home and will give them an idea of what the country wants. I do not think that the Mover of the Resolution should press his Resolution to a division just now ; there is every hope of its being carried, but something which is just the reverse of it, has happened in the other House. I am sure we shall get another opportunity of discussing it in the Delhi Session and perhaps that will be the more appropriate time for us to come to a definite decision on this subject. But whether the Mover takes it to a division or not, does not concern me ; it is his own look-out. I should only like the Government of India to know the views of the House on this subject and that, too, in detail.

Sir, when I was listening to the speech of the Mover of the Resolution I heard such expressions as " India, Indian, national aspirations, martial spirit " and things of that sort a good deal. I am really anxious to know, not as a critic, but as a real inquirer, what " India " really means ? As at present constituted, it comprises the countries of Burma, Baluchistan, British Afghanistan (in other words, the North-West Frontier Province), the tribal area, Chitral, etc., etc., and God knows how many more countries are to be conquered by the British and brought into the sphere of the Indian Empire.

Does my Honourable friend Dr. Moonje really mean that he is going to arrange for the defence of these vast countries comprising the Indian Empire ? Is he trying to make provision for the defence of all the Hindu Kush passes leading into this huge continent of India (*An Honourable Member* : " Yes.") Quite so. If that is the idea then bring all these countries under the lap of your reforms and civilzation. It is the biggest of all questions and requires more thought than what has so far been paid to it by the Honourable Members, who have spoken on the subject. I should like to know what similarity of ideas, races, thoughts, civilisations or customs there are which form the nationality of a country !! I am as much an Indian and wish to be so, as anybody on that side of the House (Laughter). As a matter of fact when I was in America, I readily responded to the call of a Hindu ; when anybody asked me whether I was not a Hindu, I said that I was a Hindu. (Laughter.) Every man going from India to a foreign country is a Hindu, but when he comes back to his own home, he gives up that word and calls himself a Bengali, a Burman or a Punjabi, and so on ! I do not mean that we should not Indianise the Indian Army. But what I should like is that we should first Indianise our minds. We should

change our thoughts, our minds, our ideas and various other things. We should first get over the various differences that exist in the country, not the climatic differences, but differences of nations of nationality and of languages and thoughts and various other things, not to speak of communal differences ! It is rather dangerous to talk of communal differences nowadays, because we are now engaged in a conference where we are trying to remove those communal differences and we hope that we shall succeed soon. So, before I proceed further, I should like to have a definition of the words " India " and " Indian ".

Mr. President : Order, order. The question of definition of " India " or " Indians " does not arise. The question before the House is that the recommendations of the Skeen Committee be accepted by the Government. (Laughter and Hear, hear.)

Nawab Sir Sahibzada Abdul Qaiyum : But, Sir, the recommendations of the Skeen Committee are based on the Indianisation of the Indian Army. I want to know the meaning of the words " Indian " and " Indianisation ".

Mr. President : The Honourable Member must put this question to himself. (Laughter.) He has put his signature to the Report.

Nawab Sir Sahibzada Abdul Qaiyum : I have put this question in this manner to myself but I cannot make out a satisfactory reply. Perhaps my Honourable friends on the other side will deal with the question more thoroughly. Those of my Honourable friends who have studied the question more thoroughly and who have tried to master it will I believe, do better credit to this question. I must confess that with my poor abilities I have not been able to solve it or to come to any definite conclusion over it.

Sir, I will not dilate on this subject any further, but will revert to the Report itself. The Report was signed in November last and we were then in a somewhat better position than we are now. We have not got a huge army with which we can afford to make experiments ! The Army that we have got is just enough to guard our frontiers and keep internal peace. That is all that we have got so far. We had two other means of keeping the peace within the country, one was by the influence of the leaders and the other was by means of the police force, but I am sorry to say that the influence of the leaders has of late deteriorated, so much so that they can hardly get out of the communal bias. As regards the police, I have not seen a single case of riot enquiry, Sir, where the police have not come in for criticism, either from one or the other community. The confidence of the country is practically lost in the police and it is now of no great value to us. Now the only thing left is this well disciplined Indian Army, which has shown itself fire-proof against communal bias and influences. If the Army is also affected or tampered with, by the introduction of not very highly disciplined officers, I think we shall soon lose confidence in the Army also. At present, as I have said before, we want the Army only for the internal safety of the country ; because I am not one of those who are ever afraid of the foreign invasion bogey. I think India has not had a more stable or safe time than she at present has. It is because we have now got an independent neutral country between us and the inimical Russia, to which my Honourable friend Rai Sahib Harbilas Sarda has referred. That neutral country is not likely to allow, if it is in its power, the Russians to pass

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through their country whether as friends or foes. It would be practically ruining their own country if the Afghans were to allow the Russians, even as friends, to pass through their country. Things were rather different when the Government of India had the responsibility of defending the so-called Indian borders on the Oxus. At that time we were responsible for the safety of the Afghans but now they are a free people and if able to look after themselves, they will not be so foolish or unwise as to allow even a friend to pass through their country. There is a proverb in Pushtu, my mother-tongue, which says that a lashkar of even friendlies is not to be allowed in one's house, because if you allow them they will surely plunder your house. As to the Afghans themselves invading India they are unable to do so and their attempt in 1919 was, to my mind, mainly due to an invitation from certain Indians, chiefly non-Muslims, to help them in their troubles with Government.

Mr. President : The Honourable Member has already taken twenty minutes. I hope he will now bring his remarks to a close.

Nawab Sir Sahibzada Abdul Qaiyum : Thank you, Sir. The speech of the Honourable the Mover has brought in so many delicate questions of nationality and nationalisation that I could not avoid the temptation of saying a few words on those points. One of the remarks—and this will be my last word—one of the remarks, which the Honourable the Mover made was that the British Government had not done much towards creating a national spirit in the country, as he would like to have seen introduced in the country. I should have thought that the British had done most of all. They have tried their best to introduce nationalism, unity and uniformity of laws and customs, into a country like India, which before their arrival was divided into small communities and principalities. The first step they took was to do away with the Sati and various other customs. But a foreign Government cannot go so rashly as Lenin in Russia and Kemel in Turkey and bring about very fast nationalisation. Have they not encouraged the Boys Scouts movement and allowed Sangatons and Tanzims to prosper ? But they are naturally anxious not to disturb the feeling of any section of the community—not even by Dr. Gour's Bills. Dr. Gour has been introducing many social Bills but even there the Government have been always anxious not to hurt the feelings of any community. The whole lot of Honourable Members on the other side are the products of the nationalisation and national spirit of the present regime ; and we can boast of men like Mr. Jinnah whose whole community cannot divert him an inch from his national ideals, however strong may be the efforts of those who try to persuade him the other way. Similarly, I have got great admiration for Mr. Jayakar, who is ready to send all religious cranks to the lunatic asylum, since they are an impediment to the progress of the country. Not to speak of Honourable Members over there who, I am afraid, are a little too far advanced, even beyond nationalism and will go precipitously down-hill !

To come to a conclusion, Sir, I think a good deal has been done by the British Government in making up a nation of all the races of India, bringing them into one line of action (*Cries of* ' no ') but I am sorry to see that the goal before them, they think, has to be reached

through European clothes and European education. If this is going to be the way by which they are to reach the goal, they must wait patiently for centuries before all these various kinds of dresses are changed into one uniform suit and before the thirty crores of people adopt one uniform language. That surely will bring about a nation, but if they can settle upon one language and upon one dress for the whole country all at once, things will go on much faster.

Sir, as I have said, the Army should be the last thing to be meddled with. Go on faster with Indianisation in other departments but not in the Army itself. You have got another scheme before you—the Territorial Forces scheme or the Auxiliary Forces scheme ; go on with those schemes province by province ; raise the tone of those Forces and make them a second line of defence and you will have learnt the art of soldiering and the art of defending the land. But this little army is too precious to be played with. Do not weaken it by bringing faster Indianisation into it.

My final recommendation is this : send your youngsters across the seas, to heaven or hell wherever you wish, but keep them away from the present very dirty atmosphere in the country ; they should be free from your own present day sentiments, so that when the time comes the new Hindu element in the Army may prove itself as reliable against its own coreligionists on the North-East Frontier, as the Muslim element has invariably proved itself on the North-West Frontiers of India and elsewhere.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. Rajivaranjan Prasad Sinha (Patna *cum* Shahabad : Non-Muhammadan) : Sir, I am grateful to you—I am very grateful indeed—for allowing me, a new Member, an opportunity of taking part in this very important debate. Before I proceed further, I should like to congratulate the Indian Sandhurst Committee on the valuable Report which they have produced. I congratulate them, Sir, not merely because the Report is flattering to Indian self-respect, but because the Report vindicates that self-respect. It vindicates Indian public opinion which has always held that if Indians have been debarred from taking up the defence of their country it is not because of any inherent inferiority which attaches to them, but because of the policy of distrust and deliberate exclusion of Indians from the higher ranks of the Army which the British Government have pursued in the past, and which they are pursuing even to-day, in howsoever modified a form. Sir, the Committee rightly observe that there is no lack of good potential material for the army in this country, and if the Government have not succeeded in reaching it or in utilising it, it is because of the defects in the method of selection, lack of publicity and suitable propaganda, and also because of the defects in the educational system of India which—the Committee might have added with truth—the Government have shown no active desire to remedy or

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rectify. And why ? Because the Government have deliberately followed the policy of exclusion of Indians from the higher ranks of the army of their country.

Sir, when the War broke out and Government found themselves in a difficulty, they created ten vacancies for Indians at Sandhurst. Mind you, Sir, they did not do it at the beginning of the War, in 1914 or 1915. That would have been too premature. They took full four years to do even that. When the difficulties of the War increased and they were faced with a critical situation, they hastily set up a number of military colleges in India and reserved ten seats for Indians at Sandhurst. When the war was over, the military colleges disappeared, but the ten seats reserved for Indians remained and they remain to this day. Sir, the ten vacancies are still there, and there has not been a single addition to that paltry number during the nine years which have elapsed. Government think, Sir, that they have made a great concession to the people of India in reserving these ten seats for them. They gravely complain that the people of this country have not shown a proper feeling of enthusiasm over this great concession, that young men have not come rushing from all parts of the country to compete for these ten prizes. I am afraid, Sir, there is something seriously wrong with the mentality of the Government. They betray the same mentality when they set up the sham of a responsible Government and call upon Indians to declare that it is real and not sham. Sir, some of us are hypnotised into believing that it is the real thing, while others stoutly refuse to take the shadow for the substance and Government, Sir, are surprised. They are surprised at our lack of enthusiasm for the sham commodity and insist that unless we took that for the real thing they would not give us the real thing. Sir, Government may have succeeded in effacing their sense of humour or, at any rate, in subordinating it by some miraculous process to their imperialistic instincts, but they should not be surprised if they find that Indians have still got some sense of humour in them. Therefore, Sir, I am glad that the Committee have come to the right conclusion that the real reason why Indians have not exactly enthused over these ten seats at Sandhurst lies in the extremely limited and narrow scope of the scheme for Indianisation which has been put into operation. Sir, the Committee proceed to make certain definite recommendations for remedying this state of affairs. They recommend that ten vacancies should be further reserved for Indians at Sandhurst making a total of 20 vacancies available for Indians and they recommend that this number should be progressively increased till by 1952 half the total cadre of officers for the Indian Army are Indians. They further recommend that an Indian Military College should be established in India in 1933, and they make other subsidiary recommendations. Now, Sir, there may be differences of opinion in regard to the details of the scheme, but I think I am not wrong in saying that Indians of all shades of opinion are agreed that the main recommendations of the Committee should be accepted and duly carried out. Sir, I am aware that there are many amongst us who feel that the pace of Indianisation recommended in the Report is too slow—I myself feel that the pace is exceedingly slow—but we hope, Sir—it may be a vain hope—but nevertheless we are hoping—that by the time the whole scheme comes up for review in 1928, circumstances—which we cannot

foresee at present—may have shaped themselves in such a manner that Government may be willing, nay, even eager, to accelerate the pace of Indianisation. That is our hope, Sir, and inspired with this hope we are prepared to accept the recommendations of the Sandhurst Committee. And there is a further reason also. We do not wish to give Government the excuse for saying that the unanimous recommendations of the Indian Sandhurst Committee have not been acceptable to the Indian people themselves. This, then, is our position with regard to the main recommendations of the Committee. I do not wish to deal with the subsidiary recommendations. Honourable Members who have given notice of certain amendments will deal with them and I dare say more comprehensively than I can.

Now, let us see, Sir, what the Government have got to tell us in regard to the main recommendations of the Indian Sandhurst Committee. They have already attached a foreword to the Report, an ominous foreword which, if anything, is meant to damn the Report in anticipation. They tell us that the problems of recruitment and training of King's commissioned officers are essentially an Imperial concern and any proposals reacting on them must be closely scrutinised by His Majesty's Government and their Military advisers. The Noble Lord, our brilliant Secretary of State, further tells us that the whole scheme must be examined by a Committee for Imperial defence. Sir, Government, when they tell us these things, expect us, I fancy, to be impressed—to be properly impressed—by these weighty observations. But, Sir, we fail to get impressed—we may be stupid—but we cannot feel impressed by such pronouncements. And for this reason, the Indian Sandhurst Committee have made no revolutionary proposals. They do not seek to upset the existing organisation of the Army. They do not propose to reduce a single unit of the Army or for the matter of that, a single commissioned officer or non-commissioned officer. The strength of the Army remains untouched ; the number of commissioned and other officers remains the same ; the number and strength of the troops remain the same as at present. All that they propose is that a certain number of duly trained and duly commissioned Indian officers should take the places of European officers, and the number of such Indian officers should be progressively increased till a certain proportion is reached. Now, I take it, Sir, that a commissioned officer is a commissioned officer, whatever be the pigment of his skin. It is not proposed to put in untrained Indians. It is not proposed to make a certain number of commissions available to the Members of the Indian Legislature who are unfortunately fit only for politics and for nothing else. The proposals of the Committee simply mean that Government should allow a certain number of Indians to receive military training to qualify themselves for service in the Army of their country. They mean that the Government shall not keep the door shut in their faces, that they shall open it—not very wide but just a little bit wide—and allow Indians to enter and receive military training—to submit themselves to whatever rigorous tests of training Government might be pleased to impose, keeping the standard of efficiency as high as they please—not lowering it by an ineh, by an iota—and when the Indians have been so trained, when they have successfully passed all the tests of efficiency, then they should be commissioned and allowed to serve in the Army of their country. That, Sir, is the proposal of the

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Indian Sandhurst Committee in a nutshell and yet, Sir, we are treated to all this talk about Imperial defence, to the necessity of gauging the exact extent of the reaction, the repercussion, which these revolutionary proposals are likely to have on problems of Imperial defence. Sir, Indians are not lacking in ordinary intelligence and can see through this maze of empty and high-sounding words the real hitch, the real difficulty which is troubling the Government here as well as in England. The real difficulty is that Government are unable to make up their minds to allow Indians to qualify themselves in increasing numbers for the higher military service of their country. They are unable to shake off their distrust and prejudice so as to allow limited, a very limited, number of Indians to qualify themselves for military service and serve in the higher ranks of the Army of their country. Sir, this is the real hitch and no other And yet, Sir, and yet, the British people aspire to remain an Imperia power, to maintain their supremacy over numerous races and communi ties inhabiting this vast Empire. Let me tell them, Sir, that racia prejudice and Imperial ambition cannot go hand in hand—cannot subsist together. Sooner or later, they will have to give up this prejudice or Nemesis will surely overtake them. Sir, they have simply got to make up their minds and not go on eternally fencing with words which deceive nobody. I hope that they will make up their minds without undue delay and accept the recommendations of the Committee. Let them accept the inevitable with a good grace, but if they do not do that, I know what the verdict of history will be. The inexorable verdict of history will be that the great British nation, in a moment of stress and difficulty, promised India to set her on the road to responsible government, but when they had emerged from the crisis, they faltered and wavered ; they had not the courage to carry out all the implications of the policy which they had announced with a flourish of trumpets. Sir, this will be the verdict. because after all, Sir, it is really a question of moral courage. It does not require much courage to subdue a nation, to disarm and emasculate and reduce a great nation to a helpless condition But it requires far greater courage—at any rate, it requires courage of a very high order—voluntarily and willingly to remove the shackles, the disabilities which you have imposed upon that nation. I hope, I fervently hope, that the British nation, the great British nation, will not be found lacking in this high moral courage. Sir, I support the amendment moved by my Honourable and esteemed friend, Mr. Srinivasa Iyengar. (Cheers.)

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : I really do not know how I should start to deal with this question. But to begin with, I congratulate His Excellency the Commander-in-Chief ; at the same time, I sympathise with him and I share his regret. Sir, I congratulate him for the statement which he made in his speech, and I am very glad that he made the position clear, with regard to one matter at least. That statement was this :

> " They are prepared to face those issues, and they are prepared to give information regarding their policy after having due time for consideration."

In other words, His Excellency the Commander-in-Chief made it clear that the question of the appointment of the Statutory Commission had nothing whatever to do with the consideration of the Report of the Sandhurst Committee. The Government of India are, therefore, prepared to face the

Report and deal with it. Well, Sir, I congratulate him ; to that extent it is a matter of some satisfaction. But may I ask His Excellency that he will do his utmost and not swerve from the statement which he has made on the floor of this House, and that he will pursue the matter vigorously and earnestly and leave no avenue unexplored until he has got the decision on the Report of the Sandhurst Committee ? Sir, I sympathise with him and I share his regret, because he himself says in his speech as follows :

" I had hoped that to-day I might have been able to give this House some information as regards the policy of the Government in this matter. It is to me a matter of great regret that I am unable to do so."

And we all know, and he made it very clear at the end of his speech, why he is unable to do so. He said :

" The Home Government, as I have already said, have not yet had time to formulate their opinions, and surely it will be best if they are not asked to do so in hostile atmosphere."

Then he proceeded to say that he would certainly welcome the opinion of the Members of this House. He concluded as follows :

" I trust that this Resolution may not be pressed. If pressed, the Government of India will have no other recourse than that of opposing it for the reasons I have given. But I am rather hoping that the present event may be regarded more as an opportunity for Members to state their opinions than as an attack upon Government."

I am glad that he recognises that the Members of this House should express their opinions. At the same time he asks us not to put this Resolution to the vote. May I appeal to His Excellency to consider how any House, any organisation, and particularly the Legislature, is to express its opinion except by votes recorded on a division ? Therefore I cannot understand why the Commander-in-Chief says that we should not press this motion to a division. Sir, the opinion of this House can only be ascertained collectively by recording votes. I will therefore urge upon the House that it should take a division on this question and let us express our opinion whether we are in favour of Mr. Srinivasa Iyengar's amendment or not.

Having said so much, I come to my next point and it is this. The Government position is a *non possumus* one. They say : " We have not come to any decision and we can therefore say nothing ". Therefore as one of the signatories of this Report, what can I say ? I can only say to the House that in the absence of any ground or any reason which may be put forward against this Report you must accept this Report. What is the objection to this Report ? The only objection I can see has come from Colonel Crawford. I was amazed at the speech he made. Not only was I amazed but I wondered, when I was listening to him, whether he was really representing the better mind of the Europeans even in this country. Then came the speech of the leader of the European group. He came to his rescue and his pronouncement, I may say, has regained to a certain extent the shattered reputation of the European party in this House. The leader of the European group spoke not only his mind and that of his party but of his people outside who belonged to his race or community or caste ; I don't know which. It was somewhat halting, hesitating. It lacked spirit. It had no enthusiasm of any kind and it merely said : " Well, the Report is there. The Government have not come to any decision as to their policy. Therefore Europeans in this country must cease thinking

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until the Government have made up their minds ". He had no opinion to express. Sir, the Europeans express their opinions strongly, loudly and vociferously when their particular interests are concerned, but this is to them a matter of no consequence at all. The other criticism that came from any quarter at all was a suggestion, " Don't play with the Army " – a fine phrase indeed which conveys many things. But may I ask whether the Government wishes to continue to play with the people of India ? Now, Sir, the policy of the Government has been laid down as far back as 1918. The Government of India laid down the policy of admitting Indians to the King's commissions in the Army in India and Indianisation of the officer ranks. The Army in India, as the House knows, is not an Indian army at all. They are His Majesty's Forces stationed in India. The policy was first initiated in 1918. That policy has never been repudiated, but on the contrary, over and over again, it has been affirmed in this House and even in Parliament by the Secretary of State. That policy was that you must Indianize the officer ranks of the Army in India. And, Sir, as my friend Munshi Iswar Saran pointed out, the question was raised in the first Assembly in 1921 and again in 1923. Then, as he pointed out, Resolutions were accepted by the Government. One of the parts of one Resolution was with regard to the establishment of a Sandhurst. Since 1924 I have had the honour of standing on the floor of this House and addressing the Government. I had pointed out in the very first year, in 1924 to Lord Rawlinson, that giving us 10 vacancies at Sandhurst is not playing with the Army but playing with the people of India. To say that 350 millions of people in this country cannot give you 10 boys who can be considered suitable and fit for King's commission is, I say, an insult to the intelligence of this House. What was the plea in reply put forward ? " We cannot get suitable candidates ". Well, how is that matter to be decided ? We pressed and we pressed, and in 1925 this House passed a Resolution for the appointment of a Committee and it was after great pressure had been put upon the Government by the non-official Members on this side that Sir Alexander Muddiman made a declaration in March 1925 that the Government would appoint a Committee. The policy was—and I do not want the House to forget it—to accelerate the Indianization of the officer ranks of the Army in India. Those were *inter alia* the terms of reference to the Committee. The next question was whether we should supplement the British Sandhurst or whether we should establish a Sandhurst in India. The Committee therefore proceeded to investigate. And what is the position now ? The position is this. You have got this report consisting of 64 pages. And may I ask the Commander-in-Chief what justification there is for him or the Government he represents suppressing and not making available to this House and to the public the materials collected by the Sub-Committee in England, in France, in America and in Canada. May I ask him on what ground he can justify it ? I may say on the floor of this House that, barring the evidence of the Indian cadets, no witness claimed any privilege or stated that he would give his evidence in camera. No such stipulation was made by anybody, either by official or other witnesses, nor by any of the authorities concerned, and I cannot understand on what ground the Government can justify the suppression of those valuable materials which were collected in those four countries. Sir, it is not doing justice to this House to ask this House to deal only with this Report without placing the materials before them on which it is

based. The findings in this Report are entirely based on the materials and the evidence which were collected both in this country and in those four countries that I mentioned. Even the evidence recorded in this country of numerous witnesses that were examined is not placed before the Honourable Members. I am sure if the Commander-in-Chief would kindly read the evidence recorded—I mean the evidence of educational authorities—if he had read it he would not then have said as he did say that Mr. Das, the Law Member, was engaged in establishing a public school which would help us a great deal to solve the problem. I will read his words. The Commander-in-Chief said :

"In this connection I would like to refer to the efforts being made by one of my Colleagues, the Honourable Mr. Das. Mr. Das, as I think the House probably knows, is making the greatest efforts to establish in India a really fine public school. I sincerely trust that his efforts will meet with the success they deserve. He is working wholeheartedly in the matter, and, should he succeed in his efforts, I honestly believe we should have overcome the first of the many very great difficulties in the problem."

Now, Sir, I do not want to be misunderstood. I wish my Honourable friend, Mr. Das, every success, and I do not want to be misunderstood. But, Sir, is this problem going to wait until Mr. Das establishes a public school, and then only it will be solved ? Is that the interpretation, is that the reading, of the voluminous evidence of the educational authorities and the Sandhurst Committee's Report ? Surely, Sir, it is obvious : you have only got to see what the recommendations are. The recommendations are shortly these. At present you have got ten vacancies. The recommendations are that they should be doubled ; and mind you, even the Army Council is not opposed to it. They say " 5 per cent. of the establishment ", which means 20 per year. Now we want 20 suitable boys—we want only 20 suitable boys—in the year 1928 : and does the Commander-in-Chief suggest, do the military authorities suggest, that you cannot get 20 boys in the year 1928, and that you must wait until Mr. Das establishes his public school ? (Laughter.) Then what is the revolutionary change that we suggest later on ? " Increase it by four per year " : and we get to 38—mind you—in 1933. In 1933 we only get as far as 38 vacancies. You mean to suggest that you cannot get 38 suitable boys in the whole of this Continent ? And must we wait for Mr. Das's public school ? Sir, the Committee, remember, were considering the development of the educational system, the co-ordination of the educational system and the co-operation of the educational authorities and the educational organizations, with what object and effect ? A Sandhurst which will be established in India, because, when you establish a Sandhurst or a military academy in India, the Committee then were considering that this military academy of yours, when established in India, will meet with much greater success, and there will be a greater competition, and the finest material will come up for admission to this institution in India ; and it was in order to spur, in order to give the impetus to that object in view that the Committee have made those recommendations. You can, by developing your educational system in this country on the lines laid down in their Report, produce the finest material that you can find anywhere in the world. It does not mean that we have not got sufficient material now or that it would not be forthcoming. Therefore, Sir, Colonel Crawford and probably the Commander-in-Chief, have in mind the system of public schools. I know the conservative British mind, and I do not blame them if they

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cannot get rid of it from their heads, that the only method in this world by which you can get suitable boys for a military career is the public school system. Now let me tell the House, Sir, that there is no public school system either in America or in Canada or in France or in Germany or any other country that I know of. Now this is a matter which was very carefully considered, and an enormous amount of material was collected on this point, which of course neither the House nor the public has before them.

Now, Sir, this is one part which is made much of and not correctly represented. If you look at the scheme, what will happen at the most will be this : that in 1933 we get as far as 38 vacancies. Later on, no doubt the number goes on increasing, but even then the highest number, recommended as detailed in the Appendix, will not be more than 125 Indians after 25 years in 1952.

Now, Sir, we come to the question of British recruitment. We are told by Colonel Crawford who seems to be a great authority on the subject—I do not know how he gets all this information, probably he gathered this information at some club when he was in London last—that the British youth refuse to come out or will refuse to come out if the recommendations are given effect to. Colonel Crawford, Sir, is the messenger of the British youth and he has brought this message to this House and to India that the British youth refuse to work either in co-operation with or under Indian officers in the Indian army on their merits. Is that a message of the British youths to India ? What does he mean by saying that birds of the same feather flock together ? What did he mean by suggesting that we should start a Dominion Army which will be entirely Indian ? What did he means by championing the 8-unit scheme? With regard to this 8-unit scheme, if he had read our report—unfortunately, of course, it is true that due to the Government's wrong attitude he has not got all the material before him—, he would have found that it was not only the Indian commissioned officers who objected to this 8-unit scheme, but every British officer commanding the regiments condemned it altogether. (Applause.) There was not a single witness who did not condemn it. When we went to England, the War Office even could not give us any convincing reason why this 8-unit scheme was brought into force. It was due to the decision arrived at by the British Cabinet and the Cabinet, I am informed, consults what is called the " Imperial Defence Committee." Now, Sir, we have fully dealt with the 8-unit scheme and our objections are to be found in the Report. But how was this 8-unit scheme exploited ? It is to be found in the kind of lectures, a specimen of which we have annexed to this Report. Who gave this lecture ? It was given by an officer. And who is this officer ? He is an officer in the India Office and he goes to Sandhurst and tells the British youths that they will never have to serve under Indians and that is why this 8-unit scheme was started. It was a misrepresentation ; it was misleading ; it was poisoning the minds of the British youth. And Colonel Crawford is now the messenger who says that you cannot expect the British officers to accept your social conditions. What does he mean by social conditions ? What has the army officer got to do with social conditions ?

Colonel J. D. Crawford (Bengal : European) : Live in a mess and see.

Mr. M. A. Jinnah : Live in a mess and drink ! (Laughter.) What do you want him to do, to have a drink ? Well, he is quite capable of that. Have you not got 44 Indian King's commissioned officers in the Army to-day ? Even Sandhurst—do they not share mess life ? Sir, I again say : read the evidence and I ask the Government to produce that evidence. Publish it.

Why did you not publish it ? If you read the evidence, you will find that there was not a single European officer to whom this question was not put. Every European officer was asked whether he was getting on well with his colleagues the Indian commissioned officers. There was not a single European officer who said that he was not getting on well with his colleagues or with his subordinates. They had nothing to complain of. Then the Indian commissioned officers are on the most friendly terms with the British officers and get on very well with them. They have got the greatest affection and love for some of their colleagues. What is the good of saying, segregate the Indian officers from the British in the Army ? I am surprised that we should be told to-day on the floor of this House by no less a person than my Honourable friend that he has a brand new scheme which would solve this problem. I ask my Honourable friend Colonel Crawford where was he when the Sandhurst Committee was sitting in India for 8 months and recording the evidence and views of various people ? Colonel Crawford was in India. Sometimes he was next door to the room in which the Committee sat. (Laughter.) Sometimes he even came into the room in which the committee was sitting. (Laughter.) Where was he then ? Why did he not come forward with his magnificent scheme which he has now put forward before the House ?

Colonel J. D. Crawford : I addressed a letter to the Skeen Committee.

Mr. M. A. Jinnah : Why did he not put forward the scheme that he brought before the House in his speech the other day ?

Colonel J. D. Crawford : I was not allowed to do so.

Mr. M. A. Jinnah : Who prevented the Honourable Member from doing so ? Well, Sir, this is the spirit of some which really brings discredit to the Europeans in this country. (Applause and Hear, hear.) Well, Sir, you have a man of the position of Colonel Crawford, a Member of this House, connected with the Military, a man with very wide experience, and yet he never came before the Sandhurst Committee, never cared to attend any of its meetings, but he now comes up here with his wonderful scheme. (Laughter.) What is his scheme ? I say that his scheme is absurd and impracticable. I know I shall be told that I am a lawyer and what do I understand about military matters ? I admit I am a lawyer. But, Sir, may I draw his attention to the paragraph in the Report which certainly bears the signature of one of the greatest soldiers in India, Sir Andrew Skeen. Certainly there were on that Committee two commissioned officers holding the rank of Major, and there were also two Viceroy's commissioned officers on that Committee. What do they say about this ? They all agreed to the proposals made in the Report. My Honourable friend Colonel Crawford says : ' Why don't you train up Indian officers '. He says that by that means the Viceroy's Commissioned officers can become

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King's commissioned officers. What does my Honourable friend mean by that ? I have great admiration for the Viceroy's commissioned officers ; they are brave men, they are heroic men, they have shown their mettle in many a battle front. I must not be misunderstood when I say that there are inherent difficulties in the way of Viceroy's commissioned officers becoming King's commissioned officers. Generally, a man becomes a Viceroy's commissioned officer at the age of 40 or 45. He generally has to rise from the rank of a sepoy who has no education.

Colonel J. D. Crawford : Sometimes.

Mr. M. A. Jinnah : No, Sir. It is only now that we are making an effort to have them more or less educated to a certain extent, but it is merely elementary education with which they are equipped. Most of them can hardly read or write. We are making efforts just now to import men with some education. What is the Scheme of my Honourable friend Colonel Crawford ? To prepare these men for King's commissioned officers. Think of a man at the age of 45 being prepared for the King's commission ? Are we to send him to school ? By the time he gets out of the school and is able to get the King's commission, he will be 50. By the time he becomes a Captain, he would have come to the fag end of his service and would be made to retire from the army. He will never have an opportunity of becoming a Major or a Colonel, and certainly never a Lieutenant-Colonel which takes over 26 years of service.

Colonel J. D. Crawford : My exact words are these :

"Instead of taking the men from the ranks at a very late age in life after 15, 16 or 17 years' service, I think I would have taken them after about 4 years' service."

Mr. M. A. Jinnah : My Honourable friend Colonel Crawford forgets how old a sepoy will be when he is recruited. He is perhaps assuming that he will be 16 or 18 years of age when he is recruited as a sepoy. Why should he assume that ? Even granting that he would be 18, here is the absurdity which I would point out to my Honourable friend who claims to be the military authority. Whom will you get ? A poor sepoy's boy. No man is going to join as a sepoy on a paltry pay of Rs. 17 if he has any guts in him and better prospects. You will get a man who is the son of a poor man, you will get a man who cannot find a paying occupation anywhere else. How can you expect a boy of eighteen who is a matriculate to join as a sepoy ? What kind of boy would you get then ? What education can you give that boy ? Then this boy is to remain in the Army as a sepoy, according to Colonel Crawford. He enters the Army at the age of 18. Then after 5 years you give him the Viceroy's commission. Why ? What will he do with the Viceroy's commission ? For 5 years he has to remain as a sepoy before he gets a Viceroy's commission ; and what has he to do thereafter ? To prepare for his studies to qualify himself to obtain a King's commission. It is the most fantastic, absurd and ridiculous scheme to be proposed by anybody.

And, Sir, what is more we have dealt with the idea which is not new. If you turn to page 32, paragraph 28. We have shown in our Report the greatest solicitude and the utmost consideration for the soldier class and their sons. We have provided for them in various ways. Sir, one of the provisions comes under the heading of Grant of King's Commissions

to Viceroy's Commissioned Officers. This is what we say: you have non-commissioned officers in England who are occasionally imported into the commissioned ranks for their exceptional merits. Similarly, we say that Viceroy's commissioned officers should stand on the same footing as non-commissioned officers, and we recommend that Viceroy's commissioned officers should be given opportunities of qualifying for King's commissions analogous to those afforded to non-commissioned officers in the British Army. We considered this to be feasible and have laid down how a certain class and a certain number, selected for the purpose, may be given that opportunity. And we say that we recognise that at the present time the number of officers holding Viceroy's commissions who would satisfy the above conditions is small, the reason being that direct Viceroy's commissions are now seldom, if ever, granted, and that the standard of education prevailing among the classes which enlist in the ranks of the Indian Army is, as a general rule, very low.

Mr. President : I do not wish to interrupt the Honourable Member at all because I know this is his special subject and he is entitled to much greater latitude than others ; but if his desire is that the Resolution should be pressed to a division to-day, he must conclude within five minutes; otherwise the Resolution must go on to the next day.

Mr. M. A. Jinnah : I am much obliged, Sir. I have really practically finished. I have dealt with education ; I have dealt with Colonel Crawford's scheme ; then I have dealt with British recruitment. These are the three matters with which the House is really concerned at present.

Now, Sir, I will only say this. I have got two more points which I want to put to His Excellency the Commander-in-Chief. The first, Sir, is this. I ask the Commander-in-Chief what has he done with regard to the question of the official guardianship at Sandhurst ? Question No. 1. Question No. 2. I ask him what steps have the Government of India taken with regard to the question of admission of Indians to the Officers Training Corps at the universities? Sir, those are two matters which have nothing to do with high Imperial policy and they do not require, I take it, the consent or the approval of the Imperial Defence Committee. At any rate. so far as the guardianship is concerned, Sir, the House knows already that we have dealt with it. The present guardian, Colonel Stooks, is a man who has been proved beyond all doubt to be a hysterical, unsuitable and incompetent person. Now, the Committee have said that the present arrangements with regard to the guardianship are highly unsatisfactory. Of course it is put in very polite language. But if you could look into the record, which is still suppressed, you would have realised what sort of guardian Colonel Stooks is. It is not merely that the Sub-Committee discovered it there. Let me tell His Excellency the Commander-in-Chief that complaints about him came before the main Committee before the Sub-Committee started, which have affected the good name of Sandhurst in India, and they were so serious that the main Committee actually formulated express instructions in writing for us on this matter, and when we went there the reports and information we already had were fully confirmed beyond doubt ; and I would like to know what steps the Government of India have taken with regard to that matter.

As to the Officers' Training Corps also you know that no Indians are allowed or admitted to the Officers' Training Corps of the universities there.

[Mr. M. A. Jinnah.]

It was pointed out that it was not fair and we have not yet got a reply to it. It is dealt with in our Report also—that this works the greatest possible hardship. In the first place the Indian who is at the university if he wants to get a King's commission, will not be allowed to claim an ante-date because, unless he has had training in an Officers' Training Corps, an Indian is not admitted and then refused the ante-date. So it comes to this that he is not admitted into the Officers' Training Corps, he is not allowed to claim an ante-date. Therefore you go round and round. That is one handicap. The other handicap is that when you have a boy of a particular age, at the university, that is the period of his life when this training is most useful and most valuable ; he happens to be young and at the university and he is not allowed to enter the Officers' Training Corps Therefore, when he comes back to this country at a maturer age, he can not possibly then go in for the training with the same advantage and with the same valuable results and cannot avail himself of the Indian Territorial Force which exists. It was said that the Officers' Training Corps is intended primarily for the British Territorial Army, but no Indian would care to be in it because I think there is hardly any Indian youth—there may be an exception here and there—who would stay on in England ; most Indian boys who go there come back.

These are the two points which certainly do not require either the approval or the consent of the Imperial Defence Committee or of the Cabinet and I think the Government might give us some information with regard to those two points.

In conclusion, Sir, I would say this : I am aware that a certain clique exists in England. The India Office is surrounded by it and the only place that we went to and that had its atmosphere fouled by this clique was Sandhurst. At every other place we were received and treated with every consideration ; Sandhurst was the only place which was sought to be spoiled by this clique ; and I say to the better-minded Europeans who are in this country and to the better-minded Englishmen in Great Britain, " If this is your message from your youth, that they are not willing to co-operate, if they are not willing to work and take their rank according to their merits in this country, tear up the Declaration of August 1917 , tear it up now and here and say to the people of India " We are here to rule and nothing else." Sir, I find there may be some difficulty because it may be said after all you have got to deal with young men. But who is responsible for poisoning their minds ? It was the same old story when the Indian Civil Service was being Indianised, when we were told in this country by many who now sit on the Treasury Benches " If you are going to Indianise the Civil Service, we shall tender our resignation ; we are not going to be your servants ". It was the same story when the Montagu-Chelmsford Reforms were introduced. We were told by many Englishmen that they would leave this country rather than submit to these reforms as they could not work the Reforms. But we find, Sir, we have survived those threats. (Laughter from the Swarajist Benches), and I find that the Treasury Benches are full of those gentlemen some of whom probably had threatened to resign, but they probably thought better of it. (Laughter from the Swarajist Benches). But, I say, Sir, let us not be carried away by these threats.....

Mr. President : Order, order. The Honourable Member must thank himself if this debate goes over to another day.

Mr. M. A. Jinnah : After that, Sir, I will say nothing more, and I will once more appeal to His Excellency the Commander-in-Chief not to swerve from the assurance which he has given on the floor of this House and not to play with Indian people any more.

(At this stage several Honourable Members rose to speak.)

Mr. President : Is it the desire of the House that the debate should go over to another day ?

(*Several Honourable Members moved* : that the question be put.)

Mr. G. M. Young (Army Secretary) : Sir, on the first day of this debate His Excellency the Commander-in-Chief, when concluding his speech in words that have just been quoted by my friend Mr. Jinnah, expressed the hope that the occasion might be regarded more as a means of eliciting the opinions of Honourable Members of this House than as one for an attack on the Government. With all deference to my friend Mr. Jinnah, I venture to repeat that hope to-day. If the Honourable Member who has moved this Resolution presses it to a division, Government will have no option but to oppose it, and that for reasons which are not connected with the merits of the Indian Sandhurst Committee's Report. It is true, Sir, that Government have already sent to England their own provisional recommendations on the Report. They did this as soon as they could, partly in order to initiate the discussion with His Majesty's Government as soon as possible, but more particularly in the hope that they might be able to put definite proposals before this House during the current Session. They realised that Honourable Members would be in a better position to make their own views clear and to offer constructive criticism, if they had, so to speak, something to bite on. That hope was not, however, fulfilled, because His Majesty's Government were unable, in the short time available before Parliament dispersed, to examine sufficiently the tentative proposals of the Government of India. As a result, Honourable Members have been able to offer opinions on the subject-matter of the Report only, and merely to conjecture the attitude of Government towards it.

As the House has already been informed, these opinions will be very carefully considered by the Government of India, who will then forward to His Majesty's Secretary of State a despatch conveying the proceedings in this House and in another place, and setting forth at length their own views in the light of the opinions now expressed.

Many of the speeches, Sir, have contained constructive criticism, which is likely to be of help to the Government of India and His Majesty's Government in reaching their conclusions. But the Government of India cannot be expected to reach their conclusions here and now, or while the division bell is ringing. Until they have had reasonable time to consider the speeches made in this debate, they cannot commit themselves to the expression of any opinion on the specific recommendations in the Report. They will have to oppose the motion simply and solely because they have not come to their decisions. At the same time, as His Excellency the Commander-in-Chief has indicated, it will be a great pity if the Government of India and His Majesty's Government

[Mr. G. M. Young.]

conduct their further examination of the Report in the difficult atmosphere which a defeat or even a victory for Government in the division lobby is bound to create. It cannot be denied, Sir, that the Report, thorough as it is in many respects, has raised almost as many problems as it purports to solve. It is the Government of India and His Majesty's Government that have to work out these further problems ; and they will be glad of all the help that they can get from Honourable Members in the Indian Legislature. They will not obtain that help from the mere passing or rejection of this Resolution. I would, therefore, suggest to my Honourable friend Dr. Moonje, who has moved the Resolution, that he has served a most useful purpose in moving it, by providing the Government with his own views and with those of others who have taken part in this debate, that in effect his object has been attained and that nothing more will be gained by pressing it to the vote.

I should like to refer here, Sir, to a matter which I know has occasioned a good deal of criticism and disappointment and has been referred to at length by my Honourable friend, Mr. Jinnah, just now, namely, the decision of the Government of India not to publish the Report of the Sub-Committee that visited Europe and America.

Mr. M. A. Jinnah : My point was not in reference to the Report of the Sub-Committee only, but the report and the material which they had collected.

Mr. G. M. Young : I will deal both with the report and the material. I will confess at once that there is nothing in this report which need embarrass the Government of India in formulating whatever policy they may ultimately adopt. There are other reasons for not publishing it.

Mr. M. A. Jinnah : What are they ?

Mr. G. M. Young : At a very early stage the question arose whether certain of the proceedings of the Sub-Committee should be published. Part of these proceedings consisted of conversations which took place between representatives from the War Office and the India Office on the one hand and the members of the Sub-Committee on the other. It is not usual, Sir, to publish such conversations, and in any case His Majesty's Government intimated to the Government of India some time before the main Committee's Report was completed.

Mr. M. A. Jinnah : Sir, I beg to contradict that. There were no conversations at all and taken down as such.

Mr. President : I cannot allow the Honourable Member to interrupt unless the Army Secretary gives way.

Mr. G. M. Young : I said, Sir, in any case the Home Government intimated to the Government of India that they were unwilling to consent to the publication of any of the material voluntarily laid before the Sub-Committee by the War Office and the India Office. The Report of the Sub-Committee makes extensive use of this material, and could only have been published after so much excision that much of its value as an informative document would have been lost.

There was another reason to which I should not have referred if it had not been made public by a member of the Sub-Committee speaking

in another place, and also by my Honourable friend Mr. Jinnah just now. The Sub-Committee passed certain strictures on the personality of the retired officer who is the appointed guardian to Indian cadets at Sandhurst. These strictures appear to have been based on statements made in camera to the Sub-Committee by Indian cadets. The Sub-Committee were, of course, at liberty to put forward any personal opinion, and to refer to any evidence taken in camera when they reported to the main Committee. But the Government of India do not consider that these matters could properly be published in a State paper. The main Committee took the correct course. They pointed out defects in the system, and explained their view of what an ideal guardian for Indian cadets at Sandhurst should be. Their recommendations were fully considered by the Government of India, and the Government of India have forwarded their own provisional recommendations on this subject to the Secretary of State. But the main Committee did not on this occasion quote from the Sub-Committee ; and they refrained altogether from personalities.

There are other passages which the Government of India did not wish to include in a published paper ; but I need not detain the House with them. My point is that, while the Sub-Committee's Report was an able document and admirably served the purpose for which it was compiled, namely, to assist the main Committee in the preparation of their report. the main Committee themselves, though they desired the publication of the Sub-Committee's Report, evidently recognised that there might be objections to doing so.

Mr. M. A. Jinnah : No, Sir. May I point out to the Honourable Member that the main Committee at two sittings, after careful deliberation, decided that the report of the Sub-Committee and the proceedings should be published. Then the Secretary of the Committee was directed to so communicate the decision to the Government of India.

Mr. G. M. Young : Sir, I have already stated that the main committee desired the publication of the Report, and I have seen the minutes of the proceedings of the main committee to which my Honourable friend refers. But the main committee neither appended the Sub-Committee's Report as one of the annexures to their Report, nor did they invite reference to it. On the contrary, they quoted from it extracts long enough to weary the reader, if he also had the Sub-Committee's Report by him. (*An Honourable Member*: " I hope you have read them.") I have read them, both Sir, the whole report and the extracts. Still, if there had been no positive reasons in the body of the Sub-Committee's Report against its publication, Government might have published it, even though it would have seemed superfluous to do so.

There is one other passage in Sir Phiroze Sethna's remarks which requires correction. He said that I had stated that only one member of the Committee had desired the publication of the Sub-Committee's Report, and that I afterwards corrected that statement. I wish to place on record the fact, known, I think, to Honourable Members of this House, that I never made the statement, and consequently never had to correct it. This misstatement was made, not by me, but by the correspondent of one newspaper, which corrected its own mistake some days before Sir Phiroze Sethna spoke.

[Mr. G. M. Young.]

Well, Sir, I have perhaps detained the House too long over this topic. My excuse must be that it has attracted a great deal of attention and criticism.

Sir, as I said before, Government are not in a position to meet this Resolution except by a formal negative ; but if Honourable Members still entertain any suspicion that the Government of India are merely playing for time and that their object is to shelve the Report, I would once more call attention to the fact that Government have already made considerable progress in their examination of it, and that their own tentative proposals will be most thoroughly re-examined in the light of the opinions expressed and the suggestions put forward in the Indian Legislature.

Lastly, I would invite Honourable Members to consider a passage in the much criticised " Foreword " with which the Report was published by the Government of India. With your permission, Sir, I will read it now :

"The Government of India, when called upon to deal with any scheme of increasing Indianization extending over a number of years must leave themselves free to consider whether the basis of that scheme offers the sure stable line of advance towards the creation of a Dominion Army, or whether alternative methods, which did not fall within the Committee's terms of reference, might not more profitably be explored."

Now, Sir, here is an explicit statement that the Government of India are setting themselves to deal with a scheme of increasing Indianization. They leave themselves free in one respect—to explore alternative methods : alternative *methods*, not alternative *subjects*, as the Honourable Member, Munshi Iswar Saran, said this morning. He may have left himself free in his speech to explore other subjects, but the Government of India intend to stick to the point. Surely, Sir, the passage which I have just quoted is a very significant pronouncement. It shows, if any further proof were needed, that the Government of India are in earnest in this matter At the risk of repetition, I will emphasise again the two main considerations which must accompany the elaboration of this or any scheme. One is that the system employed for conferring commissions in larger numbers upon Indians must be comprehensive and sound in its working: it should leave no factor out of account: it must be safeguarded, as far as is humanly possible, against failure. The other consideration is one the necessity for which was amply illustrated by my Honourable friend Dr. Moonje in his speech when he moved the Resolution, namely, that during the process of development, and after, the efficiency of the Army as a fighting machine must not in any way be impaired. One may introduce experimental reforms, Sir, in the constitution, or in a branch of the civil administration, and trust to experience and to public criticism to bring to light any defects that there may be. A Royal Commission, perhaps, will come along in due course and make recommendations to remedy those defects. But if one makes a faulty experiment with the fighting forces, on which the very life of the country depends, one may wake up one morning to find that it is too late to put things right. I do not think, Sir, that on the fundamental principle there is any real difference between the aims of the Honourable Mover of this Resolution and those of the Government.....

Mr. A. Rangaswami Iyengar : Then accept it.

Mr. G. M. Young :....and that is why I ask him not to press his Resolution to the vote.

(*Several Honourable Members moved* : that the question be put.)

Mr. President : The question is that the question be now put.

The motion was adopted.

Nawab Sir Sahibzada Abdul Qaiyum : On a personal explanation, Sir. I hope I am not misunderstood that I am trying to go back on the signature that I have put to the Report. I fully support the Report.

Mr. President : I am sure the House has fully understood the Honourable Member.

(At this stage Dr. B. S. Moonje rose in his place.)

Mr. President : I hope the Honourable Member realises that there is yet a reply by His Excellency the Commander-in-Chief and that this debate must terminate at 4 o'clock.

Dr. B. S. Moonje : I shall be very brief. I am very sorry that there is no time. So many points have been raised that certainly require explanation and yet I am hard pressed for time....

Mr. President : The Chair has no objection if the Honourable Member wishes to make a long speech.

Dr. B. S. Moonje : I know the risk of prolonging my speech and therefore I will not take that risk. I am prepared to say that I am willing to accept the amendment of my Honourable friend, Mr. Srinivasa Iyengar. He lays emphasis upon revision. The Report also provides for revision. The amendment says that the recommendations of the Committee are not satisfactory. I do not think there is anybody here—except perhaps amongst the European Members I do not know, but amongst at least the Indians—who will be in a position to say that the recommendations of the Skeen Committee are really satisfactory. (*An Honourable Member* : "They also say that.") But they say so for quite another reason. Their point of view is diametrically opposed to ours. There is ample reason for us to be dissatisfied with the recommendations of the Skeen Committee. The Indian Sandhurst is schemed to cater for only 100 Indian boys; while the English Sandhurst caters for more than 600 English boys. Besides the Skeen Committee do not recommend the establishment of an Indian Woolwich and Cranwell. But we Indians are in this helpless position that we have to be satisfied with half a loaf even though that half of a loaf may not be enough to satisfy our hunger. I do not know whether even that half a loaf will be given to us.

The recommendations of the Skeen Committee can be divided into two groups, one regarding the establishment of an Indian Sandhurst, and the other regarding making provision for training a certain number of Indian boys in Woolwich and Cranwell in England, and both the groups of recommendations have been accepted by the Government at one stage or another previously. I am really surprised to-day that the Government should fight shy of those very recommendations. If I had time I could have proved it by quoting from the Legislative Assembly Debates of 1921, 1923, and

[Dr. B. S. Moonje.]

1925. In this House there are three groups of people—the Indians, the Europeans, and perhaps the group which is represented by my Honourable friend, Sir Abdul Qaiyum.

Mr. President : The Honourable Member is introducing a very debatable matter now.

Dr. B. S. Moonje : As I have said in my opening speech, this is a question of life and death to us. There is no knowing what is going to happen in the next 10 or 15 years. There is a country which is known as the tribal country, and there is another country known as Afghanistan, and if at any time connection between Britain and India be broken up in any future great war or be suspended, there is no knowing what will happen to the Indians of India. When the invasion comes what will be our position I shudder to think. History has told us and we should take a lesson from history as to what that position will be. I am quoting from the History of Great Britain by the Rev. Robert Henry, D.D., first Volume page 120 and then I will close. When the Britons were invaded in 416 A.D. by Scots and Picts, history records that the conditions of Britons at the time was much the same as ours is at the present moment. History says :

" By the policy of the Romans (who were then ruling over Britain as the English are doing to-day over India) they (Britons) had been long deprived of the use and exercise of arms ; that they now remained a timid disorderly multitude ready to become an easy prey to the first bold invader ".

That was the condition of the Britons at the time. I do not think any Indian in this House would agree to be reduced to the same position and therefore we are anxious that the recommendations of the Skeen Committee, halting, unsatisfactory and inadequate as they are, should be given effect to.

Lieut.-Colonel H. A. J. Gidney (Nominated : Anglo-Indians) : On a point of order, Sir. May I ask for a ruling from you, as to whether you would be prepared to divide the amendment into two parts and put them separately to the vote of the House. The first part is the preamble to which some of us cannot subscribe. The second is the operative part for which some of us may want to vote.

Mr. President : That is not a question of any ruling. It is entirely within the discretion of the Chair, and the Chair is not prepared to exercise that discretion in the manner suggested.

Mr. President : The original question was :

" That the following Resolution be adopted :

' This Assembly recommends to the Governor General in Council that as a beginning in the direction of preparing India for self-defence immediate steps be taken to bring about the Indianisation of half the cadre of officers in the Indian Army, unanimously recommended by the Skeen Committee, within a period of fifteen years, and to carry out the unanimous recommendations of the Committee with regard to the establishment of an Indian Sandhurst and the recruitment of Indian officers in those arms of the defensive forces, paid for out of Indian revenues, from which they are at present excluded '."

Since which the following amendment has been moved :

" That for the original Resolution the following be substituted :

" Subject to the revision of the whole scheme of the defence of the country in any future constitution for India acceptable to the people of India, and while feeling

that the recommendations of the Indi
continuance of British recruitment, do not satisfy
if of opinion that the acceptance of the unanimous recommendations of that Committee will mark a definite beginning in the Indianisation of the Army in India, and it therefore recommends to the Governor General in Council that he may be pleased to accept those recommendations and give immediate effect to them '.''

The question is that that amendment be made.

The motion was adopted.

Mr. President : Diwan Chaman Lall.

Diwan Chaman Lall : Sir, I am not moving my Resolution. With your permission I wish to withdraw it.

Mr. President : Sir Victor Sassoon.

(Sir Victor Sassoon stood up but did not move his Resolution next on the agenda).

Mr. President : Mr. Duraiswamy Aiyangar.

(Mr. Duraiswamy Aiyangar nodded his head, intending to convey that he did not want to move his Resolution No. 4 on the List).

Mr. President : Mr. Ram Narayan Singh :

(At this stage there was laughter and considerable confusion in the House.)

RESOLUTION *RE* MANUFACTURE AND SALE OF KHADI.

Mr. Ram Narayan Singh (Chota Nagpur Division : Non-Muhammadan) : Sir, I beg to move the Resolution which stands in my name and runs as follows :

"This Assembly recommends to the Governor General in Council to start Khadi (Hand spun and hand woven clothes) depots in each provincial capital with branches in each district therein for the manufacture and sale of Khadi under the entire management of the local Provincial Congress Committee and to set apart at least a sum of one crore of rupees for the purpose in the next annual Budget ".

Sir, this is a very simple Resolution but it deals with a subject that vitally concerns the very existence of the people of this country. In support of this, I shall submit but a few arguments containing very simple reasons. Sir, we Indians, as a nation in the world, want to be capable to clothe ourselves as a result of our own efforts. Sir, how long are we to depend for our clothes upon foreign countries. The very idea that we have to depend on foreign countries, that we cannot hide our shame, and that we cannot clothe ourselves is very galling to us. The point I wish to impress upon the House is that we Indians in the past have been able to clothe not only ourselves but also a large proportion of the people of other countries. But now the position is that we have to depend upon imports from foreign countries in order to clothe ourselves. During the last European war, when imports were reduced, a large number of families had to remain shut up for all the 24 hours because they lacked clothes. Who knows that such a state of affairs may not arise again ; the probability is that such occasions will arise always. I submit, therefore, Sir, that the House should carry this Resolution unanimously and that it be given effect to by the Government.

[Mr. Ram Narayan Singh.]

Now there may be some who will say that with the advent of machinery of an advanced type there is no use of talking about handlooms, *charkas*, etc. But the point is that this country is not in a position to purchase any more modern machinery to meet its demands. If it had been, we should, by now, have got all the machinery we need for the purpose and more mills would have been set up. So this argument to have more mills really falls to the ground.

Then it may be said what is the use of having *charkas*, and looms, when we can get the cloth at a cheaper cost from foreign countries ? Sir, I would say in reply that till the end of the 18th century, this country used to send its Khadi (cotton fabrics) even to European countries. Why not revive that and make the country economically free ? Besides, even if we had the resources to purchase machinery and set up more mills, that would mean an extension of the factory system, and that system is a much worse thing than the cottage industry systems which produce Khadi. Another point is that Khadi can in fairness excel any mill made cloth. We know that even now one can spin yarn of about 500 counts by means of the *charka*, whereas mills cannot produce yarn of more than 200 counts. We know from history that in the time of Aurangzeb a Princess wore Khadi of seven folds at a time and even then she appeared naked, so fine was the fabric. Not only that; in matters of Khadi, whatever we spend goes to the village itself. The village blacksmith supplies the spindle, the village carpenters supply the *charka* and loom, and so on and so forth. Every pice, every penny, which is spent in regard to Khadi goes to the village, whereas in the matter of mill-made cloth, a vast sum of money has to be spent first as capital, and that money goes to a foreign country. Moreover, as regards the profit, much of it is every year spent in purchasing new parts to replace the old ones which are no longer fit for any further use and this too goes to foreign lands. Thus only a little of it remains in the country. Let us take another argument. Sometimes there is internal trouble in the country also, and it is not possible that we may have mills in every province, in every district. In times of internal trouble, the part of the country dependent on other parts thereof will thus have to suffer, but by means of Khadi, all provinces, even districts can be made self-supporting and independent. What to speak of provinces and districts, I can say, every thana, every village and even every family can be made self-supporting and independent. It is therefore, Sir, that Khadi should be introduced throughout the country.

But there are people who might ask, if Khadi has so many advantages and, if it already existed in the country, why is it not prospering in the country to-day, why has it failed at all, why has it not succeeded in competition with the foreign mill-made cloth ? Sir, everybody knows that in this country the Khadi industry has not died out, nor has it failed in competition with mill-made yarn. Everybody knows that it was the foreign capitalist, it was the East India Company that killed the Khadi industry in the country. Sir, those who do not know this are requested to read the history of the country of the 18th and 19th centuries, and I request them specially to read the evidence of Warren Hastings, Dr. Monro and other great people that they gave before the House of Commons' Committee.

Mr. President : Order, order. Khadi must give way to the motion for adjournment. Diwan Chaman Lall.

4 P.M.

MOTION FOR ADJOURNMENT.

THE GOLD STANDARD AND RESERVE BANK OF INDIA BILL.

Diwan Chaman Lall (West Punjab : Non-Muhammadan) : Sir, after the speech in support of one home industry (the Khaddar industry), I beg leave to speak in support of another home industry, namely, motions for adjournment (Laughter). Sir, my motion for an adjournment reads as follows :

"to discuss a matter of recent and urgent public importance, namely, the affront offered to the Legislative Assembly by the Government in withdrawing this Session the Gold Standard and Reserve Bank Bill before the Assembly had had an opportunity of discussing the remaining clauses of the Bill."

Sir, I speak on this motion as one who desires to uphold constitutional practice, and as one who has no desire in any way to cast any reflection upon the Finance Member as an individual. I realize the difficulties of the Finance Member ; and it is because I realize those difficulties that I want the House to support the Finance Member in any action that he might take in order that this Bill should be brought before the House.....

Mr. President : Order, order. If that is the Honourable Member's object, he should not have moved this motion at all. This motion is a direct vote of censure on the Finance Member. If he desires to move it, he might proceed with a knowledge of the full implications of his action.

Diwan Chaman Lall : The censure is the censure of the Secretary of State and of the Government of India.

Mr. President : Order, order. The Secretary of State does not come in at all. The Honourable Member by this motion calls into question the decision of the Governor General in Council. The Honourable Member will not therefore be entitled to refer to the Secretary of State in his speech.

Diwan Chaman Lall : Sir, in this dose of poison that I am going to administer to the Finance Member, there is a little bit of honey in it. (Laughter.) If it is constitutionally held that it is a censure of the action of the Finance Member, let it be so held. But I am going to explain that even if it is held constitutionally that it is a motion for the censure of the Finance Member's action, nevertheless we intend to support any strong action that the Finance Member may take in bringing this Bill before the House.

Now, Sir, the question is this. When the Currency Commission was appointed, it was never the intention that a simple Reserve Bank should be instituted in this country. The questionnaire was to the effect that measures should be adopted for modifying the rules and changing the constitution of the Imperial Bank in order that that Imperial Bank should be empowered to be put in charge of the note issue. That was the original intention. But when the Currency Commission reported it was discovered that the disadvantages accruing from that procedure far outweighed the advantages that might accrue if the Imperial Bank was so

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empowered. (*Several Honourable Members* : " No, no ".) Naturally, the matter came up before this House and we had an opportunity of discussing it. Sir, I heard a little while ago, some of my friends saying " No, no ". I take it that the Noes come from those gentlemen who represent Bombay. (*Several Honourable Members* : " No, no.") Even at that time Bombay was against this principle of setting up the Central Reserve Bank and they have continued their opposition consistently.

Mr. President : All references to the merits of the Reserve Bank Bill or anything of that kind are out of order on this motion. The Honourable Member must confine himself to the constitutional question, namely, the affront offered to this House by the action of the Governor General in Council in withdrawing this Session this particular Bill without giving an opportunity to the House to discuss and decide on the remaining clauses thereof.

Diwan Chaman Lall : With due deference to the Chair, what I am trying to do at the present moment is to detail very briefly the history of this Bill in order to show that it is important that this Bill should not be withdrawn.

Mr. President : I thank the Honourable Member for showing due deference to the ruling of the Chair, but he must accept and act upon it. He must confine himself to the constitutional issue which he has raised.

Diwan Chaman Lall : Sir, I bow to your ruling. The constitutional issue that I have raised is this that, when this Bill has been before this Legislative Assembly, when it has been discussed in the Joint Committee, when it has been before the country for several months, when so much time of this Legislature and of Honourable Members who sat on the Joint Committee has been consumed in discussion of this Bill, the Government have all of a sudden for reasons best known to themselves thought it fit to withdraw that Bill from the Legislative Assembly, and I consider that this action of theirs certainly deserves the censure of this House. That, I take it, Sir, is the real constitutional issue which is in point, and it is because of this constitutional issue that I want now to state the reasons why we consider that not only this Bill should not have been withdrawn from this Legislature because of its importance but also because.....

Mr. President : Order, order. The Honourable Member is now discussing the merits of the Reserve Bank Bill. I cannot allow the Honourable Member to do so.

Diwan Chaman Lall : Sir, I have no intention of going into the merits of the Bill.

Mr. President : The Honourable Member says that the Bill should not have been withdrawn because of its importance. This is going beyond the constitutional question raised by the motion.

Diwan Chaman Lall : I merely want to discuss the importance of the issue that we have before us, namely, that the constitutional issue that has been raised now has been raised because of the Bill having been withdrawn. We want to tell the House that this Bill should not have been withdrawn. This House has certain privileges of its own and the

Government of India should in due deference to the wishes of the Legislature take the sense of this House and not withdraw in this summary fashion any Bill that may have been brought before it.

That is the main point at issue. Here we have Standing Order 4 (1) which says :

" On the termination of a session all pending notices shall lapse and fresh notice must be given for the next session."

Now, the action of the Government of India in withdrawing this Bill from the Legislative Assembly means that this motion that has been placed before the Legislative Assembly by the Honourable the Finance Member will lapse if the Bill is not re-introduced. (*An Honourable Member* : " No ".) I hope my Honourable friend who cried out, " No ", will have the patience to listen to what I am going to say further. Let me turn to Standing Order 4 (2) which says :

" On the termination of a session, Bills which have been introduced shall be carried over to the pending list of busines of the next session :

Provided that, if the member in charge of a Bill makes no motion in regard to the same during two complete sessions, the Bill shall lapse, unless the Assembly, on a motion by that member in the next session, makes a special order for the continuance of the Bill."

Sir, now I hope that the Honourable Member over there who cried out " No, no " will, in view of what I have read from the Standing Orders of this Assembly, realise that when a Bill has been withdrawn by the Honourable Member in charge of the same without giving this Assembly any specific date on which he intends to bring it back to the House, we must take it that it is not his intention to bring back that Bill to the Assembly. We take it that the Bill will lapse, all the motions which he made in regard to the Bill will lapse. All the efforts of the Honourable Members of the Assembly who have been apprised of the various clauses of the Bill, who have discussed the various clauses at length, who have been given some time to come to a compromise with the Honourable the Finance Member in regard to this Bill and who have shown a spirit of accommodation unknown in the history of this Legislature, I say all the efforts of the Honourable Members will have proved fruitless. I appeal to the Honourable the Finance Member that under these circumstances it was up to him to have consulted the wishes of non-official Members of this House before he took the step that he did.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Who will suffer the cost of the Committee ? (Laughter.)

Diwan Chaman Lall : I do not know what Mr. Kabeer-ud-Din Ahmed is referring to when he says who will suffer the cost. Certainly it is the Honourable the Finance Member to whom he should apply (Laughter). The question before us is simply this. Should the Government of India not act on its own initiative in matters of this nature.

Mr. President : That again is not the question at issue. There is no reason to suppose that the Government of India have not acted on their own initiative. The Honourable Member has merely called into question the decision of the Governor General in Council.

Diwan Chaman Lall : I know we have nothing before us. We have also heard a rumour and it has also found a place in the Press. If you, Mr. President, will pardon me for mentioning it, it is rumoured that the

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Honourable the Finance Member did actually tender his resignation, (Hear, hear.)

Mr. President : Order, order. I must rule references, to rumours out of order.

Diwan Chaman Lall : What we have before us at the present moment is this. This Bill having been withdrawn, there must be some cogent reasons for the action of the Government. At the present moment, I want to know what those cogent reasons are which have compelled the Government to withdraw this Bill from the purview of the Central Legislature ?

Mr. President : The Honourable Member will hear that presently.

Diwan Chaman Lall : If the Government have withdrawn this Bill for any cogent reasons, I submit these cogent reasons should have been placed before us and we should have been apprised of them. As it is at the present moment, all that we have is a statement by the Honourable the Finance Member that he does not intend to proceed with the Bill *at present*. That is the guarded statement that he has made. I consider that this is an affront to the Central Legislature. I consider that this is an affront not only to the Central Legislature, but to all those Members and to all those leaders of parties who have co-operated so strenuously with the Honourable Member. I consider it to be an affront also to the members of the Joint Committee who have given of their very best to this measure and who have done everything in their part in order that this measure should be brought on the Statute-book. I consider that under those circumstances, the action that has been taken by the Government of India is an action which ought to be condemned. At the risk of being called to order, I do not intend to say one harsh word in this matter about the Honourable the Finance Member himself personally. (Laughter). I will say everything there is to be said about the Government of India. I consider this is a matter of long standing grievance. It is a matter which has exercised the ingenuity of many a Secretary of State and many a Viceroy in this country right down from 1870 and 1874. We have heard the same story, namely, decisions being taken by the Government of India in regard to business brought before the Legislative Assembly and then suddenly that business being dropped, we do not know why. History shows that very often in the past legislation has been stopped because of the action of the Secretary of State for India. We have got evidence that in 1870, one Secretary of State did this, and so on right through Indian constitutional history we have the same story repeated. I am indebted to my Honourable friend Mr. Rangaswami Iyengar for such constitutional facts as are contained in this valuable book of which he is the author. And I would advise Honourable Members to read this book most carefully.

Now, Sir, the question, as I have already stated, is not only that the action of the Government of India was wrong in having withdrawn this Bill from the purview of the Legislative Assembly, but but I consider that morally it could not be defended. Here are we who have met here in this Assembly at great inconvenience to many Members, who have met for one special purpose apart from various other small matters that were likely to come up this Session, and that was to see that this Bill was put on the Statute-book.

Mr. President : All that is beside the point. The merits of the Reserve Bank Bill and the desirability or urgency of putting it on the Statute-book have absolutely got nothing to do with the question which the Honourable Member has raised. If the Honourable Member has nothing new to add to what he has already said, he had better give an opportunity to other Honourable Members who might wish to speak on the motion.

Diwan Chaman Lall : If the measure was bad, what was the point of my moving the adjournment of the House ?

Mr. President : According to the Honourable Member's motion for adjournment, Government had no business to withdraw the Bill at that stage without consulting this House, apart from the question whether the Bill was good or bad.

Diwan Chaman Lall : I quite accept that, Sir. The Government have no business to withdraw this measure and I have said so. I am now simply adding to my reasons for thinking so, and if I am not allowed to add to the reasons I have already given, I will confine myself to the one narrow issue which the President wants me to confine myself to, namely, that it is indefensible constitutionally.

Mr. President : The Honourable Member is only repeating himself.

Diwan Chaman Lall : No doubt lawyers on the other side will turn round and say that whatever has been done is perfectly within the purview of the Government of India. They are perfectly right in doing so. I do not say that legally they are not right in doing what they have done, but morally I say they are wrong. And I consider that their action should be censured by the House.

Mr. President : I very much regret to have to point out again that the Honourable Member is repeating himself. If he has nothing new to add, he had better allow other Members an opportunity of speaking.

Diwan Chaman Lall : I do not intend to allow this discussion to turn into a duologue between myself and the Chair.

Mr. President : That is just what the Honourable Member is doing.

Diwan Chaman Lall : But I do consider, Sir, that this matter is of such vital importance that some sort of latitude ought to be allowed in a matter like this when we are discussing a constitutional issue.

Mr. President : The Honourable Member must realise that the Chair is determined to keep this debate strictly within the bounds of order. The Chair will not allow any Honourable Member to refer to the merits or demerits of the Reserve Bank Bill.

Diwan Chaman Lall : I do not intend now, Sir, to refer either to the merits or demerits of the Reserve Bank Bill. What I do say is this matter being narrow as it is, being confined to that one constitutional point, we have a right to refer to this question, whether in the past the Government of India have done what they are being charged with doing to-day and how constitutional practice has grown up.

Mr. President : Order, order. The Honourable Member's time is up.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : Sir, the question before the House is really a vote of censure upon the Government of India. The vote of censure upon the Government of India is based on the following grounds. It seems, Sir, that the Honourable the Finance Member has not withdrawn the Bill technically. (*An Honourable Member* : " Hasn't he ?"). No, he has not ; you have not understood it. Under Standing Order 50 he cannot withdraw the Bill because Standing Order 50 says he can withdraw the Bill only by leave of the House. He did not resort to that procedure at all, but what he has done is this, that he has flouted this House, the Government have shown an affront to this House by adopting a procedure which raises a very grave constitutional issue and it is this. The further consideration of the Bill happens to be Government business ; and under Standing Order 7 you will find that that business is arranged by the Secretary. I will read out the Standing Order.

The Standing Order is as follows :

" On the days allotted for the transaction of Government business the Secretary shall arrange that business in such order as the Governor General in Council may direct."

The Finance Member was only a little courteous to the House by previously announcing that on Monday, that being a day for Government business, this item would not be placed on the List—I think I am correct in saying that—and thereby he has deprived this House of further consideration of this Bill. Now, Sir, I should like to know on what ground this procedure was adopted ? What are the reasons ? We feel that really it is the grossest discourtesy to this House. At what stage were we ? We were at this stage : the Finance Member said that he was willing to proceed with the Reserve Bank Bill on the understanding that it should be a State Bank, provided on this side of the House we did not insist upon this Legislature or any Legislature being formed into an electorate for the purpose of representation on the Board of Directors. That part of the Bill, namely, that it should be a State Bank, was passed. Then we came to the stage of the Board of Directors. The Finance Member stated on the floor of this House—he will correct me if I am wrong, I am speaking only from memory—that he would be prepared to consider any scheme for the constitution of the Board of Directors provided it did not contain any element of representation of the Legislature, and if that scheme was acceptable to the majority of the Members of this House he was willing to consider it. He therefore said that it was up to the non-official Members on this side to put before him a scheme on that footing. That was under consideration ; I will not go into the details, but since then he put forward a scheme which is known now all over the world as the stockholders' scheme. I think it must have reached London also by now. Now, he was good enough—and I am extremely grateful to him for showing that courtesy to us—to take us into his confidence and discuss with us his stockholders' scheme ; and the Bill was to be taken up on Monday, as it was understood. Well, the stockholders' scheme also was under consideration of all the parties ; but before we got anywhere near Monday,

on Thursday evening a bomb shell was thrown on the floor of this House ; and what was that ? An intimation that this item would not be put on the agenda for Monday. (*An Honourable Member* : " Or during the Session.") (*Another Honourable Member* : " He said he withdrew the Bill for the Session.") No, Sir. He cannot say that : he can only withdraw it with the leave of the House. Therefore once you had this Bill before you, I am not aware of any practice, constitutional or otherwise, by which he could do it. Under our Standing Orders it is quite clear that this Bill cannot be withdrawn except with the leave of the House.

This is what the Standing Order says :

" A member who has introduced a Bill may at any stage of the Bill move for leave to withdraw the Bill, and if such leave is granted, no further motion may be made with reference to the Bill ".

Therefore, Sir, until that leave is granted, the Bill must be proceeded with. (*A few official Members* : " No, no,") (Mr. K. Ahmed also made an interruption which was inaudible). I do not want the advice of my friend Mr. K. Ahmed. (*An Honourable Member* : " Why not ? ") Because I think I can get along quite well without his advice.

Now, Sir, whatever interpretation you may put upon the action of the Honourable the Finance Member, I say that the Government are guilty of showing a great affront to this House. I say that this cannot be tolerated, and I think, speaking on behalf of Members on this side of the House, that there is no justification for the conduct of the Government in this matter ; and I therefore support the vote of censure without hesitation.

Mr. M. R. Jayakar (Bombay City : Non-Muhammadan Urban) : Sir, I have great pleasure in associating myself, on behalf of the Nationalist Party, with the motion moved by my Honourable friend Mr. Chaman Lall. In doing so, I shall strictly confine myself to the constitutional issue involved in this motion, and not import into my speech anything of what one hears in the lobby,—and one hears so many things, good, bad and indifferent. The constitutional issue is, as stated by my Honourable friend Mr. Jinnah, that the procedure adopted by the Government of India in withdrawing from the consideration of this House a Bill on which Members on this side had worked for several months and at the last stage of which they had laboured for three or four days to consider a specific proposal, is very wrong. The Honourable the Finance Member at the last stages of the negotiation put before us a specific proposal, and I must congratulate him on that account, in so far as he tried his best to meet the wishes of this Section of the House on some important points. After having undergone all this worry and all the trouble which some Members took in going from Bombay to Calcutta, from Calcutta to Simla, party meetings being held nearly every evening and some of us being deprived of our luncheons and dinners on that account, after all this trouble, I say the Honourable the Finance Member, as the spokesman of the Government of India, suddenly comes forward and in a very short speech—of excellent shortness if I may say so—merely announces that he does not want to proceed with the Bill. In social life, Sir, such a discourtesy would be grossly resented. Supposing a friend of mine wrote to me saying that he was going to pay a week-end visit, and I got a bed room ready for him, secured a special cook and made

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everything ready for him and at once I get a wire merely saying that he did not want to come, without offering the least apology or even an explanation of the reason why he did not want to come, I should never invite him again. (Laughter.) Unfortunately, we have not the power to retaliate on the Government of India by treating them with the same cold aloofness ; if I had it, I would deal with them precisely in the same manner. May I warn the Government of India that the exchange of courtesy to the Opposition in this House will make them stronger, and that any discourtesy shown to this side of the House will certainly in the long run recoil on them and make them weaker and weaker. I am one of those, Sir, who are desirous that conventions should grow up in this House between the Government of India and the Opposition Benches which will mutually strengthen one another. I would warn the Government of India that if they do not wish to reduce themselves to the position of what a statesman in England once described—the Government of India to be, *viz.*, a mere subordinate branch of the British administration, let them be careful; I say that if they do not want to reduce themselves to that pitiable position, there is only one way, and that is, to trust the Opposition Benches more and more and secure their support. Therefore, Sir, taking that view of our relative positions here, I am practically anxious that we should convey to the Government of India our strong resentment in this matter. By their discourtesy and affront they have rendered us impotent, and in the same measure, they are also rendering themselves impotent as against outside dictation. I have therefore great pleasure in supporting this motion for adjournment.

Mr. A. H. Ghuznavi (Dacca Division : Muhammadan Rural) : Sir, I associate myself with what my Honourable friend, Mr. Chaman Lall, has said to-day. Sir, we feel it a great insult to us the way the Government of India has treated this House. After the assurance that was given by the Honourable the Finance Member that he would go on with this Bill in this Session, and after all of us at great discomfort have come here to attend this Session in good time, to our extreme surprise it was only on last Thursday we were quietly told by the Finance Member " I am not going to proceed with this Bill. " Is that the way to treat this House, Sir ? Is that the way you, the Finance Member, want to treat the Members of this House ? What did he say to the reply of the Swarajist leader, when he asked him " Are you going to proceed with this Bill in the Delhi Session ? " He said " I will not add one word more to the statement that I have made. " We all know that he has not withdrawn the Bill. But from what he said it struck us that he was not going to proceed with the Bill at all, and if that was the case, surely he should have consulted the House before making a statement of that kind.

Sir, there is one thing more. The Joint-Committee on this Bill was formed of Members of both the Houses in last March. The first meeting was held in Bombay in May last. Then the whole of that Committee was taken down to Calcutta in July last. They had deliberations there for about ten days, and after that they came to certain conclusions. After these expenses were incurred, after all the troubles the members of the Joint-Committee had taken, and after all that had been done before, the Bill came before this House, we thought the Government was anxious to

go on with this Bill and we too were equally anxious to go on with it. We wanted to have a full opportunity in this House of discussing the merits of the Bill ; and if the wreckers had wrecked the Bill, well, we could have gone to the country and said " It is not our fault, but the fault of the wreckers who have wrecked the Bill ". The Government have not given us the chance to prove to our constituency that we have done our best, but have practically given the wreckers what they wanted. And this is very unfair to us.

With these few words, Sir, I associate myself with what the preceding speakers have said, and I desire strongly to protest against the action of the Government of India.

The Honourable Sir Basil Blackett (Finance Member): Sir, the referee's whistle has been so much in evidence during the course of this game that I am a little bit afraid of the ground on which I may tread in an effort to make a speech in dealing with the motion now before the House. The Honourable Member from Bombay, Mr. Jayakar, commented on what he described as the excellent shortness of my explanation of the position last Thursday evening. I confess that I should be very glad to have been able to practise the virtue of excellent silence on this occasion (Laughter). The motion, I think, is a little overstated. The adjournment of the House is being moved to call attention to the affront offered to the Legislative Assembly by the Government in withdrawing this Bill this Session before the Assembly has had an opportunity of discussing the remaining clauses of the Bill. Well, Sir, I maintain with due deference that, so far as any intention on the part of the Government of India is concerned, there has been no affront to this House, and that the Government have not withdrawn the Bill.

Mr. President : The Honourable Member knows that the Government have no power to withdraw any Bill without coming to this House.

The Honourable Sir Basil Blackett : I entirely agree that the Government have no right to withdraw the Bill without coming to this House. If Members of this House are of opinion that an affront has been offered to the House, I can only say on behalf of the Government of India that no such affront was desired or intended and that I am very sorry that any impression of that sort should have gone abroad. As regards the withdrawal of the Bill, what the Government have done is to come to the conclusion that, in view of the time available during this Session and the complexity of the problem still to be solved, it was not desirable to attempt to complete the Bill this Session. They have come to no other conclusion and any further conclusion that may be drawn from the action of the Government in this matter is unauthorised and possibly inaccurate. I cannot help thinking that the Honourable Member who had so much difficulty with you, Sir, in moving this motion, was under the impression that he was moving a motion on some other subject, shall we say, for example, what is happening at Kharagpur at the moment ? He imagined himself complaining that the Government of India in the person of a Railway Company had locked out its employees in the persons of this Assembly and refused to go on with them until they would work. That is not what is happening at all. Surely it is reasonable, when the original plan of an important portion of the Bill before the House has been considerably modified, that the Government and the House and the

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country should ask for time to consider the exact bearing and implications of any alternative plan for arriving at the results desired. I must not, Sir, dwell on the merits of the Bill. I confess that sometimes, in listening to the debate, I was reminded of a variant of the poem quoted by my Honourable friend, the gallant Baronet from Bombay, about the dissembling of love, and I thought of the variant—it is not so poetical—"If you love me, say so, but don't spoil my patent leather shoes." (Laughter). I must say that some of the expressions of love that were shown towards me and my Bill seemed to me to spoil the patent leather shoes of my Bill. But after all, we are merely asking for more time to deal with the matter. I cannot add anything to what I said last Thursday in regard to the position. Government require time to consider the full implications of any alternative plan. Surely, it is within the rights of the Government, and it is no affront to the House, that when difficulties arise in the course of discussion of a Bill, they should not, as is complained in this case, withdraw the Bill—that is not what the Government have done—but postpone consideration until a later Session in order that when it comes up it may be discussed, if it is discussed, (*An Honourable Member* : "Will it ever be discussed ?") in an atmosphere when progress is likely to be made, instead of under conditions in which there is a possibility of a break-down and the complete failure of the Bill owing to absence of a sufficient measure of agreement between the various conflicting view points which have to be considered in arriving at a final conclusion. I repeat once more that the Government have not withdrawn the Bill and they are not guilty of any intention of affronting this House or of having really done so if all the circumstances of the case are considered. This is variously described as a vote of censure on myself, on the Government of India, or on some one else. The Government of India may at times be incomprehensible, it is at any rate one and indivisible, not by confusion of persons but by unity of substance. We have to consider in full any proposal that we may commit ourselves to supporting in this House for the purpose of legislation. We do claim that we have a full right in this matter to consider with great care the full implications of the several alternatives all of which involve very complex considerations. I hope the House will, after what I have said, realise that this motion is really not fully justified. There is not, I maintain, sufficient reason for censuring the Government of India for their action in the matter of the Reserve Bank Bill. Their action, I maintain, has been taken in the interests of ultimately arriving at a successful bit of legislation and not hurrying too fast in a way that may lead to a premature failure.

Mr. M. A. Jinnah : I want to ask the Honourable the Finance Member a question. There were two courses open to him, either to withdraw the Bill or to move the adjournment of the consideration of the Bill. Why did he adopt this arbitrary and autocratic course which he has adopted ?

The Honourable Sir Basil Blackett : I think my only answer to that is that it was for the convenience of the House that they should know on Thursday evening rather than on Monday morning what the position was likely to be.

Mr. S. Srinivasa Iyengar (Madras City : Non-Muhammadan Urban) : Mr. President, I had no desire to add to the observations which

I made on the last occasion. I waited to hear what explanation the Honourable the Finance Member was going to make, because, Mr. President, you ruled, if I may say so with all respect, rightly the other day, that a debate should not be raised. To-day when the debate is raised on the point, I find the Honourable the Finance Member gives absolutely no reason whatever for the course which he has chosen to take. We have been taught that language is given to conceal thought, and I feel that the English language conceals thought more than any other language. If ever there was an occasion for me to realise that truth in its fulness, in its completeness, and in all its vividness, it is to-day after listening to the carefully modulated speech of the Honourable the Finance Member. I am no wiser after he has spoken than before he spoke. This is not the way to treat the House. I consider the explanation which the Finance Member gives adds injury to the insult which has already been offered to us. We want to know plainly and squarely what are the reasons really why the Government of India did not proceed with this business ? Why is there this mystery, this darkness ? Is the business of the Government of India to be transacted in twilight or is it to be transacted in broad daylight ? Once a Bill of this description comes before this House I say you cannot circumvent the spirit of the rules. You may claim to comply with the letter of the rules, but you should not circumvent the spirit of the rules. The action of the Government is tantamount to a temporary withdrawal of the Bill under the pretext that they are arranging the Government business on days allotted for Government business. When once Government business is taken up, though the matter is one for you to decide and not for me, the spirit of the rules does require that, unless there is any very great difficulty which compels the Government to suspend the normal course, a Bill which is taken up on Government days must go on from day to day. That is the usual procedure. I submit that whether Government had technically the right to do it or not, it is certainly unconstitutional and amounts, as I said the other day, to trifling with what ought to be the convention of this House. The Finance Member did not really give any satisfactory reason. He said that the motion for adjournment is not fully justified. Does he mean that it is justified to any extent ? He said that the Government is one and indivisible. I cannot understand the divinity about it. I am not a theologian. The Finance Member used many other phrases which simply cloud the issue and do not lay bare the truth. A Bill has been actually taken up and some important clauses have been discussed. We had come to the crucial clause, clause 8. That was being discussed. The amendments were there. Suddenly the Government discovered that they required an indefinite adjournment for the purpose of coming to a conclusion. What is the agreement that was wanted ? I have seen no evidence of any desire on the part of the Government of India to come to any agreement with the popular party in this House. I do not desire on this occasion to express my opinion on this Bill and it would not be in order. I do not want to say whether the Bill should be of a particular kind or of some other kind. I have nothing to do with it or its merits. We stick to our demand. Our demands have been before the country and before this House. Speaking for my part and for the Congress Party, the reason why we did not think it necessary to bring this motion is because we had already expressed our resentment, and we did not think it necessary to bring up another motion before this House.

Mr. President : Does not the Honourable Member belong to the Congress Party ?

Mr. S. Srinivasa Iyengar : That is, Sir, domestic politics. When once a motion of this description is brought before this Assembly, there is not the slightest doubt that the Congress Party will support, as it has decided to support, this motion, because it is simply repeating what I said on behalf of my Party and, if I may say so with all respect on behalf of the other non-official Members of this House on the last occasion. If a formal vote of censure was required I do not see the slightest harm in having such a vote of censure. For it does strengthen the hands of the popular elements in this Assembly to have a vote of censure of this description formally passed against the Government. We are, however, not here for the purpose of strengthening the hands of the Finance Member or the Government of India. We are here for the purpose of asserting our own rights and liberties, and they require that the ordinary normal procedure of this House shall not be interfered with by any extraordinary action which is taken on behalf of the Government of India. I have nothing to do with the apportionment of responsibility. I am not an inquisitive person and I do not want confidences which are not given to me voluntarily. Therefore, Sir, whilst I associate myself with the censure that has been moved, I must say that I do not agree with my friend Mr. Jayakar or others in thinking that there was any great accommodation or any great deal of co-operation. My Party stands and will stand for certain principles, and it is only if the Government comes down to those principles and agrees with our Party that we will agree to co-operate and we shall not do so in the case of any Government measure or Bill which does not satisfy the fullest demands of the Party which I have the honour to represent. With these words I cordially support this motion for censure.

Mian Mohammad Shah Nawaz (West Central Punjab : Muhammadan) : Sir, I support this motion for censure, not on the ground given by my esteemed friend Mr. Srinivasa Iyengar, but on the ground that the consideration of the remaining clauses of the Reserve Bank Bill was postponed against the wishes of this House. The reason given by the Honourable the Finance Member that the consideration of the Bill was deferred because the Government wanted more time with a view to consider the pros and cons of clause 8 of the Bill are not conclusive and convincing. Probably there are some other reasons which the Honourable the Finance Member does not wish to give on the floor of the House. Now, Sir, the hard facts of the situation are these. The Reserve Bank Bill emanated from the Joint Committee in a form which raised certain controversial matters. The Finance Member was forced to fall back on the shareholders' bank, but, in order to inspire confidence of all the parties in this House, he gave up the shareholders' bank in favour of a State Bank. That shows honesty of purpose on the part of the Finance Member who is also the Leader of the House. A dispute arose with regard to the composition of the Directorate. There is one scheme which is embodied in clause 8 of the Bill and which empowers the Legislature to elect as many as 6 Directors to the Board. I do not wish to enter into the merits or demerits of this scheme, but obviously it was opposed by the Government and a large number of the Members of this House.

Mr. President : The Honourable Member is not right in assuming that a large majority of the House was opposed to a particular scheme. Will he confine himself to the constitutional issue ?

Mian Mohammad Shah Nawaz : Sir, I am not going into the merits of the scheme. I am simply stating facts. The other proposal of which the Honourable Member, Mr. Srinivasa Iyengar, had given notice to move was that the provinces should elect a College of Electors consisting of 300 members and the College of Electors in turn should elect 6 members to the Board of Directors. Well, Sir, I do not know what would have been the fate of this proposal. Then again, Sir, Raja Ghazanfar Ali tabled another amendment, namely, that two seats should be reserved for Muslims through election on the Directorate. That did not meet the wishes of the Government. We all know that the Honourable the Finance Member refused to agree to the introduction of the principle of communal representation and racial distinction in a banking institution. Finally, there was a proposal for a stockholders' scheme. Everybody knows what that scheme is. It obviously gained the support of all parties in this House. But all of a sudden the Finance Member next day tells the House that the Bill cannot be proceeded with. I do not know what the real reasons are. If the Government wanted to have time the Finance Member could have stated on the floor of the House that he wanted time. There are probably certain other reasons which perhaps it is not advisable on the part of Government to state before the Assembly. Personally, I think these reasons must be strong which forced the Finance Member to postpone consideration of the measure to a fresh date. It is somewhat unfortunate that even in respect of a banking institution the Government of India has not a free hand and its liberty of action is controlled by higher authorities. The Honourable Sir Basil Blackett whose ability and integrity we all admire is not to be blamed. The object of this motion is to show to the Governments in India and in England that this House desires to resume discussion of the Bill at an early date and pass it in a form acceptable to the Government of India and a substantial majority of the House. The consideration of the Bill has been deferred contrary to the opinion of this House, and for this reason, Sir, I support the motion for censure.

Mr. H. G. Cocke (Bombay : European) : Sir, I merely want to say on behalf of these Benches that we do feel in this particular case that the House has not been quite reasonably treated. We realize to the full that there may be Government measures with which it is not desirable to proceed and under our Standing Orders it is possible for these Bills not to be proceeded with in the course of two Sessions and then they drop, but in this case we feel that while there were amendments on the paper which attempted to deal with the problem, it was somewhat premature to refuse to proceed with the Bill further this Session. It is quite possible that the Government of India, in taking that line, have made themselves good prophets. It may be that the solutions which were under consideration would have resulted in further deadlocks, in which case possibly Government would have been right, but on the narrow constitutional point we feel that the Government of India should not withdraw, or rather refuse to proceed with, important measures of this sort at very short notice without further discussion.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, when I came to this House, I was inclined to support the Honourable the Finance Member in the action he had taken, because I felt that so far as the affront to the House was concerned, my Honourable friend, Mr. Srinivasa Iyengar, had made it clear on the day the announcement was made that the House resented the action of the Honourable the Finance Member ; and I thought that it might be possible to show on behalf of the Government that the Finance Member, finding that he was not willing to accept the scheme which found favour with a large section of the House, and that a large section of the House was not willing to accept the scheme which the Finance Member wanted it to adopt, might justifiably have thought it the part of wisdom not to take up the time of the House any further with the Bill and to let it drop. But having heard the Honourable the Finance Member to-day, Sir, I feel more strongly than I did before that the House has every justification for feeling that it has been treated with an affront. I cannot understand why the Finance Member should not have realized all that his action meant, but bad as it was, for him now to get up and say to-day that he has not withdrawn the Bill, that he may still proceed with the Bill, is, I submit, to add another insult to the one that has been already offered to the House. I feel, Sir, that if the Finance Member felt that in view of the differences of opinion the Government should not proceed with the Bill, it was perfectly open to him to say to the House that that was so and not to proceed with the Bill. But having given the impression to the House on Thursday last that he had come to that conclusion, for him now to seize this opportunity of a motion for adjourning the House to declare to this House that he has not withdrawn the Bill, that it is still intended to go on with the Bill, and in particular....

The Honourable Sir Basil Blackett : May I, in the interests of accuracy, point out that I have said to-day exactly the same as I did on Thursday. I have no power to withdraw the Bill, as my Honourable friend knows ; what I said to-day is exactly what I said on Thursday.

Pandit Madan Mohan Malaviya : I submit the question of the Honourable Member having no power to withdraw the Bill stands on a different footing ; there is no power under the Standing Orders which can compel a Government Member or any other Member to proceed with a Bill. He may not withdraw the Bill without the leave of the House ; he cannot do so, but there is no power to compel him to proceed with the Bill, and I submit that when the Honourable Member made his statement on Thursday last, he gave the impression to the House, at least to a large section of the House, that he did not intend to proceed with the Bill. I do not wish, Sir, to dwell any longer on this subject. Government treat us as if we are here to register their decrees, to accept their decisions, or to be treated in the manner in which we have been treated. After many months of labour have been spent on the Bill, after the long discussions that have been held, for any Government Member to get up and say to the House what the Finance Member said is, I submit, extremely—I will not use a stronger word—extremely discourteous. Now, Sir, I wish to make one suggestion to the Honourable the Finance Member or rather to the Government of India. They have shown discourtesy to this House. Will they now save this House the further discourtesy of asking it to

consider this Bill further ? Let the Bill drop and lie where it does. (*Some Honourable Members : No, no.*) After all.....

Mr. President : Order, order. The Honourable Member is now introducing a debatable matter.

Pandit Madan Mohan Malaviya : I submit, Sir, that I am not going to enter into the merits of the Bill. I only want to establish the principle that when the Government have acted in this fashion in regard to a measure like the Bill before us, the least courtesy that they can show and the most sincere regret that they can express for having taken that action is that they should not ask the Members of this House to spend any more time upon the Bill.

Mr. Muhammad Yamin Khan (United Provinces : Nominated Non-Official) : Sir, we all know the history of the Bill as it has been discussed in this House. Different speeches were made in the House and different decisions were arrived at but they have all been thrown out. We knew, Sir, as a matter of fact, that a substantive scheme was after all coming before the House with regard to which we were all trying to arrive at a unanimous decision. For this purpose we had laboured long both in this House and outside it. We had the debates postponed for several days. Now, Sir, all of a sudden we find that this Bill is dramatically dropped in this Session. The two statements which the Honourable the Finance Member has made to-day seem to me to be striking at the very root of the whole matter. He has said that the Government of India have not offered an affront to this House in any way and that they had no desire or intention whatsoever of doing so. The second statement that he made was that the Government of India have not withdrawn this Bill. We must accept both these statements as quite correct. I think, Sir, the very first statement that the Government of India had no intention whatsoever to offer an affront to this House explains the whole thing. To my mind, there is a lurking suspicion that if the Government of India had no intention to withdraw this Bill and that they have not withdrawn it, then certain other influence has probably prompted them to take the action which they have taken in regard to this Bill. Whatever that influence may have been and wherever the dictation might have come from, we do not know, unless it had been explained plainly to this House by the Honourable the Finance Member. But, Sir, the dignity of the Leader of the House who speaks on behalf of the Government is certainly lowered when he lays down a specific suggestion before the House to come to an agreement and when a settlement is going to be reached very soon, that all of a sudden he is thwarted in this matter. It has been shown to the House that the Honourable the Finance Member who speaks on behalf of the Government and who was talking as a responsible officer has been thwarted in his scheme.

Mr. President : I cannot allow the Honourable Member to proceed in this strain. He must accept the statement made by the Leader of the House. The Leader of the House had never even insinuated that he had been thwarted by any other authority.

Mr. Muhammad Yamin Khan : The Finance Member has said in very guarded words that the Government had no intention of withdrawing this Bill and that they have not offered any affront to the House. I take them at their face value and I accept his statement as it stands.

[Mr. Muhammad Yamin Khan.]

This very statement has to my mind revealed the whole state of affairs. (Laughter.)

Mr. President : The Government of India have taken the fullest responsibility for their action and the motion before the House calls into question that action. The Honourable Member is not entitled to go outside the terms of that motion.

Mr. Muhammad Yamin Khan : I accept that the Government of India have taken the fullest responsibility upon themselves. Of course, they could not do anything else. (Laughter.) To my mind, it appears that the action of the Government of India is a very undignified one. This leads the Honourable the Leader of the House to a very precarious plight. This action of the Government of India will lower the Leader of the House in the eyes of the world. If in future the Government of India should place any suggestion before the House, Honourable Members would not take them at their word, because they would not be sure whether the Government of India were speaking with authority on the matter or not. Therefore, I submit that this unconstitutional method requires condemnation by support of this motion. (Hear, hear.)

Mr. President : The question is :

" That this House do now adjourn ".

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 14th September, 1927.

LEGISLATIVE ASSEMBLY.

Wednesday, 14th September, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

†1015*—21*.

LIQUIDATION OF THE INDRAPARASTHA STORES LIMITED, DELHI.

1022. ***Rao Bahadur M. C. Rajah** : (*a*) Is it a fact that the Indraparastha Co-operative Stores, Delhi, was placed under liquidation about 4 years ago ?

(*b*) Have the Government received any complaints regarding delay in winding up the stores or regarding misappropriation of its funds during the unusually long period of liquidation ?

(*c*) What steps do the Government propose to take to expedite the winding up of the Stores ?

The Honourable Sir George Rainy : (*a*) There is no such Company as the Indraparastha Co-operative Stores, Delhi. There is, however, a company styled Indraparastha Stores, Ltd., which went into voluntary liquidation by resolution of an Extraordinary General meeting held on the 9th January 1925, that is about 2 years and 8 months ago.

(*b*) The only complaint received by the Chief Commissioner, Delhi, is one dated 27th January 1927, against the liquidator of the company. This complaint was answered and returned in original to the complainant, Jagdhish Pershad, a contributory of the above company.

(*c*) The Indian Companies Act, VII of 1913, prescribes no limit of time by which the winding up of a company should be completed. The liquidator hopes to complete the winding up of the company by the end of January 1928. The delay is said to be due to the non-realization of several decrees. In the case of voluntary liquidation the Government have no power under the Act to expedite the proceedings.

ARTICLES IN THE *Hindustan Times* ENTITLED "LIFE IN RAISINA".

1023. ***Rao Bahadur M. C. Rajah** : (*a*) Has the attention of the Government been drawn to the editorial notes under the heading "Life in Raisina" published in the *Hindustan Times*, Delhi, dated the 17th February 1927, and 27th March, 1927 ?

(*b*) What action do the Government propose to take to remove the hardships and defects pointed out therein ?

† Not put at the meeting, but the questions with their answers will be found at pages 4313—16 of these proceedings.

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) I have nothing to add to the reply given by me to Khan Bahadur Sarfaraz Hussain Khan's question No. 1166 on the 25th March 1927.

REMOVAL OF THE MAIN ELECTRIC SWITCHBOARD IN SOME OF "D" CLASS QUARTERS IN NEW DELHI INSIDE THE QUARTERS.

1024. ***Rao Bahadur M. C. Rajah** : (*a*) Is it a fact that the main switch of electricity in some of the "D" Class quarters at Raisina is in the verandah outside the quarter and can thus be easily shut off by thieves, etc., at night ?

(*b*) When do the Government propose to remove it to some place inside the quarters ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes, this is the case in nearly all bungalows and quarters. The switchboard is situated in the verandahs in order that the meter may be read without the meter reader entering the quarters to which the tenants usually strongly object.

(*b*) Government do not propose to do this at present.

DEFECTS IN "D" CLASS QUARTERS IN NEW DELHI.

1025. ***Rao Bahadur M. C. Rajah** : (*a*) Is it a fact that in the case of a burglary in the last winter the thieves entered a "D" class quarter in the Albert Square in New Delhi by jumping over the *low* outer wall of the courtyard and entered one of the rooms through the *wide* ventilator (width 2 feet) without any obstacle ?

(*b*) Is it a fact that some of the doors of "D" class quarters are fitted with glass panes which are not required as sufficient light can come into the rooms through windows and ventilators ?

(*c*) Is it also a fact that usually the thieves open the bolts inside by breaking the glass panes ?

(*d*) Are the Government also aware that the outer door in the courtyard of some of the "D" class quarters has got openings on all the four sides (for want of wooden frame) which helps in ascending the walls and makes the house open to view from outside even when it is closed ?

(*e*) When do the Government propose to remove the above four defects in some of the "D" class quarters to safeguard the life and property of the residents ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Government have no information.

(*b*) Government understand that glass panes are fitted where light would be otherwise insufficient.

(*c*) Government have no information.

(*d*) Some of these doors have no chowkets, but Government understand that this does not produce the defects asserted.

(*e*) Government do not propose to take any further action at present.

REPLACEMENT BY GLASS WINDOWS OF THE HONEY-COMBED PORTIONS OF THE BATH ROOMS IN THE " D " CLASS QUARTERS IN NEW DELHI.

1026. ***Rao Bahadur M. C. Rajah** : (*a*) Is it a fact that the bath rooms of " D " class quarters in all the quarters except those newly built for the " G " point Post Office are provided with a honey-comb instead of a glazed window ?

(*b*) Have the Government obtained the views of any medical officer as to whether it is safe for a person to bathe with warm water in winter in a bath room which is open to draughts from outside through honey-combs ?

(*c*) Are the Government aware that almost all the residents have to shut up the honey-comb to protect themselves from cold wind ?

(*d*) When do the Government propose to replace the honey-comb by glass windows to allow light into the bath room at the same time affording protection from cold draughts when necessary ?

(*e*) When do the Government propose to replace the bath room pipe by high shower and torrent bath pipe like those in the Indian clerks chummeries ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes

(*b*) No. The tenant can protect himself against draughts by covering the honey-combed portion by a small purdah on the inside. In order to render this possible and yet admit light all solid doors have been specially provided with glazing.

(*c*) No, but this is what Government suggest the tenants should do if they wish to do so.

(*d*) Government do not propose to effect this replacement.

(*e*) Government do not consider that this is necessary.

CLOSING OF THE WATER PIPES IN THE HIGH LEVEL QUARTERS IN NEW DELHI SOON AFTER 10-A.M.

1027. ***Rao Bahadur M. C. Rajah** : (*a*) Is it a fact that water pipes in the high level quarters in New Delhi close soon after 10 o'clock in the morning thus putting the residents to great inconvenience ?

(*b*) Do Government propose to take any steps to remove this inconvenience ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) and (*b*). Government understand that water pipes are open throughout the 24 hours of every day.

ISSUE OF EXTRA FURNITURE TO RESIDENTS OF " D " CLASS QUARTERS IN NEW DELHI.

1028. ***Rao Bahadur M. C. Rajah** : (*a*) What articles of extra furniture are usually supplied if required by the residents of " D " class quarters in New Delhi ?

(*b*) What is the rate of charges for each ?

(c) Are the Government aware that extra furniture is usually supplied very late in the month of November or in December even when it is requisitioned in October ?

(d) Are the Government aware that it causes a good deal of inconvenience to those concerned and also loss of income to Government ?

(e) Do the Government propose to instruct the authorities concerned to issue extra furniture as soon as a quarter is occupied so that the extra hire may commence from the same date ?

The Honourable Sir Bhupendra Nath Mitra : (a) and (b). The list of articles of extra furniture and the rate of charges can be had on application to the Estate Officer, Delhi.

(c), (d) and (e). It is not the policy of Government to provide furniture in excess of the scale that has been laid down. There is, however, a surplus of certain articles and additional demands are met from this source as far as possible. This surplus is likely to be exhausted in the near future in providing for replacements. In the circumstances furniture over and above the scale referred to can only be issued if available and certain articles may only become spare late in the season, if at all.

FIXING OF PERMANENT HANGING HOOKS IN THE WALLS OF QUARTERS IN NEW DELHI.

1029. ***Rao Bahadur M. C. Rajah** : (a) Are the Government aware that the walls of quarters are spoiled every year by the residents in their unsuccessful efforts to fix hanging hooks and nails in the walls ?

(b) To avoid unnecessary trouble and spoiling of walls do the Government propose to fix permanent hanging hooks in the walls or to indicate by lines, etc., on the walls where they can be fixed ?

The Honourable Sir Bhupendra Nath Mitra : (a) and (b). The answer is in the negative.

DIFFERENCE IN THE COURSES OF STUDIES IN THE DELHI AND SIMLA SCHOOLS.

1030. ***Rao Bahadur M. C. Rajah** : (a) Is it a fact that the school courses of Delhi and Simla schools are different ?

(b) In view of the fact that the children of the Government of India employees have to move between Simla and Delhi, are Government prepared to take steps to remove this trouble ?

(c) Are the Government aware that there is a general complaint to the effect that the teachers of New Delhi schools find it difficult to give special attention to the boys that go there from Simla and join the schools for the winter only ?

(d) Do the Government propose to issue instructions to the Inspectors of Schools to consider very carefully whether the difference in the course of studies in Delhi and Simla impedes the progress of the children of the Government of India employees ?

Mr. A. R. Dalal : (a) The courses differ to a small extent.

(b) Attempts are being made to minimise the hardship.

(*c*) No.

(*d*) No ; but the Honourable Member is referred to the answer to (*b*).

EXTRADITION PROCEEDINGS AGAINST SARDAR DIWAN SINGH, EDITOR OF THE *Riyasat*.

1031. ***Diwan Chaman Lall** : (*a*) Will Government be pleased to state whether it is a fact that the complaint lodged against Sardar Diwan Singh, Editor, *Riyasat*, by the Patiala State was lodged three years ago ?

(*b*) Is it a fact that Colonel Minchin (Agent, Governor General, Punjab States) refused extradition proceedings three years ago for the same criminal complaint ?

(*c*) Will Government state if the legal representative of Sardar Diwan Singh will be given an opportunity of being heard should extradition proceedings be started against him before the Agent to the Governor General, Punjab States ?

(*d*) Is it fact that in a cocaine smuggling case instituted against Sardar Diwan Singh it is stated in the judgment that " there is little doubt that Diwan Singh was an eye-sore to the Patiala people..... All that is relevant to this case is that Diwan Singh by writing such articles made himself a bitter enemy of the Patiala party.... (judgment acquitting Sardar Diwan Singh Criminal case Lahore, No. 3|3, dated 5th January 1923) ?

The Honourable Mr. J. Crerar : (*a*) I would refer the Honourable Member to the answer I gave to Mr. B. Das' question on the subject on the 31st of August.

(*b*) No such proceedings have been traced.

(*c*) The Agent has to satisfy himself that there is a *primâ facie* case against the accused and I have no doubt that any application from a duly empowered legal representative of Sardar Diwan Singh to be heard on his behalf would receive the fullest consideration.

(*d*) Government have not seen the judgment referred to.

APPOINTMENT OF A TECHNICAL COMMISSION TO EXAMINE THE GAUGE PROBLEM RELATING TO RAILWAYS.

1032. ***Mr. E. F. Sykes** : (*a*) Are the Government aware that the Acworth Committee described the gauge problem as an urgent one and recommended the appointment of a technical Commission to examine it ?

(*b*) Do Government propose to appoint such a Commission ? If so, when ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) When the recommendation made in paragraph 181 of the Acworth Committee's Report was considered the Railway Board were more inclined to the views expressed by Sir Henry Burt in his minute of dissent, which I have no doubt the Honourable Member has read, namely, that the gauge problem should be dealt with as incidental to, and with regard to, the immediate necessities of each new project as it comes under consideration. It has not been thought necessary to appoint a technical Commission to

examine the problem as a whole as Government have held the view that the work of improvement and development on a systematic basis which is now going forward was of prior importance to a possibly academic examination which might set up a competing demand for heavy expenditure on work of less pressing urgency. The question of gauge is however examined with great care when new projects are being investigated and under present instructions new branches will ordinarily conform to the gauge of the parent line, except that where expected traffic on a proposed branch does not warrant the use of the 5 ft. 6 inch standard gauge the 2 ft. 6 inch gauge will be adopted.

DETENTION OF STATE PRISONERS UNDER THE BENGAL CRIMINAL LAW AMENDMENT ACT, 1925.

1033. ***Mr. Satyendra Chandra Mitra** : (*a*) Will the Government be pleased to state how many of the State prisoners arrested under Regulation III of 1818 are being now detained under the Bengal Criminal Law Amendment Act, 1925 ? And on what grounds ?

(*b*) How many of these have been detained outside the Province of Bengal must be detained only in jails ?

(*c*) Is it the law that persons detained under the Bengal Criminal Law Amendment (Supplementary) Act, 1925, outside the Province of Bengal and in what jails ?

The Honourable Mr. J. Crerar : (*a*) I understand the Honourable Member's question relates to the recent action taken to transfer certain State prisoners from Regulation III to forms of detention under the Bengal Criminal Law Amendment Act. Nine prisoners have been so transferred in the last few months. The ground for substituting orders under the Bengal Criminal Law Amendment Act for warrants under Regulation III is, as explained by Sir Alexander Muddiman in his statement of the 21st March last, to which I would refer the Honourable Member, that the former Statute furnishes means for gradually relaxing the degree of restraint to which the prisoners are subject.

(*b*) None of these are detained in jails outside Bengal, the object of the action taken being, as I have mentioned, that they should be released from jail detention.

(*c*) Yes.

Mr. T. C. Goswami : Do I understand from the answer of the Honourable the Home Member that the prisoners so transferred are meant to be released in a short time ?

The Honourable Mr. J. Crerar : The intention is that they should be released from the conditions of jail detention and placed under milder forms of restraint.

Mr. T. C. Goswami : What is the object of the milder forms of restraint, considering that they could run away if they wanted to ?

May I have an answer to my question ? I think it is a very serious question.

The Honourable Mr. J. Crerar : The object of the milder forms of restraint is, while providing so far as necessary for the public security, to mitigate the degree of restraint imposed upon the prisoners.

Mr. T. C. Goswami : Do I understand that the Honourable the Home Member still thinks them to be dangerous people, people dangerous to public safety ?

The Honourable Mr. J. Crerar : That, Sir, is the justification for maintaining any restraint on them.

Mr. Satyendra Chandra Mitra : In answer to part (*a*), the Honourable the Home Member was pleased to say that the reason for transferring prisoners from Regulation III to the Bengal Criminal Law Amendment Act was that according to the latter law the prisoner was capable of being placed under gradations of restraint, but in answer to part (*c*) he said that when a prisoner was transferred outside his province, he was only to be kept in jail. Then why is it that in those particular cases when they are not capable of being placed under gradations of restraint they are transferred from Regulation III to the Bengal Criminal Law Amendment Act ?

The Honourable Mr. J. Crerar : The position is this. Under section 4 of the Supplementary Act, the power is given to Local Governments, other than Bengal, to detain prisoners in jail. That power extends only to jail detention, and if it is desired to release a prisoner from jail detention and put him under milder forms of restraint, then he is ordinarily returned to the jurisdiction of the Government of Bengal.

Mr. Satyendra Chandra Mitra : In that case, the Honourable Member must know that there is no object in transferring a man from Regulation III to the Bengal Criminal Law Amendment Act when that man is transferred outside the province.

The Honourable Mr. J. Crerar : No, Sir, in most cases there would be no object where a prisoner is detained outside the Presidency of Bengal.

Mr. Satyendra Chandra Mitra : Will the Honourable the Home Member kindly take it from me that in several cases prisoners were transferred from Regulation III to the Bengal Criminal Law Amendment Act and at the same time they were transferred outside the province ? My personal experience is such, and we were kept continually for 2 years and 10 months when there was no justification, as the Honourable Member says.

The Honourable Mr. J. Crerar : I am not quite sure that I quite understand the point placed by the Honourable Member, but the object of the provision which I referred to is this. If the Government primarily responsible, the Government of Bengal, consider that in any particular case, the detention may be reduced from jail detention to milder forms, if that is the conclusion arrived at, there is in most cases no object in detaining a prisoner in a province other than his own province. When, therefore, these provisions are put into operation, the prisoner is brought back to Bengal and there subjected to milder forms of restraint.

Mr. A. Rangaswami Iyengar : Is the Honourable Member aware that a large number of prisoners who were originally detained under Regulation III were subsequently specifically put under this Act and sent to Burma ?

The Honourable Mr. J. Crerar : Yes, Sir, that is true ; but, as I have said in the first part of my reply, I understood that the Honourable gentleman opposite was referring primarily to recent cases of transfer.

Mr. A. Rangaswami Iyengar : May I know, Sir, what is this mild form of restraint and what is the object that the Government have in view ?

The Honourable Mr. J. Crerar : I think, Sir, the Honourable Member will find this sufficiently explained in the provisions of the Act.

Mr. A. Rangaswami Iyengar : I want to know what is the reason for the change into the milder forms of restraint.

The Honourable Mr. J. Crerar : I think I have already replied to that point. The reason for imposing milder forms of restraint is to mitigate the conditions of the prisoners concerned.

Mr. A. Rangaswami Iyengar : No, Sir. I submit it is not an answer to my question—the object of a milder form of restraint is to give a milder form of restraint. I want to know what the object is.

The Honourable Mr. J. Crerar : I really cannot take the Honourable Member's point. Certainly the question which he put constrained me to give the reply which he indicates, namely, the object of milder forms of restraint is milder forms of restraint.

Mr. A. Rangaswami Iyengar : I want to know what is the ground upon which Government determine when a man is put under a severe form of restraint he must at a particular time be put under a particular form of restraint. Why is it that the Government want to do it and what are the conditions upon which these milder forms of restraint are given ? What is the criterion ?

The Honourable Mr. J. Crerar : The criteria are the facts and opinions formed by the Local Government with respect to the particular prisoner in question.

Mr. A. Rangaswami Iyengar : Am I to take it that it is not the conditions of peace and order in the province, but the particular conduct of the detenu that governs the situation ?

The Honourable Mr. J. Crerar : In their relation to the question of peace and order.

REMOVAL OF MR. SATISH CHANDRA CHAKRAVARTY, A STATE PRISONER, TO CALCUTTA, TO UNDERGO AYURVEDIC TREATMENT FOR FILARIASIS.

1034. ***Mr. Satyendra Chandra Mitra** : (*a*) Is it a fact that Mr. Satish Chandra Chakravarty, State prisoner, now detained in Bassein Jail, contracted filaria while he was living in a cell at Moulmein Jail ?

(*b*) Is it a fact that his disease has been declared incurable under the Allopathic system by the different Jail Superintendents while he was at Mandalay and he was permitted thereafter to take recourse to Ayurvedic treatment and that Kaviraj Shyamadas Bachaspati of Calcutta has given him an assurance that if he is kept under his treatment and personal supervision he may recover completely and in fact Mr. Chakravarty has somewhat improved under the Kaviraj's treatment ?

(*c*) Do the Government contemplate to bring Mr. Chakravarty to Calcutta and permit him facilities of personal visit and treatment by the said Kaviraj ?

The Honourable Mr. J. Crerar : I am making enquiries on the points raised by the Honourable Member and will inform him of the result.

GRANT OF TEMPORARY PERMISSION TO MR. BEPIN BEHARI GANGULY, A STATE PRISONER, TO VISIT HIS HOME.

1035. ***Mr. Satyendra Chandra Mitra** : (*a*) Have the Government received a petition from Mr. Bepin Behari Ganguly, a State prisoner now detained in Bassein Jail, praying for temporary permission to visit his home to protect his property, from being wrongly recorded in the name of other persons during the ensuing Cadastral Survey which is now proceeding in his district, his only brother who used to look after their affairs having died leaving only a helpless widow and a minor son ?

(*b*) If so, are they prepared to grant his prayer ?

The Honourable Mr. J. Crerar : (*a*) and (*b*). A petition has been received and is at present under consideration.

ASSAM BENGAL RAILWAY STATION AT SYLHET GHAT.

1036. ***Mr. Sris Chandra Dutta** : (*a*) Has the attention of the Government been drawn to the discussion held in a meeting of the Assam Legislative Council on the 20th July, 1927, over question No. 61, regarding the Assam Bengal Railway Station at Sylhet Ghat ? If so, will the Government be pleased to state if it is the general rule that the Assam Government cannot move in the matter of removal of grievances of the travelling public brought to their notice by the Members of the Legislative Council, unless those matters are in the first instance considered by the Railway Advisory Committee of the Assam Bengal Railway ? Will the Government be pleased to define the relations between the said Railway and the Provincial Governments so far as the removal of grievances of the travelling public are concerned ?

(*b*) Are the Government prepared to advise the Provincial Governments whose jurisdictions are served by the Assam Bengal Railway to draw the attention of the Agent of the said Railway Company to the matter of removal of grievances of the travelling public and such other cognate matters which are brought before the meetings of the Provincial Councils ?

(*c*) Will the Government be pleased to state how many meetings of the Advisory Committee of the Assam Bengal Railway Company were held in 1926 and 1927 ?

Mr. A. A. L. Parsons : (*a*) and (*b*). Government have not yet seen the report of the discussion in the Assam Legislative Council referred to, and will send the Honourable Member a reply to parts (*a*) and (*b*) of his question when the proceedings of the Assam Council for the 20th July 1927 have been received.

(*c*) Three meetings of the Assam Bengal Railway Advisory Committee were held in 1926. No meetings are yet reported in 1927.

FENCING OF THE LINES ON THE KATAKHAL-LALABAZAR RAILWAY AND THE SYLHET-KULAURA BRANCH OF THE ASSAM BENGAL RAILWAY.

1037. *Mr. Sris Chandra Dutta : Will the Government be pleased to state the number of run-over cases during the years 1926 and 1927 by trains of cattle and men on the Katakhal-Lalabazar Railway line and the Sylhet-Kulaura Branch of the Assam Bengal Railway ? What steps do the Government propose to take for the fencing of the aforesaid lines ?

Mr. A. A. L. Parsons : The information is being collected and will be communicated to the Honourable Member in due course.

CONSTRUCTION OF THE HABIGANJ SHAISTHAGANJ BRANCH LINE OF THE ASSAM BENGAL RAILWAY.

1038. *Mr. Sris Chandra Dutta : Will the Government be pleased to state when the construction of the Habiganj-Shaisthaganj Branch line of the Assam Bengal Railway is proposed to be undertaken ?

Mr. A. A. L. Parsons : The line has been sanctioned, and it is hoped that construction will start this year and be completed early in 1929.

NUMBER OF POST OFFICES IN THE DISTRICTS OF SYLHET AND CACHAR.

1039. *Mr. Sris Chandra Dutta : Will the Government be pleased to state the total number of Post Offices in the districts of Sylhet and Cachar ? How many of them do not entertain peons and on what grounds ?

The Honourable Sir Bhupendra Nath Mitra : The information has been called for and will be furnished to the Honourable Member in due course.

ENHANCED RAILWAY FREIGHT ON SALT FROM THE SALT MINES AT WARCHA IN THE DISTRICT OF SHAHPUR.

1040. *Mr. M. S. Aney : (*a*) Will the Government be pleased to state whether the Railway Board has imposed any enhanced rate of railway freight on salt from the salt mines at Warcha in the District of Shahpur ?

(*b*) If so, will the Government be pleased to state :

(*i*) since when the enhanced rate was introduced,

(*ii*) what was the previous rate,

(*iii*) what is the enhanced rate and from what station and for what distance ?

(*c*) Will the Government be pleased to state what is the rate of railway freight for salt from the salt mines at Khewra in the District of Jhelum ?

(*d*) Will the Government be pleased to explain the reasons for imposing different rates of railway freight for the same article on the State-owned and State-managed Railway line ?

(*e*) Will the Government be pleased to give the figures showing the quantity of salt and the amount realised for railway freight on salt exported from Warcha railway station to stations beyond a distance of 100 miles for each month from 1st January 1927, to 31st July 1927 ?

(*f*) Are Government aware that the imposition of enhanced railway freight on salt from the Warcha salt mines has been prejudicial to the consumption of Warcha salt and facilitated the import of salt from the

Khewra mines in parts where salt from the Warcha mines was normally sold and consumed ?

(*g*) If the answer be in the affirmative, will the Government be pleased to state what steps they propose to take to prevent the trade and consumption of Warcha salt being prejudicially affected by the continuance of enhanced railway freight ?

The Honourable Sir Basil Blackett : As the answer is a very long one, I propose, with the Honourable Member's permission, to lay it on the table.

(*a*) The Railway Board have not imposed any enhanced rates. The enhancement was made by the North-Western Railway.

(*b*) (*i*) The enhanced rate was introduced from 1st June 1927.

(*ii*) The previous rate was as follows :

For the first and up to 100 miles ..	.380	pies per maund per mile.
For extra distances above 100 miles but not exceeding 300 miles to be added to the charge for 100 miles.	.220	pies per maund per mile.
For extra distances above 300 miles but not exceeding 600 miles to be added to the charge for 300 miles.	.130	pies per maund per mile.
For extra distances above 600 miles to be added to the charge for 600 miles.	.110	pies per maund per mile.

(*iii*) The enhanced rate which applies from Warcha is as follows :

For the first and up to 150 miles ..	.380	pies per maund per mile.
For extra distances above 150 miles, but not exceeding 250 miles to be added to the charge for 150 miles.	.333	pies per maund per mile.
For extra distances above 250 miles, but not exceeding 500 miles to be added to the charge for 250 miles.	.200	pies per maund per mile.
For extra distances above 500 miles, but not exceeding 700 miles to be added to the charge for 500 miles.	.130	pies per maund per mile.
For extra distances above 700 miles to be added to the charge for 700 miles.	.100	pies per maund per mile.

(*c*) The rates described in the answer to (*b*) (*ii*) still apply to salt despatched from Khewra.

(*d*) The enhancement is due to the cost incurred in working the branch line between Gunjyal and Warcha, but it was at the instance of the Central Board of Revenue that the enhancement was made to fall upon long distance traffic and not upon local traffic. The Board's motive was to attempt to discourage an excessive demand for Warcha Salt, coupled with a reduced demand for Khewra salt, from places to reach which Warcha salt has actually to pass Khewra ; this peculiarity in demand was causing

serious practical difficulties to the Salt Department. The Board was unwilling to meet the problem by raising the issue price of Warcha salt, since such a course would have affected local markets adversely as well as the more distant markets.

(*e*) and (*f*). A reference is reported to have been made to the Rates Advisory Committee, and the information asked for will doubtless become available in the course of the enquiries made by that Committee.

(*g*) The action to be taken by the Railway Board or Government upon the result of the reference to the Rates Advisory Committee cannot be anticipated now ; but it is fair to let it be known that if the rates for long distance traffic from Warcha and Khewra are again equalised, it may be thought necessary to find other means to discourage the excessive diversion of the demand for salt from Khewra to Warcha.

PROHIBITION AGAINST OFFICERS OF THE INDIAN MEDICAL DEPARTMENT JOINING THE ANGLO-INDIAN AND DOMICILED EUROPEAN ASSOCIATION.

1041. ***Lieut.-Colonel H. A. J. Gidney** : (*a*) Will the Government please state if it is a fact that officers of the Indian Medical Department are debarred from joining an avowedly non-political body, the Anglo-Indian and Domiciled European Association, All-India and Burma, on the plea that it is contrary to military law ?

(*b*) Is it a fact that military officers and men are allowed to be members of other similar Associations, *e.g.*, Masonic Lodges, the Y. M. C. A., the Ex-Services Association, etc. ?

(*c*) Will the Honourable Member please inform me if there is any evidence to show that officers of the Indian Medical Department, who were members of the Anglo-Indian and Domiciled European Association till October 1924, were, at any time, drawn to movements of a political character which necessitated the issuing of the circular No. 476|3612-B.-3641-B., dated 16th October, 1924, by the Director-General, Indian Medical Service, to the Surgeon Generals with the Local Governments ?

(*d*) Is the Honourable Member aware of the fact that most of the officers of the Indian Medical Service, the Royal Army Medical Corps and the Royal Air Force Medical Corps, are members of the British Medical Association ?

(*e*) Do Government intend to take immediate steps to prohibit these officers from being members of the British Medical Association ?

(*f*) If the reply to part (*e*) is in the negative, will the Honourable Member please state why a privilege is allowed to the superior offices which is denied to the subordinate services ?

Mr. G. M. Young : (*a*) Members of the Indian Medical Department are debarred by the operation of paragraph 203 of the Regulations for the Army in India from membership of the Anglo-Indian and Domiciled European Association. In the view of the Government of India, the association is not an entirely non-political body.

(*b*) Military personnel are permitted to become members of the institutions mentioned by the Honourable Member : but he appears to be begging the question when he calls those institutions " similar ".

(*c*) There is no evidence of the kind suggested. The letter was issued because it was brought to notice that, under Regulations, military personnel are debarred from joining the Association.

(*d*) Yes.

(*e*) No.

(*f*) So far as I am aware there is nothing to prevent members of the Indian Medical Department from joining the British Medical Association, provided that they are eligible under the rules of that Association.

Lieut.-Colonel H. A. J. Gidney : Does military law permit of army officers becoming members of Trade or Labour Unions ? If not, will the Honourable Member please state why military medical commissioned officers are permitted to join the British Medical Association, which is entirely a Labour Union of the first order ?

Mr. G. M. Young : I must ask for notice of the first part of the question. The second part is a question that does not really concern the Government of India, as the British Medical Association is a body in the United Kingdom.

Lieut.-Colonel H. A. J. Gidney : Are officers of the Army in India members of the British Medical Association in the United Kingdom ?

Mr. G. M. Young : Yes, Sir.

Lieut.-Colonel H. A. J. Gidney : Then, is it right or is it permitted by military law for these officers of the Army to be members of a Labour Union anywhere—in the United Kingdom or India ?

†1042*—1047*.

NUMBER OF THE DEPRESSED CLASSES IN EACH BRITISH PROVINCE.

1048. ***Mr. M. S. Aney** : Will the Government be pleased to state the number of persons belonging to what are styled as depressed classes in each British Province according to the census of 1921 ?

The Honourable Mr. J. Crerar : The Honourable Member is referred to page 225 of the Census of India, 1921, Volume I, Part I. A copy of this Report is in the Library of the Assembly.

NUMBER OF THE DEPRESSED CLASSES EMPLOYED IN THE POLICE FORCE IN EACH PROVINCE.

1049. ***Mr. M. S. Aney** : What is the numerical strength of depressed class men in each of the British Provinces in the Police force ?

The Honourable Mr. J. Crerar : Recruitment to the provincial police forces is a function of the Local Governments, and the Government of India are not in possession of information on the point.

EXCLUSION OF THE DEPRESSED CLASSES FROM THE POLICE FORCE.

1050. ***Mr. M. S. Aney** : (*a*) Is it the policy of the Government not to employ members of the depressed classes in the public service in general and the police service in particular, so long as the depressed classes are not treated as on an equal footing by all sections of the Hindu community ?

† Not put at the meeting, but the questions and the answers thereto will be found at pages 4316—18 of these proceedings.

(*b*) Will the Government be pleased to state clearly whether it has issued instructions to the Local Governments in general and the Punjab Government in particular, to exclude the depressed classes altogether in the recruitment of the provincial police force on the ground that their employment for the present will impair the efficiency of the police service and be not in the best interest of the composition of the police force ?

The Honourable Mr. J. Crerar : (*a*) No.

(*b*) The Government of India have issued no such instructions.

Mr. M. S. Aney : May I bring to the notice of the Honourable Member that in reply to a question put on this point the Punjab Government have stated that recruitment of the depressed classes to the police service is not possible so long as they are not treated on a footing of equality by the Hindus ?

The Honourable Mr. J. Crerar : I am afraid I have not seen the answer to which the Honourable Member refers.

Mr. M. S. Aney : Will the Honourable Member make inquiries in the matter ?

The Honourable Mr. J. Crerar : As I have already explained, the recruitment to the provincial police force is a matter within the discretion of the Local Governments and I consider it unnecessary to ask for reports from the Local Governments on that point.

Mr. M. S. Aney : Am I to understand the Honourable Member's meaning to be that the Provincial Governments are at liberty to depart from the general policy laid down by the Government of India in the matter of recruitment ?

The Honourable Mr. J. Crerar : No, Sir ; if there is any general policy regulating the matter.

†1051*—1052.*

HINDU-MUSLIM RIOTS SINCE 1920.

1053. ***Pandit Thakur Das Bhargava** : Will the Government be pleased to place a statement on the table giving the following particulars regarding Hindu-Muslim riots since 1920 :

(*a*) date of riot, (*b*) place, (*c*) cause of the riot,

(*d*) number and nature of the casualties on each side,

(*e*) legal proceedings taken in its connection, (*f*) the result of such proceedings ?

The Honourable Mr. J. Crerar : I regret that the Government have not got the full information which the Honourable Member asks for and its collection would involve elaborate enquiries all over India. I think however he will find that the statement laid on the table of this House on the 18th August 1926, together with the statement which I now lay on the table showing details of occurrences from the beginning of 1926

† Not put at the meeting, but the questions and the answers thereto will be found at pages 4318—19 of these proceedings.

up to date will give him a clear view of the number and nature of these unfortunate conflicts in recent times :

Date.	Place of occurrence.	Casualties.	Cause of disturbance.
		1926.	
1st February 1926.	Agra City, United Provinces.	1 person roughly handled by hooligans.	....
7th February	Madhi in Pathardi Mahal, Ahmednagar district, Bombay.	6 persons slightly injured.	Dispute over a building called the temple of Kambhoba or Dargah of Hazrat Shah Ramzan in which both Hindus and Muhammadans have in past claimed and exercised rights.
11th February	Barondi, Ratnagiri district, Bombay.	1 killed and 21 injured.	Alleged playing of music before mosques by Hindu procession on Maha Shivratri day.
12th/13th April	Rewari, Punjab	1 killed, several injured.	Cause alleged to be playing of music before mosque by Hindu marriage procession. A Muhammadan crowd also attempted to take a corpse in procession through main bazar.
2nd to 15th April.	Calcutta ..	46 killed and 675 injured.	The playing of music before mosque by a Hindu procession.
14th/16th April	Sassaram, Shahabad, B. and O.	2 killed and 15 injured.	The trouble originally arose out of an individual quarrel between a Hindu and a Muhammadan followed by an attack on a gathering of Hindus and later the looting of shops.
22nd April to 9th May.	Calcutta ..	67 killed and 395 injured.	The tense feeling resulting from the previous (*vide* above) rioting had not died down. The immediate cause of renewal of hostilities was a brawl between some Hindus and Muhammadans.
17th to 26th May.	Kharagpur, Bengal	Casulaties believed to be 11 killed and 32 injured.	Playing of music before a mosque by a Hindu funeral procession.
1st June ..	Hajinagar Paper Mills, 25 miles north of Calcutta.	40 injured ..	Objection by Hindus to a Muhammadan passing a Hindu temple to fetch water.
14th/15th June	Rawalpindi City	16 killed and 90 injured.	Communal tension arising out of resentment of Muhammadans over the leasing of land in close proximity to the Jnma Masjid for purposes of a cinema and the alleged playing of music by a Sikh procession while passing the mosque.

Date.	Place of occurrence.	Casualties.	Cause of disturbance.
		1926.	
22nd June ..	Damoh, C. P. ..	7 injured ..	Bakr-Id celebrations.
22nd June ..	A village in Darbhanga District.	4 or 5 slightly injured.	Ditto.
Do. ..	Jhusi village near Allahabad.	1 killed and 9 injured.	Ditto.
Do. ..	Maksudpur, Thana Katra, Muzaffarpur District.	4 injured ..	Ditto.
23rd June ..	Singhasan Beniapatti Thana, Darbhanga District.	4 killed ..	....
Do. ..	Shankarpur, Sursand Thana. Sitamarhi Sub-Division, Muzaffarpur District.	No injuries reported.	Bakr-Id celebrations.
Do. ..	Bihar Sub-division	Do. ..	Ditto.
Do. ..	Gaya	Do. ..	Ditto.
Do. ..	Sihali, Bara Banki District, U. P.	9 injured ..	Bakr-Id celebrations. Hindus attempted to stop cow sacrifices by force.
24th June ..	Delhi	3 killed 62 injured	Bakr-Id celebrations. Immediate cause was the knocking down of a man by a run-away tonga in Khari Baoli.
Do. ..	Gobindpore, Gaya Distrcit.	Riot with murder: number of casualties not reported.	Bakr-I l celebrations.
Do. ..	Katra Thana, Muzaffarpur District.	2 persons injured	Ditto.
1st to 7th July	Pabna, Bengal ..	23 injured ..	The immediate cause is believed to be the taking of a Hindu procession with music past a mosque.
15th July ..	Karachi ..	11 injured ..	Alleged annoyances to some Hindus by a Jew convert to Islam.
11th and 15th to 25th July 1926.	Calcutta ..	28 killed and 226 injured.	Disturbances in connection with Hindu religious Rath Jatra and Raj Rajeswari processions and the Muharram celebrations.
21st July ..	Purnea, B. and O.	1 person injured	Mhuarram celebrations.
21st August ..	Andarsul, Taluka Yeola, District Nasik, Bombay.	Few persons injured slightly.	Playing of music before a mosque by a Hindu procession.

Date.	Place of occurrence.	Casualties.	Cause of trouble.
27th August	Delhi ..	50 persons injured	The immediate cause was a quarrel between a Hindu Bank chaprassi and a Muhammedan shopkeeper who was instrumental in bringing about the dismissal of the former.
5th September	Kidderpore, Garden Reach, Calcutta.	13 injured (1 seriously).	Playing of music before a mosque by a Hindu religious (Janmastami) procession.
6th September	Madhi, Pathardi Mahal, Ahmednagar, District Bombay.	11 persons injured slightly.	Dispute in connection with a Hindu bullock procession in celebration of the annual 'Pola' festival.
8/10th September.	Dacca City, Bengal	8 killed and 72 injured.	Janmastami festival celebrations.
16th October	Calcutta ..	None reported ..	Dasahra celebrations.
Do. ..	Howrah ..	1 killed and 20 injured.	Ditto.
23rd December	Delhi City ..	1 killed and 4 injured.	Disturbances following the murder of Swami Shradhanand.
		1927.	
1st February	Kaganarai village, North Arcot, Madras.	1 killed and 7 wounded.	Ill-feeling between a wealthy Muhammadan Mittadar and a wealthy Hindu ryot.
17th February	Abdulpur in Bahadurganj town, Ghaziput District, U. P.	1 killed and 16 injured.	Immediate cause was a quarrel between a Muhammadan and a Hindu Halwai over the preparation of some food.
20th February	Bombay City ..	1 killed and 30 injured.	Music before mosque.
2nd March ..	Ponabalia, Kulkati, Barisal District, Bengal.	17 killed and 12 injured.	Procession before mosque.
23rd March ..	Badlapur, Thana District, Bombay.	25 injured ..	Trouble arising out of a Muhammadan procession.
29th March ..	Larkana, Bombay	1 killed and 68 taken to hospital. (Number of other injured persons who are stated to have been treated by private practitioners is not known).	Dispute between Hindus and Muhammadans over the possession of a woman and 3 boys.

Date.	Place of occurrence.	Casualties.	Cause of trouble.
10th/11th April.	Aligarh ..	40 injured ..	Dispute between Muslim ekka drivers and Hindu parao contractors.
3rd May ..	Surat, Bombay ..	1 killed and 58 injured.	Music before mosque.
3/7th May ..	Lahore ..	27 killed and 272 injured.	Tension between the two parties was already acute. The actual outbreak was occasioned by a chance quarrel between a Muhammadan and two Sikhs.
11th June ..	Dinapur, B. and O.	1 killed and 4 injured.	Cow sacrifice.
3/4th July ..	Some villages in Meherpur Subdivision, Nadia District, Bengal.	3 killed, 1 missing and 4 injured by gunshot and several others reported injured.	Communal ill-feeling culminating in attack by one party upon the other party's village, and counter-attack by the other party.
10th July ..	Sholapur, Bombay	43 injured ..	Clash between Hindu Rath procession and Muhammadan Muharram Tiger procession.
Do. ..	Faizpur, East Khandesh, Bombay.	1 killed and 7 injured.	Music before mosque.
Do. ..	Bareilly, U. P. ..	36 injurred ..	Muharram celebrations.
11th July ..	Murawan in Unao District, U. P.	1 killed and 13 injured.	Ditto.
11/14th July..	Multan, Punjab	12 killed and 18 injured.	Ditto.
13th July ..	Sandila in Hardoi District, U. P.	8 injured ..	Ditto.
About 13th July (exact date not specified).	Ballia, U. P. ..	Few injured (number not reported).	Ditto.
2nd August ..	Bettiah town, Champaran District, B. and O.	13 killed and 80 wounded.	Mahabiri procession.
4th August ..	Basim in Akola, C. P.	1 killed and 50 injured treated at hospital.	Friction arising out of Muharram celebrations and cow sacrifice.
15th August ..	Karepatan, Deogad Taluka, Ratnagiri District, Bombay.	4 injured ..	Gokul Ashtami celebrations.

Date.	Place of occurrence.	Casualties.	Cause of trouble.
19th August	Comilla, Bengal	2 killed and 33 injured.	Music before a mosque.
Do. ..	Mohamdi in Kheri District, U. P.	About 14 injured (exact number not known).	"Chehlum" and "Janmastami" celebrations coinciding.
21st August ..	Ichauli, Police Circle, Tikatinagar, 34 miles from Barabanki, U. P.	7 injured ..	"Ramdol" procession.
23rd August	Delhi	About 10 injured (exact number not known).	A Hindu died as the result of an attack in the train on the night of 21st/22nd Auhgust by a robber whose identity is not known. Rumour spread that his assailant was a Muhammadan and this led to disturbances during the funeral procession.
28th August	Bareilly, U. P. ..	13 killed and 107 injured admitted to hospital.	Procession passing a mosque.
29th August	Cawnpore, U. P.	1 killed and 56 injured.	....
4th September	Nagpur ..	19 killed and 123 injured admitted to hospital.	Trouble in connection with a Muhammadan procession.
11/12th September.	Sholapur, Bombay	5 killed and 66 injured (exact number not known).	....

PLAYING OF MUSIC BEFORE OR NEAR MOSQUES.

1054. *Pandit Thakur Das Bhargava : Will the Government be pleased to lay on the table copies of the orders passed by various Government authorities in various places relating to the stoppage of or placing restrictions upon the playing of music before or near mosques ?

The Honourable Mr. J. Crerar : Any orders of this nature would ordinarily be passed by the local authorities in exercise of the powers conferred on them by section 144 of the Criminal Procedure Code and the provisions of the Police Act. Government have no copies of such orders which are passed in relation to particular local circumstances.

QUARREL DUE TO THE PLAYING OF MUSIC BEFORE MOSQUES.

1055. ***Pandit Thakur Das Bhargava** : Will the Government be pleased to lay on the table a statement of the places where quarrels have taken

place on the question of music before mosques, the date of the quarrel, the origin of the quarrel, the number and nature of casualties on each side, the proceedings taken by the Government and their results ?

The Honourable Mr. J. Crerar : I would refer the Honourable Member to the answer I have just given to his question No. 1053.

PROVISION OF EMPLOYMENT UNDER GOVERNMENT FOR CLERKS, ETC., OF THE ARMY CANTEEN BOARD.

1056. ***Rao Bahadur M. C. Rajah** : (*a*) Is it a fact that the Army Canteen Board (now in liquidation) was a company guaranteed by the Government of India ?

(*b*) Have the Government taken any steps to ensure that those clerks, etc., that have rendered useful services to the Board for several years are not thrown out of service without being provided elsewhere in other Government Departments where their experience can be utilised ? If so, what steps, and will those that have crossed the limit of 25 years of age be debarred from joining other Government departments as being over age ?

(*c*) Will the employees of the Canteen Board, when appointed in other Departments of the Government, be granted any advance increments or special personal pay so that they may not have to start from the bottom of a time-scale after several years of service in a quasi-Government office ?

(*d*) What efforts have the Government so far made to have the Indian clerks of the Board absorbed in permanent vacancies in the Indian Corps of Clerks and other military offices and with what result ?

(*e*) Are the Government prepared to reserve some of the future vacancies in the office of the Military Accountant General for suitable accounts clerks of the Board's office ? If not, why not ?

Mr. G. M. Young : (*a*) Yes.

(*b*) to (*e*). The terms of agreement under which these men were employed in the Army Canteen Board definitely laid down that employment was terminable at one month's notice. Government cannot therefore accept any direct responsibility in the matter of their future employment nor can they grant any general exemption from the ordinary rules or reserve vacancies expressly for them in any office. They are, however, doing what they can to help individuals and ten Indian ex-employees of the Board have already obtained employment in Government offices.

BURGLARIES IN NEW DELHI.

1057. ***Rao Bahadur M. C. Rajah** : (*a*) Is it a fact that there is a general complaint of the residents of New Delhi regarding the frequent burglaries that have taken place there during the last 12 months ?

(*b*) Do the Government propose to issue instructions for granting more freely licences for guns and pistols for defensive purposes to the residents of the city ?

The Honourable Mr. J. Crerar : (*a*) Certain complaints of this nature have been received.

(*b*) I would refer the Honourable Member to the answer given by me on the 22nd August to a similar question by Mr. G. P. Singh.

FILLING OF SECOND DIVISION TEMPORARY AND OFFICIATING VACANCIES IN ARMY HEADQUARTERS.

1058. ***Rao Bahadur M. C. Rajah** : (*a*) Will the Government please state the number of second division temporary and officiating vacancies for which candidates were requisitioned by the various branches of the Army Headquarters from the Establishment Officer from the 1st November 1926 to 30th June 1927 ?

(*b*) In how many of these vacancies were unpassed candidates appointed and how many of them (unpassed men) were Muslims and how many Hindus ?

Mr. G. M. Young : (*a*) 163.

(*b*) 82. 46 of these were Hindus and 25 Muslims.

†1059*—1061*.

QUESTIONS NOT PUT WITH ANSWERS TO THE SAME.

NAMES OF INFORMERS WHO SUPPLY INFORMATION TO GOVERNMENT IN REGARD TO INDIANS RESIDING IN AFGHANISTAN, RUSSIAN TERRITORY AND PERSIAN TERRITORY.

1015. ***Diwan Chaman Lall** : Will Government state the names of non-Indian or other informers who supply the Government with information :

(*a*) from Afghanistan,

(*b*) from Russian territory, and

(*c*) from Persian territory,

in regard to Indians residing in those countries ?

Sir Denys Bray : I am not quite sure of the Honourable Member's purport. If he desires to know how to get news of Indians abroad, His Majesty's representatives, who endeavour to keep in touch with all British subjects, British Indian subjects of course included, are always ready to exercise their good offices on their behalf. If his question refers to sources of information of any other kind, I regret I am unable to make any statement.

REPRESENTATION OF MUSLIMS IN NON-GAZETTED APPOINTMENTS IN THE ARCHAEOLOGICAL DEPARTMENT.

1016. ***Maulvi Muhammad Yakub** : (*a*) Will the Government be pleased to state what is the total strength of the non-gazetted appointments both clerical and technical in the Archæological Department and how many of them are held by Moslems ?

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† Not put at the meeting, but the questions and answers thereto will be found at pages 4319—21 of these proceedings.

(*b*) How many new non-gazetted appointments both clerical and technical were created in the Department during the last three years and how many were given to Moslems ?

(*c*) Do Government propose to increase the number of Moslems in the Department in making future appointments both clerical and technical ?

Mr. A. R. Dalal : (*a*) There are 129 non-gazetted appointments in the Archaeological Department of which 28 are held by Moslems.

(*b*) From the beginning of the year 1925, 25 posts were filled in the Department out of which 5 were given to Moslems.

(*c*) Yes, provided that suitable qualified applicants are forthcoming.

EUROPEAN AND INDIAN RAIL MOTOR DRIVERS ON THE KALKA-SIMLA RAILWAY.

1017. ***Maulvi Muhammad Yakub** : (*a*) Will Government kindly state the strength of rail motor drivers on the Kalka-Simla Railway ? How many of them are Europeans and how many of them are Indians ?

(*b*) Is it a fact that there is differentiation between the grades of European rail motor drivers and Indian rail motor drivers, as well as in the uniforms supplied ? Is it a fact that a European rail motor driver starts on Rs. 215 and goes up to Rs. 325, rising by Rs. 15 annually, whereas an Indian rail motor driver starts on Rs. 100 and goes up to Rs. 175 only, rising by Rs. 10 annually ? Is it a fact that a European rail motor driver gets double uniform of what is supplied to an Indian rail motor driver ?

(*c*) Is it a fact that the nature of the duties between the two grades of rail motor drivers is exactly the same but the differentiation is only a racial one ?

(*d*) Is it a fact that one of the rail motor drivers in the European rail motor driver's grade is an Indian Christian and that for the sake of religion he has been given the European grade ?

(*e*) Are Government aware that there is considerable heartburning amongst Indian rail motor drivers on account of this invidious distinction in the grades ? Are Government also aware that some of the Indian rail motor drivers know English very well, and are well educated ?

(*f*) Are Government prepared to consider the desirability of relaxing this invidious distinction in the grades and making all the grades equal, so that those Indian drivers who have got the necessary literacy in English qualifications and do the same work as Europeans may have equal chances of promotion ?

Mr. A. A. L. Parsons : I am obtaining the information for the Honourable Member.

GRANT OF A LOCAL ALLOWANCE TO THE POSTMEN OF SIMLA.

1018. ***Maulvi Muhammad Yakub** : (*a*) Is it a fact that the postmen at Simla are on the same scale of pay as the postmen of the first class Head Offices in the plains and get nothing extra to compensate them for the high cost of living at Simla ?

(*b*) Do Government propose some compensatory allowance for Simla postmen equal to that given to the clerks of the Telegraph Department ?

(*c*) Is it a fact that no local allowance is given to the postmen of Simla while other departments of the Government, including the post office clerks, are in the enjoyment of the same ? If the answer is in the negative, will the Government be pleased to state the reason for not giving a local allowance to the postmen at Simla ?

MEMORIAL OF THE POSTMEN OF SIMLA.

1021. ***Maulvi Muhammad Yakub** : Was any memorial received by the Director General of Posts and Telegraphs in India from the postmen of Simla ? If so, what action was taken on it ? If no action was taken, what was the reason ?

The Honourable Sir Bhupendra Nath Mitra : I propose with your permission, Sir, to answer questions Nos. 1018 and 1021 together as they relate to the same case. The postmen at Simla are on the same scale of pay as those in the other 1st class Head offices in the Punjab and North West Frontier Circle, but whereas the former are provided with free quarters, the latter are given a house rent allowance of Rs. 5 a month. In none of the cases is a compensatory allowance granted. The postmen at Simla have submitted memorials to the Director-General on the subject of their emoluments and these are being considered in connection with a general scheme for the revision of the emoluments of such officials at all places where such a revision has not recently been carried out.

The answer to part (*c*) of question No. 1018 is in the affirmative, but as already pointed out, the postmen in Simla are provided with free quarters while clerks of the post office and other Government departments do not enjoy this concession.

PRIVILEGE LEAVE OF POSTMEN.

1019. ***Maulvi Muhammad Yakub** : Are postmen entitled to one month's privilege leave every year like the other Government servants ? If not, why not ?

Mr. H. A. Sams : No Government servant is 'entitled' to leave. Postmen like other Government servants in superior service earn every year privilege leave or leave on average pay, according as they have elected to remain under the Civil Service Regulations or to come under the Fundamental Rules.

SYSTEM OF SENDING CASH FROM THE HEAD POST OFFICE IN SIMLA TO THE SUB-POST OFFICES.

1020. ***Maulvi Muhammad Yakub** : (*a*) What is the system of sending cash from the Head Post Office in Simla to the Sub-Post Offices ?

(*b*) Why is not the cash given in leather bags sealed by the Postmaster of the Head Post Office, to be opened by the Sub-Postmaster of the Sub-Post Office ?

(c) What are the arrangements for the protection and safety of the postmen and the cash when it is taken by a postman to distant places like Mashobra ?

(d) Do Government provide conveyance for the postmen when they have to take money to places over 5 miles ? If not, why not ?

Mr. H. A. Sams : (a) Cash is remitted in sealed bags through the post and loose through head postmen and overseers.

(b) As the duty of giving cash in sealed leather bags is performed jointly by two responsible officials of the Head Office, it is not considered necessary to impose this duty on the Postmaster. In the Sub-Post office the cash bag is opened by the Sub-Posmaster.

(c) When a postman carries heavy remittances to places like Mashobra another official accompanies him.

(d) Yes ; that is the rule. I am however enquiring into the practice in respect of the outlying offices of the Simla Head Office.

CONTRIBUTIONS MADE BY THE DISTRICT BOARD OF HAZARIBAGH TOWARDS THE COST OF THE CONSTRUCTION OF THE JOINT RAILWAY AND DISTRICT BOARD BRIDGE OVER THE KONAR RIVER.

1042. ***Mr. Ram Narayan Singh** : (a) Will the Government be pleased to state the different amounts the District Board of Hazaribagh (Central India Coalfield Railway) was asked to pay on different occasions as the contribution of the cost of the construction of the Joint Railway and District Board Bridge over the Konar River in the district of Hazaribagh ?

(b) Are the Government aware that the District Board of Hazaribagh was put to a great difficulty in paying the said different amounts on different occasions owing to the uncertainty and inaccuracies of the estimate of the said construction of the said work and its consequent several necessary revisions ?

(c) Will Government be pleased to state the name or names of the engineer or engineers who prepared the estimate of the Bridge and the length of his or their experience ?

(d) Were the engineer or engineers taken to task for the preparation of such a bad and defective estimate ?

Mr. A. A. L. Parsons : The required information is being obtained and a communication will be sent to the Honourable Member in due course.

SEARCH FOR MISSING CURRENCY NOTES BY THE CURRENCY OFFICE.

1043. ***Raja Raghunandan Prasad Singh** : (a) Is it a fact that the Currency Office has ceased any more to search for missing currency notes on being supplied with the numbers of such notes ? If so, why so ?

(b) If the answer to (a) be in the affirmative, do Government propose to re-introduce the practice for the convenience of the public ?

The Honourable Sir Basil Blackett : If the Honourable Member is referring to the maintenance of " stopped note " list at Currency offices,

I would invite his attention to the Government of India, Finance Department Resolution No. 523-F., dated the 12th November 1912. The reasons given therein for the abolition of that system still hold good and the Government do not propose to reintroduce it.

REFUNDS ON MISMATCHED OR OTHERWISE DEFECTIVE CURRENCY NOTES.

1044. ***Raja Raghunandan Prasad Singh** : (*a*) Is it a fact that the Currency Office refuses any more to find out counterparts of mismatched halves of currency notes as it used to do before ? If so, why so ?

(*b*) If the answer to (*a*) be in the affirmative, do Government propose to restore the old practice in this behalf and, if necessary, charge reasonable remuneration for the extra service to be rendered by the Currency Office ?

The Honourable Sir Basil Blackett : The rules regarding refunds on mismatched or otherwise defective currency notes were published in the Gazette of India dated the 21st May 1927. Refunds can still be obtained on mismatched notes subject to certain conditions. The rules were issued after prolonged consideration and the Government do not propose to revert to the previous practice

INFANTILE MORTALITY.

1045. ***Raja Raghunandan Prasad Singh** : Will Government be pleased to lay on the table a statement showing the rates of infant mortality in the different provinces of British India during the last five years ?

Mr. G. S. Bajpai : A statement giving the information available is being placed on the table.

Statement showing the rates of infant mortality in the different provinces of British India during the five years ending 1925.

Provinces and Administrations.	Infant mortality per 1,000 of births during the years.				
	1921.	1922.	1923.	1924.	1925.
Bengal Presidency.. ..	206·1	187·7	182·1	184·17	179·05
United Provinces	265·8	183·8	169·4	191·99	175·51
Delhi	217·2	120·26	212·85	179·33	192·33
Assam	188·5	198·2	179·5	184·75	174·35
Bihar and Orissa	191·4	139·9	146·5	158·4	137·66
Madras Presidency ..	166·0	166·4	173·7	179·21	180·94
Bombay Presidency ..	178·1	169·1	159·7	191·17	162·01
Central Provinces	279·5	228·7	220·3	234·94	204·44
Punjab	191·6	169·6	196·62	212·57	187·71
North-West Frontier Province	195	151·5	149·5	161·36	139·13
Burma	172	185·3	184·1	197·86	188·99
Coorg	225	272·5	217·3	331·03	293·56
Ajmer Merwara	256·3	208·2	236·5	227·45	207·35
Total ..	197·9	175·1	175·56	188·66	174·40

ARTICLE IN THE *Searchlight* ON THE SUBJECT OF INCOME-TAX ADMINISTRATION.

1046. ***Raja Raghunandan Prasad Singh** : Has the attention of Government been drawn to the leading article in the *Searchlight* of Patna of a recent date on the subject of income-tax administration ? Will Government be pleased to say if they propose to institute an enquiry into the allegations contained therein ?

The Honourable Sir Basil Blackett : The Government have now seen the article in question. They do not propose to institute any enquiry into the allegations made in it, but the Central Board of Revenue has already received and is considering a report upon them from the Commissioner of Income-tax.

ABOLITION OF THE BRANCH POST OFFICE AT BETWAN BAZAR, MONGHYR.

1047. ***Raja Raghunandan Prasad Singh** : Is it a fact that the Branch Post Office at Betwan Bazar, Monghyr (Bihar and Orissa) is likely to be abolished due to the man running the same having expressed his inability to do so any longer owing to the inadequacy of remuneration paid to him for the same ? If so, do Government propose to increase the remuneration so as to ensure the continuance of the office in question in view of its supplying a real local need ?

Mr. H. A. Sams : The information has been called for and will be furnished to the Honourable Member in due course.

EMOLUMENTS OF CLERKS AND SORTERS IN THE RANGOON GENERAL POST OFFICE, AND CLERKS OF THE MOFUSSIL IN BURMA, AND SORTERS OF THE BURMA RAILWAY MAIL SERVICE.

1051. ***U. Tok Kyi** : (*a*) Is it a fact that prior to the introduction of the time-scale pay in the Post Office, the difference in the initial emoluments of clerks and sorters in the Rangoon General Post Office on the one hand and the clerks of the mofussil of Burma and the sorters of the Burma Railway Mail Service on the other was only Rs. 10 ?

(*b*) Is it not a fact that the same initial difference in emoluments was recommended by the Postal Enquiry Committee ?

(*c*) Are the Government aware that the present initial difference in emoluments between Rangoon and the Burma mofussil and Railway Mail Service is as much as Rs. 20 ? If so, will the Government be pleased to state whether the difference is compatible with the latest orders of the Burma Government on the subject as regards its own officials stationed in Rangoon and in the mofussil of Burma ? If not, are Government prepared to take early steps to rectify matters ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes, in respect of post office clerks, there was no difference in the case of Railway Mail Service sorters.

(*b*) The Postal Enquiry Committee recommended a difference of Rs. 10 between the emoluments of the men stationed in Rangoon and those in the rest of Burma.

(*c*) The answer to the first part is in the affirmative. As regards the second part the revised rates of pay of postal clerks and sorters in

Rangoon and in the rest of Burma were worked out after due consideration of the rates allowed by the Local Government to their employees The third part does not arise.

REVISION OF THE PAY OF THE POSTMEN AND LOWER STAFF IN THE BURMA POST OFFICES AND THE RAILWAY MAIL SERVICE.

1052. *U. Tok Kyi : Is it a fact that revision of pay of the postmen and lower staff in the Burma Post Offices and the R. M. S. is still under consideration ? If so, will the Government be pleased to state its reasons for not taking up the case of these lowly-paid men before any revision of the clerical cadre was contemplated ?

The Honourable Sir Bhupendra Nath Mitra : Yes, except in respect of postmen and mailguards in Rangoon where the pay has been revised. The Honourable Member's attention is invited to the relevant portion of my speech in this House on the 11th March last.

PROTECTION OF THE RIGHTS AND INTERESTS OF INDIANS RESIDENT IN TANGANYIKA.

1059. *Mr. Gaya Prasad Singh : (*a*) Has the attention of Government been drawn to the articles published in the *African Comrade* of Dar-u-Salaam, dated the 18th May 1927 (pages 3, 6, 11) in which it is stated that the "Kenya policy" is attempted to be introduced into Tanganyika as regards Asiatic settlement, in pursuance of a resolution passed by the East African Section of the London Chamber of Commerce ?

(*b*) Will Government be pleased to ascertain and quote the text of the Resolution referred to in (*a*) above ?

(*c*) Are Government aware that the speech of Sir Edward Grigg at Falmouth in this connection has given rise to considerable misgivings and anxieties in the minds of the Indian settlers in the East African Colonies ; and what steps have Government taken, or propose to take to protect the rights and interests of Indian residents against White settlers ?

Mr. G. S. Bajpai : Government have not seen, either the articles in the *African Comrade* newspaper of Dar-es-Salaam, referred to by the Honourable Member or the report of the speech of His Excellency Sir Edward Grigg said to have been delivered at Falmouth. If the Honourable Member will supply me with the articles and the text of the speech I would endeavour to answer his question.

SEGREGATION OF INDIANS IN MOMBASSA.

1060. *Mr. Gaya Prasad Singh : Has the attention of the Government been drawn to the articles published in the *African Comrade*, dated the 23rd March 1927 (pages 4, 16) and dated the 30th March 1927 (pages 3, 9, 11), regarding the renewed scheme of segregation of Indians in Mombasa ; and will the Government be pleased to state the present position with regard to this subject, and also indicate the steps taken, or proposed to be taken, in this connection ?

Mr. G. S. Bajpai : Yes : the Honourable Member's attention is invited to the answers given by me to his question No. 55 and the connected supplementaries asked on the 22nd August 1927. I regret I am not in a position to add anything to what I said on that occasion.

CLAIMS OF INDIANS IN TANGANYIKA AGAINST GERMANY.

1061. ***Mr. Gaya Prasad Singh** : (*a*) Has the attention of the Government been drawn to the articles published in the *African Comrade*, dated the 9th March 1927 (pages 7, 9, 11, 13), and dated the 16th March 1927 (pages 5, 7, 9), regarding the debt claims of Indians in Tanganyika against Germany during the War ?

(*b*) Is it a fact that several test cases have been fought out against the German Government, in which the Tribunal has decided in favour of the Indian claimants, but that the German Clearing Office has declined to accept these awards as binding upon it in settling claims of a similar description ?

(*c*) Is it a fact that Germany has accepted and admitted the *locus standi* of the claimants to prefer their claims before the Tribunal as decided by the Allies and Associated Powers on the one hand, and Germany on the other in the Treaty of Versailles ?

(*d*) Are Government aware that instead of paying up the claims in full, the German Clearing Office has written to the claimants individually with offers of compromise on such miserably low terms as 25 per cent. ?

(*e*) Have Government taken any steps, or propose to take any, to render assistance to the Indian claimants in the realization of the war debts ?

Mr. W. T. M. Wright : (*a*) The attention of Government has been drawn to the articles mentioned.

(*b*) The articles deal with the claims of Indians resident in Tanganyika Territory in respect of currency notes issued by the German East Africa Bank. As far as Government are aware no test case relating to such notes has been decided by the Anglo-German Mixed Arbitral Tribunal

(*c*) It does not rest with Germany to admit the *locus standi* of claimants to prefer their claims before the Tribunal. All such claims preferred within the period allowed [In India 8 months from the date of formal rejection by the Treuhander (Custodian's) Dept.] are accepted by the Tribunal and if the question of jurisdiction is raised by the German Government it is for the Tribunal to decide it.

(*d*) The claims in respect of the currency notes involve difficult questions of law and of the effect of depreciation of currency and it cannot be said what would be the decision of the Tribunal if the cases were fought out before it. The offers of compromise referred to were made to the claimants after consultations at which the Custodian of Enemy Property, Tanganyika Territory, attended in the interests of British and Indian claimants in Tanganyika Territory and approved of the proposed offers. It is understood that the offers of 25 per cent. of the face value of the notes are being made only in respect of notes acquired after 15th November, 1915, offers of 80 per cent. being made in respect of notes held before that date.

Taking into consideration the difficulties of the case and the uncertainty of the decision that would be given by the Tribunal it is doubtful if the offers can be characterised as inadequate. Similar offers have been made in all the claims in respect of such notes preferred to the Tribunal by claimants resident in India and have all been accepted. It is open to any claimant who is not disposed to accept the offer of compromise to fight out the case before the Mixed Arbitral Tribunal.

(*e*) The Government have endeavoured to keep themselves informed as to the progress of these claims generally and Sir, Darcy Lindsay who had interested himself in the matter was furnished with all the information in the possession of the Government that might be of assistance to the claimants in prosecuting their claims before the proper Tribunal. The claimants are aware of their legal remedy and it is not practicable for the Government of India to render them any further assistance in the matter.

UNSTARRED QUESTIONS AND ANSWERS.

High Death Rate among Postal Officials in the Jalpaiguri Postal Divison.

118. **Mr. Amar Nath Dutt** : (*a*) Has the attention of the Government been drawn to the articles published in the November 1926 and January 1927 issues of *Labour* under the captions " Premature decease " and " The Vale of Tears " ?

(*b*) Will the Government please lay on the table a comparative statement showing the names, designation, age and illness of postal officials who died during the last six years while employed in the Jalpaiguri and Darjeeling Divisions ?

(*c*) Will the Government please furnish a similar statement of relatives and dependents of postal officials who died from illness during the last six years while postal officials to whom they were related were employed in the Jalpaiguri and Darjeeling Divisions ?

(*d*) Do not figures in the statement show that the death-rate among postal officials employed in the Jalpaiguri Division is abnormally high ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

Information relating to parts (*b*) to (*d*) is being collected and will be furnished to the Honourable Member in due course.

Safeguarding of the Lives of Postal Officials employed in the Jalpaiguri Postal Division.

119. **Mr. Amar Nath Dutt** : Has the attention of the Government been drawn to the interpellations put in the House of Commons on the 23rd May 1927 regarding the serious state of affairs in the Jalpaiguri Division ? If so, what action has been taken to safeguard the lives of postal officials employed in the Division ?

The Honourable Sir Bhupendra Nath Mitra : Yes. The state of affairs in the Jalpaiguri Postal Division has attracted the attention of

the Director-General long before those interpellations. An increase of 88 per cent. in the leave reserve for the Division has been arranged by the Director-General and other remedial measures are under his consideration.

INCREASE OF THE LEAVE RESERVES FOR THE JALPAIGURI POSTAL DIVISION.

120. **Mr. Amar Nath Dutt** : Is it a fact that in view of the extremely unhealthy condition of the Jalpaiguri Division the Postmaster-General had issued sanction by wire for the entertainment of 15 per cent. leave reserves in excess of the usual number sanctioned for all Postal Divisions on the recommendation of the Postal Enquiry Committee ? Has the sanction been given effect to ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : On account of the unhealthy climate of certain places in the Jalpaiguri Division the Government of India sanctioned the increase from 17 to 32 in the number of reserve clerks attached to that Division. Effect has been given to the sanction.

ALLEVIATION OF THE DISTRESS AND SUFFERING OF POSTAL OFFICIALS EMPLOYED IN THE DOOARS AND THE TERAI.

121. **Mr. Amar Nath Dutt** : (1) In view of the extremely unhealthy condition of all localities situated within the Dooars and the Terai in the Jalpaiguri Division do the Government propose to adopt any of the following remedial measures as suggested in *Labour*, dated January 1927, page 502 :

I. (*a*) That expert travelling doctors should be sanctioned for the Eastern Dooars, Western Dooars and the Terai.

(*b*) The number of relieving hands in the Jalpaiguri District should be increased by 50 per cent.

(*c*) Sick officials should be transferred to healthier places.

(*d*) Suitable quarters should be provided at Jalpaiguri town to accommodate at least two patients with their families.

(*e*) All single-handed offices in the Dooars and the Terai should be increased by additional hands without any consideration of statistics.

(*f*) Suitable residential quarters should be constructed at all stations in the District for postal officials of all classes and the rent be fixed at 10 per cent. of pay or interest on capital outlay, whichever is less.

II. (*a*) That the compensatory allowance sanctioned for the Dooars and Terai should be increased to Rs. 40 for men of the clerical cadre and to Rs. 20 for men below that cadre.

(*b*) Suitable compensatory allowance should be sanctioned for Inspectors and Overseers required to tour in the Dooars and the Terai.

(2) If not, what measures do the Government propose to adopt for alleviating the distress and suffering of postal officials employed in Post Offices situated in the Dooars and the Terai ?

The Honourable Sir Bhupendra Nath Mitra : All the remedial measures suggested in the issue of *Labour* of January, 1927, are being

examined by the *Director-General* and certain action in this direction has already been taken.

REVISION OF THE TIME TEST OF DEAD LETTER OFFICES.

122. **Mr. Sris Chandra Dutta** : With reference to the assurance given by the Director-General of Posts and Telegraphs in the last Session of the Assembly that the time-test of Dead Letter Offices is under revision will the Government be pleased to state if the revision has been completed and with what result ? If not when may completion be expected ?

Mr. H. A. Sams : The question is still under consideration and it cannot be stated at present when a final decision on the matter will be arrived at.

NIGHT DUTY IN THE MUNSHIGUNJ POST OFFICE.

123. **Mr. Sris Chandra Dutta** : Has the attention of Government been drawn to page 92 of *Labour,* April 1927, *apropos* night duty in the Munshigunj Post Office (Dacca District) ? If so, what measures have been taken to afford relief or compensation to the officials affected ?

Mr. H. A. Sams : The information has been called for and will be furnished to the Honourable Member in due course.

TREATMENT OF HIS STAFF BY THE SUPERINTENDENT OF POST OFFICES, HOOGLY DIVISION.

124. **Mr. Sris Chandra Dutta** : (*a*) Has the attention of Government been drawn to pages 65, 66 and 145 of *Labour,* March and May 1927 regarding treatment of men under his charge by the Superintendent of Post Offices, Hoogly Division ? Are the facts related therein substantially correct ? If so what action do Government propose to take for affording relief and redress to the aggrieved staff ? Is the Superintendent's appointment permanent at Rangpur Division and if so why has he been retained in the Hooghly Division ? Is no other Superintendent competent to administer the Division ?

(*b*) Is it a fact that orders have been issued by Director-General of Posts and Telegraphs for prompt relief of men who report sick and submit applications for leave on medical grounds duly supported by medical certificate ? If so, what action has been taken against the Superintendent who is alleged to have ignored or contravened the Director-General's order ?

(*c*) What action was taken against the Superintendent of Post Offices, Hooghly Division, for ignoring the Director-General's orders in respect of the Sub-Postmaster, Baly as alleged in page 145, *Labour,* May, 1927 ?

Mr. H. A. Sams : The information is being collected and will be furnished to the Honourable Member in due course.

CASE OF MR. HARIHAR PRASAD.

125. **Mr. Sris Chandra Dutta** : Are the facts relating to Mr. Harihar Prasad narrated on page 142 of *Labour,* May 1927, substantially correct ? If so, are the Government prepared to consider a review of his case ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : The attention of the Honourable Member is invited to the reply given by me on the 31st August, 1927, to Mr. Ganganand Sinha's starred questions Nos. 712 and 715 to 721.

INORDINATE DELAY IN THE APPEALS OF POSTAL EMPLOYEES.

126. **Mr. Sris Chandra Dutta** : Has the attention of Government been drawn to page 214 of *Labour*, June 1927 *apropos* inordinate delay in the disposal of appeals ? Will Government please lay on the table a statement of appeals pending over three years from each circle separately with reason for delay in every case ?

The Honourable Sir Bhupendra Nath Mitra : The reply to the first part of the question is in the affirmative. As regards the second part I would inform the Honourable Member that there are no appeals pending for over 3 years in the Director-General's office.

SORTING WORK IN THE AMHERST STREET, BOW BAZAR AND BEADON STREET POST OFFICES.

127. **Mr. Sris Chandra Dutta** : (*a*) Is it a fact that with a view to cope with the voluminous work in connection with the large number of newspapers and periodicals posted at the Amherst St., Bow Bazar and Beadon St. T. S. Os., also for preliminary sorting one sorter from the Calcutta Sorting office used to be deputed to each of these offices during the past several years ?

(*b*) Has the practice of deputing sorters to these offices for sorting newspapers and periodicals for preliminary sorting of letters, been discontinued ?

(*c*) If the reply be in the affirmative will the Government please state how the work is being managed since the discontinuance of the practice ?

(*d*) Is the staff of each post office regulated according to a fixed standard called " Time-test " ?

(*e*) Is the work in connection with newspapers and periodicals and also preliminary work included in the time-test ?

(*f*) If so, where was the necessity for deputing a sorter from the Calcutta Sorting Office to the T. S. O.'s mentioned above for coping with work ?

(*g*) If not, do the Government propose to increase the staff of these offices adequately for purposes of the additional work thrown on them ?

(*h*) If not, why not ?

Mr. H. A. Sams : The information has been called for and will be furnished to the Honourable Member in due course.

SITUATION AND CONDITION OF THE BOW BAZAR POST OFFICE BUILDING.

128. **Mr. Sris Chandra Dutt** : (*a*) Has the attention of Government been drawn to the paragraph published at page 513 of *Labour*, dated January 1926, regarding the situation and condition of the Bow Bazar Post Office building ?

(*b*) Are the statements made in the paragraph substantially correct ?

(*c*) If so, do the Government propose to remove the Bow Bazar T. S. O. to a more suitable building at an early date for the convenience of the staff as well as of the public ?

(*d*) If not, why not ?

Mr. H. A. Sams : (*a*) and (*b*). Yes.

(*c*) The question of extending office is under consideration.

(*d*) Does not arise.

MOTION FOR ADJOURNMENT.

SERIOUS SITUATION IN THE BENGAL NAGPUR RAILWAY WORKSHOPS AT KHARAGPUR.

Mr. President : I have received the following notice of motion for adjournment of the business of the Assembly from Mr. M. K. Acharya :

"I desire after question time to-day to make a motion for the adjournment of the business of the Assembly to discuss a definite matter of urgent public importance, namely, the serious situation that has arisen in the Bengal Nagpur Railway workshops at Kharagpur as evidenced by the fact that the railway authorities have thought it necessary to lock up the workshops and call in the aid of military police for patrolling the streets and guarding the workshops."

When I ruled out of order the Honourable Member's motion on the same subject the other day, I had hoped that the situation would improve. Unfortunately, however, I find that by the recent action of the railway authorities the situation has become worse. I am, therefore, inclined to admit this motion unless the Honourable the Commerce Member satisfies the Chair that the motion is out of order.

The Honourable Sir George Rainy (Member for Commerce and Railways) : I do not wish, Mr. President, to raise any objection to the moving of this motion.

Mr. President : I rule that the motion is in order and ask whether the Honourable Member has the leave of this Assembly to move the adjournment.

(No Honourable Member rose to object to the motion.)

As no Honourable Member objects to the motion for adjournment, I intimate that leave is granted and the motion will be taken up at 4 o'clock.

PRESENTATION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I present the Report of the Public Accounts Committee.

THE CRIMINAL LAW AMENDMENT BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Mr. J. Crerar (Home Member) : Sir, I present the Report of the Select Committee on the Criminal Law Amendment Bill.

STATEMENT LAID ON THE TABLE.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, I lay on the table a statement furnished by the High Commissioner for India showing all cases in which the lowest tenders have not been accepted by him in purchasing stores for the Government of India during the half year ending 30th June, 1927.

HIGH COMMISSIO

INDIA STORE

Abstract of cases in which Tenders for Stores demanded by the Central Govern goods demanded, were accepted on the grounds of superior quality, superior delivery, etc.

HALF YEAR ENDING

PART A.—*Cases in which lower foreign tenders, including British tenders for ten*

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Buffers No. 2,000	F. 4361/5944/20-1-27	H. J. Skelton & Co. ..	7,500 0 0 Hungarian.
Buffers No. 1,000	F. 4917/5944/23-2-27	P. & W. MacLellan ..	3,975 0 0 British.
		Total ..	11,475 0 0
Laminated Bearing Springs.	F. 4882/7187/19-2-27	Jonas Woodhead & Sons, Ltd.	427 10 0 British.
Postcard Board 1,000 tons.	G. 274/7411/29-4-27	L. S. Dixon & Co. ..	11,943 15 0 German.
	G. 275/7411/29-4-27	Jas. Cropper & Co. ..	12,250 0 0 British.
		Total ..	24,193 15 0
Muriate of Ammonia 700 Cwts.	G. 586/960/24-5-27	Brunner Mond & Co.	612 10 0

NER FOR INDIA.

DEPARTMENT.

ment, other than the lowest complying with the technical description of the trustworthiness of the firm tendering, greater facility of inspection, quicker

30TH JUNE 1927.

foreign made goods, have been set aside wholly or partially in favour of British ders.

Lowest Tender not accepted.	Reason for acceptance.
£ s. d.	
11,250 0 0 Hungarian.	The lowest tenderer, Messrs. H. J. Skelton & Co., offered buffers to be manufactured at a works near Buda Pesth which had had no experience of the class of work required under the present contract. It was therefore not considered advisable to entrust the whole order to this firm, and one third of the order was placed with the next lowest tenderer, Messrs. P. and W. MacLellan, who could be relied upon to supply satisfactorily and within a reasonable time.
412 10 0 German.	The lowest tender was from a firm which offered German springs for delivery in 12/14 weeks. The works at which it was proposed to manufacture the springs had already several contracts in hand for springs for the Indian State Railways, and were in arrears as regards delivery. It was thought advisable to place the order with the second lowest tenderer who offered delivery in 8 weeks.
23,887 10 0 German. 24,000 0 0 Austrian.	The Indenting Officer was on deputation in England and opportunity was taken to discuss these tenders with him. As in the light of previous experience, the indentor preferred the boards offered by Messrs. Jas. Cropper & Co., the order was on this occasion divided equally between Messrs. Cropper and the lowest tenderer Messrs. L. S. Dixon & Co., in order to secure further trial and experience.
599 7 6 German.	The extra cost of inspection if the lowest tender had been accepted would have been more than the difference in price between that tender and the tender accepted.

PART B.—*Cases in which the discrimina*

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Paint, Copper Red.	F. 4274/2458/14-1-27	Lewis Berger & Sons, Ltd.	19 5 0
	F. 4275/2458/14-1-27	(1 Ton) Szerelmey, Ltd. (5 Tons)	150 0 0
		Total	169 5 0
Waistcoats, Cardigan.	F. 4763/5162/9-2-27	Bent & Watson, Ltd.	1,546 17 6
Junction Fishplates of cast manganese Steel.	F.4982/6673/2-3-27	Head Wrightson & Co.	386 5 0
	F.4983/6673/2-3-27	Hadfields ..	6,478 15 0
		Total ..	6,865 0 0

tion is between British firms only.

Lowest Tender not accepted.	Reason for acceptance.
£ s. d.	
....	The indentor demanded 6 tons of Szerelmey's paint. Competitive tenders were invited and two firms quoted lower prices than Szerelmey and submitted samples which compared favourably with those offered by the latter firm.
115 10 0	It is known that actual experience in use is the only safe test and accordingly a trial order of 1 ton was placed with the lowest firm, the balance of 5 tons being ordered from Messrs. Szerelmey, Ltd.
1,442 14 2	The indent stated that the cardigan waistcoats were required in India not later than the 31st December 1926. They were originally ordered from a firm which proved to be unable to deliver satisfactory supplies. Part of the original order was therefore cancelled, and fresh tenders were obtained. Of these tenders the lowest offered delivery in instalments to commence in 4 weeks and to be completed in 18 weeks. In view of the urgency of the demand and of the delay which had occurred, this delivery was considered to be too long, and the order was accordingly placed with the second lowest tenderer who was known to be reliable and who undertook to complete in 16 to 20 days.
6,278 19 2	The manufacture of junction fishplates of cast manganese steel is work of a very special nature. The lowest tenderer had not previously made fishplates of this Material. The bulk of the order was accordingly given to the next lowest tenderer who had previously made large supplies satisfactorily but at the same time a trial order was given to the lowest tenderer.

PART C.—*Cases in which the disco*

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Paper envelope—			
42 Tons ..	G. 276/7409/29-4-27 ..	Ed. Beer & Co. ..	1,186 10 0 (Austrian).
100 Tons ..	G. 278/7409/29-4-27 ..	Spicers, Ltd.	2,925 0 0 (Belgian).
100 Tons ..	G. 277/7409/29-4-27 ..	L. S. Dixon & Co. ..	3,165 0 0 (Finland).
100 Tons ..	G. 279/7409/29-4-27 ..	Wm. Hartmann, Ltd. ..	3,200 0 0 (Austrian).
100 Tons ..	G. 280/7409/29-4-27 ..	H. Reeve Angel & Co. A. B.	3,250 0 0 (Swedish).
		Total ..	13,726 10 0
Steel Dogspikes—			
No. 1,500,000	G. 749/1059/8-6-27 ..	Ste. Ame. des Usines Gilson & Ste. Ame. des Usines Boulonneries et Etirage de la Louviere.	4,191 15 11 (Belgian).
Steel Dogspikes—			
No. 500,000 ..	G. 750/1059/8-6-27 ..	Ste. Ame. des Laminoirs et Boulonneries du Ruau	1,409 9 8 (Belgian).
		Total	5,601 5 7

mination is between Foreign firms only.

Lowest tender not accepted.	Reason for acceptance.
£ s. d. ..	The indenting officer was on deputation in England and opportunity was taken to discuss the tenders with him. In accordance with his wishes the contract was divided as shown between the five lowest tenderers, in order that a trial could be made of the different qualities of paper offered.
12,500 0 0 (Austrian). ..	The delivery offered by the lowest tenderer would not have satisfied the Indenting Officer's requirements had the contract for the full quantity been placed with that firm. The order was therefore divided between the two lowest tenderers.
5,589 1 0 (Belgian) for No. 2,000,000	

APPOINTMENT OF A COMMITTEE TO CONSIDER THE QUESTION OF RESIDENCE AND ACCOMMODATION FOR MEMBERS OF THE INDIAN LEGISLATURE.

Mr. President : The House will now resume further consideration of the following motion moved by the Honourable Sir Bhupendra Nath Mitra on the 5th September 1927 :

"That the Honourable the President do appoint six members of this House to serve on a Committee to consider the question of residence and accommodation for Members of the Indian Legislature, including the use and disposal of the Western Hostel, New Delhi, and that the Council of State be asked to nominate members to serve on the Committee."

Sir Hari Singh Gour (Central Provinces Hindi Division : Non-Muhammadan) : Sir, I beg to move the following amendment to the Honourable Member's Resolution :

"That after the words 'New Delhi' the following be inserted :

'and the question of constituting a Standing House Committee to deal with all matters connected with the allotment to Members of accommodation or quarters available for their residence'."

Sir, I need not take up the time of this House because the Honourable Members will remember that I have said all that I had to say on the last occasion when the Honourable Sir Bhupendra Nath Mitra moved his original motion. I pointed out then that we have a somewhat similar Committee in charge of the accommodation and comforts of the Honourable Members, but it never functions. And I now wish that a formal motion in the shape of an amendment be accepted by this House so that this Committee may consider the advisability of re-instating that defunct Committee. Sir, I move.

Mr. P. B. Haigh (Bombay : Nominated Official) : Sir, I desire to oppose this amendment. I wish to make it quite plain at the outset that I have no objection to raise to the appointment of a Standing House Committee to function in Delhi or in Simla after the Session is begun. But what I do strongly object to is that this Standing House Committee should be entrusted with the business of allotting quarters to Members. I do not suggest for a moment that, if you appoint a committee for that purpose, they will not do their work with the best good will and as speedily as possible. The point I wish to make clear is that the proposal is not feasible.

Mr. President : Perhaps the Honourable Member seems to have misunderstood the scope of the amendment of Sir Hari Singh Gour. All that the amendment seeks is that this particular Committee which is proposed to be nominated by the Honourable the President should also be empowered to consider the question of constituting a Standing House Committee to deal with certain matters and formulate their recommendations which Government might or might not accept.

Mr. P. B. Haigh : Sir, I ask your permission to lay before the House at this stage, before the matter goes before the Committee which you are to appoint, the view which, I think, is shared by several Members on this

side of the House and I do not think we shall have another opportunity of putting that view before the Committee. What I wish to point out is this, that the date of the meetings of the Assembly is not always fixed very long before hand. When the list of the dates is fixed, it is customary for the Secretary of the Legislative Department to circularise all Members of the Assembly and to send them out forms inviting their applications for accommodation. Those forms are not received filled in until a short time before the Assembly meets and the work has necessarily to be done towards the end in a few days. Now, how is the Committee to deal with that ? The members of the Committee will presumably include non-officials and probably they will not be present in Delhi at all. The work cannot be done by correspondence and the consequence is that the matter will be delayed and Honourable Members will arrive in Delhi or Simla to find at the very last minute that accommodation has not been settled and all sorts of confusion and discontentment will arise. I therefore submit that this point of view may be borne in mind by the Committee which you are about to appoint and, if possible, I would like this House to record its opinion that this question of allotment should not be entrusted to the members of this Committee. Sir, I oppose the motion. (Applause.)

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, my Honourable friend Mr. Haigh has drawn the attention of the House to certain practical difficulties which may stand in the way of the adoption of the amendment moved by my Honourable friend from Nagpur. At the same time, there is considerable force in the observations which you made, namely, that what my Honourable friend Sir Hari Singh Gour wants is that this Committee which will be nominated by you should go into this particular question. Therefore, neither the House nor Government is at present committed to the acceptance of this proposition that there should be a Standing House Committee one of whose functions should be the allotment to Members of accommodation or quarters available for their residence. That being the position, on behalf of Government I am not prepared to oppose the amendment of my Honourable friend from Nagpur. At the same time it is a fact that there is a considerable amount of feeling on this question on the part of certain Honourable Members, particularly official Members who come up from the provinces. In view of this feeling, Government would leave the matter to be settled by the free vote of the House. (Hear, hear.)

Mr. President : The original motion was :

" That the Honourable the President do appoint six members of this House to serve on a Committee to consider the question of residence and accommodation for Members of the Indian Legislature, including the use and disposal of the Western Hostel, New Delhi, and that the Council of State be asked to nominate members to serve on the Committee ".

Since which the following amendment has been moved :

" That after the words ' New Delhi ', the following be inserted :

' and the question of constituting a Standing House Committee to deal with all matters connected with the allotment to Members of accommodation or quarters available for their residence '."

The question is that that amendment be made.

The Assembly divided :

AYES—52.

Abdullah Haji Kasim, Khan Bahadur Haji.
Acharya, Mr. M. K.
Ahmed, Mr. K.
Aiyangar, Mr. C. Duraiswamy.
Aney, Mr. M. S.
Ayyangar, Mr. M. S. Sesha.
Ayyangar, Rao Bahadur Narasimha Gopalaswami.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Blackett, The Honourable Sir Basil.
Chalmers, Mr. T. A.
Chaman Lall, Diwan.
Chetty, Mr. R. K. Shanmukham.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutta, Mr. Srish Chandra.
Gidney, Lieut.-Colonel H. A. J.
Goswami, Mr. T. C.
Gour, Sir Hari Singh.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Nemchand.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Joshi, Mr. N. M.
Jowahir Singh, Sardar Bahadur Sardar.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath.
Lahiri Chaudhury, Mr. Dhirendra Kanta.
Lamb, Mr. W. S.
Mehta, Mr. Jamnadas M.
Mitra, Mr. Satyendra Chandra.
Mitra, The Honourable Sir Bhupendra Nath.
Moonje, Dr. B. S.
Mukherjee, Mr. S. C.
Mukhtar Singh, Mr.
Neogy, Mr. K. C.
Parsons, Mr. A. A. L.
Rainy, The Honourable Sir George
Rang Behari Lal, Lala.
Rao, Mr. G. Sarvotham.
Roy, Mr. K. C.
Sams, Mr. H. A.
Shervani, Mr. T. A. K.
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Narayan Prasad.
Singh, Rai Bahadur S. N.
Sinha, Mr. Siddheswar.
Sykes, Mr. E. F.
Yakub, Maulvi Muhammad.
Young, Mr. G. M.

NOES—22.

Ahmad, Khan Bahadur Nasir-ud-din
Alexander, Mr. William.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.
Ayangar, Mr. V. K. Aravamudha.
Bajpai, Mr. G. S.
Bray, Sir Denys.
Coatman, Mr. J.
Cosgrave, Mr. W. A.
Courtenay, Mr. R. H.
Crerar, The Honourable Mr. J.
Crofton, Mr. R. M.
Dalal, Mr. A. R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr. J. T.
Dunnett, Mr. J. M.
Haigh, Mr. P. B.
Kabul Singh Bahadur, Captain.
Keane, Mr. M.
Kirk, Mr. R. T. F.
Rajah, Rao Bahadur M. C.
Sassoon, Sir Victor.
Tonkinson, Mr. H.

The motion was adopted.

Mr. President : The motion, as amended, runs as follows :

"That the Honourable the President do appoint six members of this House to serve on a Committee to consider the question of residence and accommodation for Members of the Indian Legislature, including the use and disposal of the Western Hostel, New Delhi, and the question of constituting a Standing House Committee to deal with all matters connected with the allotment to Members of accommodation or quarters available for their residence, and that the Council of State be asked to nominate members to serve on the Committee ".

The question I have to put is that the motion, as amended, be adopted.

The motion was adopted.

THE INDIAN INCOME-TAX (SECOND AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 2, 23, 28, ETC.)

The Honourable Sir Basil Blackett (Finance Member) : Sir, I move that the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (amendment of sections 2, 23, 28, etc.), be circulated for the purpose of eliciting opinions thereon.

This is a Bill designed to do something towards checking what is known as legal evasion of income-tax and super-tax. The provisions of the Bill are technical and obviously the first requisite is that the Bill should be circulated and public opinion elicited thereon. I do not know whether the House desires that I should enter at this stage into the details of the Bill and, on the assumption that they would prefer to be spared from having that done, I will confine myself to moving that the Bill be circulated.

Mr. C. Duraiswamy Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, as this motion is only for circulation I do not propose to detain the House by any detailed examination of the Bill. But at the same time I want to know from the Honourable the Finance Member what are the principles involved in the Bill which he has brought before the House, so that we may get some opinions from the persons to whom the Bill is to be circulated. For instance, I do not find on what principle section 23A is to be added here, giving liberty to the Income-tax Officer either to levy the tax on the income of the individual member of a firm separately or on the profits of the firm as a whole. Is it on the principle of getting as much money as possible ? If the individual member is otherwise not assessable, then add this profits amount to his income and the Income-tax Officer will have the discretion to levy income-tax on the individual separately. If, on the other hand, there is a likelihood of individual members being assessable for their share in the profits of the firm, in addition to their private income-tax, then I suppose it will be upon the firm that the income-tax will be assessable. Is that the principle involved ? Is the discretion to be given to the Income-tax Officer to get some tax by hook or by crook, either by levying the tax on the firm or on the individual members separately, according as such income-tax will be enhanced by such a discretion being exercised ?

Again, in clause 5, I am unable to understand why in 28 (*2*), because some partners who are not able to get the profits distributed to them on account of some dispute in the firm, everyone should be penalised not only by making them pay the income-tax which they would otherwise

[Mr. C. Duraiswamy Aiyangar.]

have to pay by adding those profits, but by levying a penalty. Disputes in partnership may arise at any time and it does not seem fair that every individual member who is unable to get his profits distributed by the firm should also be asked to pay some penalty for his not getting his profits and for not having included those profits as a portion of his income.

I do not propose to go into further details at this stage and will only ask whether the Honourable the Finance Member in framing this Bill will not also see his way to making some provision for references to the civil courts in each district in cases of minor importance instead of confining the reference always to the High Court. There is a wide demand from assessees that some provision should be made for reference to the local civil courts instead of always making a reference to the High Courts, which may be done in more important cases.

With these suggestions I do not propose to detain the House any further at this stage.

The Honourable Sir Basil Blackett : Sir, I should be glad to have the points raised by my Honourable friend Mr. Duraiswamy Aiyangar carefully considered before the next motion comes on in regard to this Bill. I think he has slightly misunderstood the purpose particularly of clause 5, which is a case of penalties for concealment of income or improper distribution of profits. I think one might say that the principle of this Bill is to prevent income-tax that is due in equity failing to be collected owing to hook and crook, not an effort by the Government by hook or by crook to obtain all sorts of income-tax but to prevent the taxpayer, who is paying equitably, from being unfairly treated in comparison with someone who equitably ought to pay more and is in fact succeeding in evading it. As the motion is only one for circulation I will not detain the House by a more learned or more lengthy discussion of the Bill at this stage.

Mr. President : The question is :

"That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (amendment of sections 2, 23, 28, etc.) be circulated for the purpose of eliciting opinions thereon."

The motion was adopted.

THE INDIAN FOREST BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I beg to move that the Bill to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce, as reported by the Select Committee, be taken into consideration.

Honourable Members will remember that when introducing this Bill I pointed out to the House that this was a purely consolidating measure. The Statute Law Revision Committee since its inception has consolidated several Acts of the Indian Legislature, the object being to clean up the Statute-book by putting into one consolidating measure what is found scattered throughout the various volumes of the Indian

Statute-book. As such this House passed that very important measure, the Succession Act. We have also had one or two minor Acts like the Criminal Tribes Act and one or two others of a similar consolidating character. Following that policy the Committee decided to consolidate the Indian Forests Act, and if Honourable Members will turn to the copy in their hands they will find from the schedule at page 25 that no less than eight different Acts of the Legislature are affected by this measure. I submitted on the last occasion, when a motion was moved by one of the Honourable Members of this House for reference to a Select Committee, that no principle other than the principle of consolidation could be gone into because the purpose and object of consolidation is nothing more than mere consolidation. This House was anxious to consider whether the Bill was purely a consolidating measure or anything more. The Select Committee have since held their sittings and some members wanted to discuss principles and suggest amendments. You, Sir, on the last occasion ruled that it is not the purpose of a purely consolidating measure to revise and amend its underlying principles, and the Chairman of the Select Committee has also ruled to the same effect. We discussed, Sir, the two main points that were raised by one of the members of the Select Committee ; one was the retention of section 34 of the old Act VII of 1878, and the other was a slight verbal change made in section 42 of the Act. Now the Select Committee have fully dealt with both these points, but for the information of Honourable Members I may recapitulate our views on the subject. So far as section 34 of the Forests Act is concerned, it was a transitory provision enacted and inserted for the purpose of safeguarding the rights of persons into whose claims no inquiry had been made before the enforcement of Act VII of 1878, and they were given one year's time within which to set the law in motion for the purpose of settling any claim they may have regarding the forests which were then to be notified. I pointed out, Sir, on the last occasion that this transitory provision spent itself after the expiry of one year from the date of the notifying of the Act. Some Honourable Members hold that this provision should be re-inserted in the consolidating measure, and I wish to point out that the legal effect of re-inserting this provision would be to unsettle all old claims and titles that have been hushed up after inquiry on or before the last day of 1879. Now that is not the object of any Honourable Member of this House. It has been suggested that this Act does not apply to the whole of India and Burma, and there are certain districts, or at any rate one district, excluded from the operation of this Act, and if by notification of the Local Government this Act is extended to those territories, persons possessing private rights would be deprived of the right which is given to those who came under the operation of Act VII of 1878. Now that would have been a perfectly valid argument, and I have no doubt my Honourable colleagues on the Select Committee would have acceded to it, only that the Legislative Department made inquiries and found that in the exempted provinces of Madras and Burma, where they have local Forests Acts of their own, they have a provision analogous to section 34, by which inquiries have been made and titles in those provinces settled. The Legislative Department after considerable research reported to us that there is no place where this Act is to be extended hereafter, and if it is to be extended the Local Government would naturally ask for an *ad hoc* provision to be added to the Act should they desire to extend its provisions to their local

[Sir Hari Singh Gour.]

territories. My submission therefore is that it would not only not serve any immediate and useful purpose, but if this provision is re-inserted in the consolidating measure it would confuse titles already settled and set a premium upon litigation.

Pandit Hirday Nath Kunzru (Agra Division : Non-Muhammadan Rural) : How ?

Sir Hari Singh Gour : My friend Mr. Aney ejaculates, " How ? ".

Mr. M. S. Aney (Berar Representative) : No, Mr. Kunzru.

Sir Hari Singh Gour : I am glad, Sir, that at any rate my friend Mr. Aney who was the protagonist of the opposition on the last occasion now assures me that he is with me. (Laughter.)

Mr. M. S. Aney : No, no.

Sir Hari Singh Gour : I stand corrected. My friend Mr. Aney has put that question through Mr. Kunzru. Now, Sir, the answer is very simple. If you were to re-insert the provisions of section 34—that section runs to the following effect :

" That within 12 months from the date on which this Act comes into force in the territories administered by any Local Government such Government shall, after consideration of the rights of Government and private persons in all forest lands or waste lands then under its executive control, for the purposes of forest conservation determine which of such lands, if any, can, according to justice, equity and good conscience, be classed as reserved .....

I will leave out the rest of the section because it is more or less on the same lines. This section 34 therefore gives the public a new right to compel the Local Government to inquire into their claims within one year from the passing of that Act. That period has long expired and we are only now putting together all the existing law which is contained in eight different Acts of the Legislature. In doing so we have naturally lopped off some dead branches, such as section 34, which would create confusion and unsettle old titles already settled. That is my answer to my friend's query as to how it will affect existing rights.

As regards section 42 which has been slightly altered, my friend's contention was—and I have no doubt it will be repeated on the floor of this House—that while under the original section 42 of the Act the magistrate had the discretion to inflict a double penalty in cases of subsequent conviction, the present draft Bill gives the Local Government the power to make rules for the infliction of double penalties if they should deem it necessary. The view of the Select Committee is that, so far as this section is concerned, it is ambiguous, and if Honourable Members will turn to section 42, they will find that it is ambiguous, because under clause 1 of section 42 we have :

" the Local Government may by such rules prescribe penalties for the infringement thereof imprisonment for a term which may extend to six months or fine which may extend to Rs. 500 or more ",

and then we have the second clause :

" double penalties may be inflicted in cases where the offence is committed ".

But whether " the double penalty may be inflicted " must be read in conjunction with " the Local Government may prescribe penalties " or it is an independent clause conferring upon the magistrate jurisdiction

to inflict double penalties, is a question upon which section 42 was ambiguous, and the Statute Law Revision Committee thought that the ambiguity must be solved in favour of the subject, the result being that under the corresponding clause we give the Local Government the authority to prescribe double penalties if they consider them necessary. That is all that has been done by the draftsman with the concurrence of the Statute Law Revision Committee in section 42. I, therefore, submit, Sir, that so far as this draft Bill is concerned, it has been thoroughly examined now by the Select Committee, and with the exception of one Honourable Member who has tabled an amendment to which I shall reply, if it is moved, there is absolutely nothing which has in the slightest degree added to or subtracted from the existing statute law appertaining to forests. I therefore submit, Sir, that this House should pass the motion I have made that this Bill be taken into consideration. Sir, I move.

Mr. M. S. Aney : Sir, my friend the Honourable the Mover of this motion has tried to explain what has been done in the Select Committee and how and why the provisions of this Act have been examined in the Committee purely on the principle of consolidation. In this connection, Sir, I should like to remind the House of what was stated by the Honourable the President when the motion for referring this Bill to the Select Committee was pressed to a division last Session. The Honourable the President then declared that the Chairman of the Select Committee should bear in mind that the amendments that should be considered in the Select Committee should have reference to the principle of consolidation. So, that point was again raised in the Select Committee, and the Chairman of the Select Committee ruled that any amendments which have no bearing purely on the principle of consolidation but are intended to have a bearing on the merits of the Forest Act by some changes in other provisions of the Bill could not be considered there ; and therefore the Select Committee had to confine its attention only to such provisions and to such amendments as were intended to show that the law was defective even from the point of view of consolidation. I am stating these facts, Sir, for the sake of emphasising that because the Select Committee has not considered the other amendments and had not examined this Bill from other points of view, it should not be understood that the Forest Law, as it now stands, was in any way acceptable to the Members on this side of the House. The obvious defects of this law had been clearly pointed out when this Bill was discussed in the other place. When the discussion took place in the Council of State it was suggested on behalf of the Government itself that, this being a consolidation measure, Government would not like to consider any amendments on the merits of the Bill, but that Government would be prepared to consider any suggestions that would be made by the House to rectify the law at the next opportunity. Consequently, a Resolution was moved in the other House to appoint a Committee to revise the Indian Forest Law, and that Resolution was in a modified form accepted by the Government. The Resolution has been circulated by the Government to various Provincial Governments to elicit their opinions as to whether a Committee should be appointed to revise the Indian Forest Law and, if so, what should be the nature of the Committee. Up to this time we do not know what decision the Government have arrived at in regard to that Resolution. In reply to certain questions put in the other House, I find that the only reply given

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by Government is that some opinions have been received and that the matter is still under consideration. If, therefore, the Government are going to give an assurance that in pursuance of that Resolution they will appoint a Committee to revise the Indian Forest Law from all possible points of view to meet the popular demand in this matter, then I might not think it worth while even to move the amendments that stand in my name here ; but if no such assurance is forthcoming, it will be my duty to move at least one of the two amendments that stand in my name here and to show that the Bill, as it stands, is not a purely consolidating measure.

It may be asked what would be the propriety for not moving the amendments even if the Government do not give an assurance that they would appoint a Committee. My answer is this. If they are going to give an early opportunity to revise the whole Act, then the question of considering those provisions which are now being omitted from the present Bill can be appropriately re-opened and even profitably considered afresh along with other cognate points to amend the Law. But if no such assurance is forthcoming, then I will have to consider, Sir, whether I should not now, when this Bill is under consideration, press the amendments that stand in my name.

As regards certain points to which reference was made in the speech made by my friend, Sir Hari Singh Gour, I think I should give a brief reply. I was not satisfied with the explanation given by him here nor with the explanation given in the Select Committee. It has been urged that section 34 of the Act of 1878, the old Act, or rather the existing Act,—because the present Bill has yet to pass into an Act, and come into force—is only a transitory measure. A part of that section has been read by my friend Sir Hari Singh Gour. I do not want to take up the time of the House by reading the whole section, but I shall briefly tell this House what that section is. That section consists of three parts. The first part of that section is that immediately after this clause comes into force, it shall be the duty of the Government within twelve months to determine what parts of the forest, which were till then for the purposes of forest conservancy under the executive management of the Government, should be classed as reserved forests and what parts as protected forests. Then comes in the first proviso to the effect that in the course of such inquiry, Government should try and find out what were the rights of Government as well as those of private persons over the forests that were going to be classed as reserved or " protected " forests respectively. That inquiry has to be made within the aforesaid period by the Government. If any such inquiry has already been made at any time before the application of this Imperial Act, and the rights are settled and a due record has already been prepared, then this new inquiry need not be made and the forest officer should recognise the rights previously settled and recorded. But if any such inquiry was not previously made, and no inquiry contemplated under section 34 be instituted to prepare the record of popular rights within the period of 12 months, then the rights of the Government and of the private persons over those parts which have been classed as " reserved " and " protected " shall remain unaffected and unabridged. It is certainly not merely a transitory or a permissive provision. If the Government for any reason fail to make an inquiry and settle the rights of

the people and make a proper record of their rights and consequently no such record is forthcoming in any particular tracts within the province to which the Act is extended, then notwithstanding and even in spite of any notification issued by the Government determining certain forests as reserved and certain forests as protected such rights as the individuals have been exercising over these forests for a number of years will remain unabridged and unaffected. It is a very important proviso from this point of view. Provisions in clauses 12, 13 and 14 of this Bill under Chapter II relate to certain inquiry to be made by the forest officer in regard to Reserved Forests. It will be found that if within three months no claim to their rights has been set up by individuals before the forest settlement officer, the right of the individual shall cease to exist. Now, the Honourable Member can see what the omission of section 34 will mean. The difference is this. If section 34 is retained it is clear that whether any such complaint is made by the person concerned or not, if the Government of its own accord fails to institute any such inquiry, the rights subsist and remain unaffected. The obligation is upon the Government to hold the inquiry and register the rights and there is no lapse of right because the private person has not set up his claim within a period of three months or 12 months. That is the main point of difference. Unfortunately it is not duly taken into account by the Statute Law Revision Committee or the Select Committee. I am confident that if this difference is properly appreciated by this House then the House will agree with me in urging that section 34 cannot without some prejudice to the rights of the people in as much as it leads to the position that if a private person bearing any rights do not apply within three months from the date of the notification which the Government may issue all private rights automatically lapse. Government knows that there are tracts to-day to which the Forest Act is not extended. It was no use for Dr. Gour to inform me that in the second clause of this Bill, the names of the provinces to which the Act is at present extended are mentioned. I will ask him and the Honourable Members to read the third clause, and in that clause of the Bill Honourable Members will find that besides these provinces mentioned in clause 2 provision is made empowering any Local Government to extend this Act either to the whole province or to any part of a province administered by the Local Government. Even in provinces where this Act is already extended, there are certain tracts to which this law does not apply. And if Honourable Members are careful in reading the Gazette of India notifications published from time to time they will find—I know certain recent cases that notifications to extend the application of this Act to new tracts and areas are often published from time to time. There is still room for extension and to move in search of fresh fields and pastures new. That is to say that the process of extension of this Act is still going on. And so long as this process is going on, I maintain, Sir, that the propriety of section 34 undoubtedly exists. That propriety cannot be gainsaid and treated as a redundant superfluity. And if it be merely a consolidating measure, as it is contended on behalf of Government, then my contention is that it is the strongest ground on which this House can urge that the clause which was intended to safeguard the rights of the private person and the Government also in case of certain contingencies must be retained intact and should not be lightly tampered with or interfered with. That is the particular point I wish to make. It is not merely a formal change that is being brought about. It is not merely the elimination of a clause

[Mr. M. S. Aney.]

here and a clause there to remove some real or imaginary ambiguities. A very fanciful contention was urged on a former occasion. Last time when my Honourable and learned friend Sir Hari Singh Gour argued this point before the House, he said that this Act came into force in 1878, and the period of 12 months within which the Government was to inquire was over after 1879. He feared that if this provision, namely, section 34, be retained in this Bill which after being passed will come into force in 1927 or 1928, then that period of 12 months will extend to 1929. And therefore all the orders which might have been made before would be reopened and that would give rise to immense difficulty. He said it would create immense confusion, and incalculable disturbance. Even now he maintains it will create confusion. I think if he reads proviso 2 of section 34, he will find that, if there are inquiries already made with regard to the rights of the people and duly recorded, then that very record had to be accepted by the Government. When this law will come into force, the mere fact that it has come into force in 1928 or any other year will make absolutely no difference. At the same time my Honourable friend will realise that in tracts where any inquiries of this kind have not been previously made the omission of clause 34 will result in great hardship. In certain tracts it has been taken for granted by the Government that the rights must have been settled, as they found that under the old forest conservancy rules certain forests had been already declared State forests. On the strength of these declarations notifying certain forests as State forests Government proceeded to treat them as the reserved and protected forests under this law without any bother of an inquiry contemplated under section 34 The position that is now created is this. The rights which the people have been up till now exercising over these forest areas as legitimate rights will not be legitimate rights immediately after this provision is eliminated from the law. (*Sir Hari Singh Gour* : " Why ? ") That is the position. The reason is very simple. The implications of this law are not known to many Members. The real difficulty is this. Very few Members have any idea as to how this law is being administered in tracts which are adjacent to the Government forests. The real position is that there are certain parts where Government have declared that certain forests are reserved and certain forests are protected. But they have made absolutely no inquiry in certain parts at all. They have gone by the entries in the official register to classify state forests into two classes aforesaid. But as they did not immediately want waste lands treated and classified as reserved or protected forests for any immediate purpose, they did not find it necessary to make any inquiry to settle and record the rights of the individuals or communities over them and allowed the people to enjoy such rights uninterruptedly as they had been exercising over those parts from time immemorial. Now, it so happens that certain tracts which have been in this way classed in forest records as reserved but virtually left out in the uninterrupted enjoyment of the people are being used by the people for herding their cattle or for similar other purposes. I know a particular instance which very recently occurred in Berar, and which created a good deal of trouble and worry to the villagers. It has occurred to one of the Forest officers in Yeotmal District that a certain waste site in a village was in reality classed as a reserved forest. And he thought that he should enforce the rule that no part of such forest could be used for purposes

of herding cattle without express permission. He paid possibly a surprise visit to find all the cattle in the village in that very area. A case was going to be instituted against the owners for using a reserved tract without permission. All the cattle were taken into custody and sent to the cattle pound in a neighbouring village. Now, here there was in my opinion a clear infringement of a right and usage from time immemorial. When this matter came up for consideration before superior forest officers I brought it to the notice of the Forest Officer the provisions in section 34. Have you settled those rights ? Have you made any inquiry. Were the rights of the people over this part of the forest recorded any where ? If not, then their rights remain unaffected, inspite of any official notification. But although criminal proceedings against them were fortunately not started, still they had to release the cattle from the pound on payment of a very heavy sum. Other clauses of the law penalising the use of that tract by certain people, I strongly urged, will not apply in absence of such record. The rights which have been exercised by the people for a number of years must remain unaffected unless there is a specific record duly prepared in the manner provided for by this Act. What I mean to say is that there are possibilities of things of this nature and this House must scrupulously guard against all possible dangers when they consider any piece of legislation.

I urge another reason. Assuming that it is true that the Government have extended the whole of this clause to the whole of India. But it is also true that in every province there are certain big private estates which contain a good deal of forest administered by the proprietor as he liked. Suppose for some reason that land or estate escheats to Government or becomes Government estate. It is undoubtedly a new tract. In the case of such private lands with a considerable forest you will naturally find that the people have been using certain rights over that and if an inquiry which should be made under section 34 be not made to settle and record their rights they can persist in exercising them unmolested, but if this section is taken away to relieve the forest officer from the bother and worry to make any inquiry what will be the position ? The user of these rights of which they have been rightfully in possession from time immemorial will become an illegal act and they shall be liable under sections 26 or 33 of this Act. Well, there is that difficulty. I say that the Statute Law Revision Committee may have made certain inquiries. My learned friend who was on the Select Committee, representing Government, may have given certain information. But what is it ? He did not show that in several parts of the forest which are either administered under this law or which is likely to come under the administration of this law some time later, Government have made certain inquiries and rights have been recorded. The members of the Select Committee did not insist upon seeing any such record. And therefore I am at any rate not at all satisfied with that. Particularly with the certain and definite knowledge which I have got of conditions existing in my own province, it was impossible for me to be satisfied. That is the position according to my understanding. Therefore, I was not satisfied with the information given and I was unable to agree with my colleagues in the Select Committee on this point.

Secondly, Sir, with reference to the other question which is touched by my learned friend, namely, the modification that is made in section 42, I am rather surprised that in the Report of the Select Committee.....

Mr. President : Order, order. The Honourable Member is exhausting all the arguments in favour of his amendments which have not yet been moved.

Mr. M. S. Aney : My position is this that, as I have already stated, if Government are going to give me an assurance that.....

Mr. President : Order, order, the Honourable Member should wait.

Mr. M. S. Aney : In that case I do not want to proceed further with this motion, and I will only state that the explanation given by my learned friend does not at any rate satisfy me, and I think ought not to satisfy any Member in this House.

Mr. President : The question is :

"That the Bill to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2 to 34 were added to the Bill.

Mr. President : Mr. Aney.

Mr. M. S. Aney : I am not going to move my amendment.

Clauses 35 to 86 were added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Sir Hari Singh Gour : Sir, I move that the Bill be passed.

The motion was adopted.

THE TRANSFER OF PROPERTY (AMENDMENT) BILL.

Mr. W. T. M. Wright (Secretary, Legislative Department) : Sir, I introduce a Bill further to amend the Transfer of Property Act, 1882, for certain purposes, which was published under Rule 18 of the Indian Legislative Rules on the 20th August 1927.

(At this stage Sir Hari Singh Gour rose in his place.)

Mr. President : The Honourable Member is not called on.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : I thought, Sir.....

Mr. President : Mr. Wright.

THE TRANSFER OF PROPERTY (AMENDMENT) SUPPLEMENTARY BILL.

Mr. W. T. M. Wright (Secretary, Legislative Department) : Sir, I introduce a Bill to supplement the Transfer of Property (Amendment) Act, 192 , which was published together with the Bill which I have just introduced.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I.....

Mr. President : Is there any point of order ?

Sir Hari Singh Gour : I am raising a point of order.

Mr. President : There is no motion before the House on which a point of order can be raised.

Sir Hari Singh Gour : I am entitled, Sir, to state to the House a point of order.

Mr. President : The Honourable Member can only state a point of order to the Chair in connection with some business which is before the Assembly. There is nothing before the House at present.

Sir Hari Singh Gour : The Bill is before the House.

Mr. President : There is no Bill before the House. The Bills have been introduced.

Sir Hari Singh Gour : I want to point out that the Bills have been introduced without any formal procedure laid down by the Standing Orders.

Mr. President : Order, order. Sir Basil Blackett.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I hope no point of order arises on this Bill of mine. As I explained when I introduced this Bill, it is for the purpose of amending the Indian Income-tax Act, 1922, with reference particularly to the difficult problem of the assessment of tea companies. Under a rule in existence until a short time ago, a specific percentage of the profits of tea companies was laid down as the amount which should be treated as non-agricultural profits. It has been found that there is at any rate some considerable question whether that rule was *intra vires*. On the other hand the tea companies who have been assessed regard it as most undesirable that the question of the exact percentage of the profits which should be treated as non-agricultural should have to be examined in every individual case. It would mean a great deal of trouble to the tea companies and trouble to the income-tax authorities. It is therefore proposed that we should take power, as we propose in this Statute, to make a rule that will be valid fixing a percentage. If we had been in a position to do so, the Government would much have preferred to introduce a Bill laying down the exact percentage. But we need some more experience in the case of tea companies and in other cases before we can safely do so. We therefore propose in the first instance to proceed as under this measure. Then, when we have obtained fuller experience of the way the matter has been worked, the Government will try to put the matter, as I think all will agree, in a position which will be a more satisfactory one by introducing legislation to fix definite percentages. They cannot do that now, because it is impossible without more experience to know what the figures should be in several of the cases in question.

I move, Sir, that the Bill be taken into consideration.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Basil Blackett : Sir, I move that the Bill be passed.

The motion was adopted.

THE INDIAN LIGHTHOUSE BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I move that the Bill to consolidate and amend the law relating to the provision, maintenance and control of lighthouses by the Government in British India, as passed by the Council of State, be taken into consideration.

Sir, it will not be necessary for me, I think, to speak at any length on the subject of this Bill. The Bill is really part of a scheme that the Government of India have in view for bringing mercantile marine matters of all kinds under the direct control of the Government of India, and this is the first instalment of the Government of India's plan. At present lighthouses on the coast of India are under a different system of administration in almost every province, and I believe that in the sub-province of Sind there is a different arrangement from that which is in force in the rest of the Presidency. This Bill proposes that all the lighthouses should be brought under the control of the Government of India under a uniform system. It provides for the appointment of a Chief Inspector of Lighthouses and of Inspectors of Lighthouses. It classifies lighthouses into general lighthouses which will be under the direct control of the Government of India and the local lighthouses which will be controlled ultimately by the Government of India, but will be administered for the most part by Local Governments and port authorities. It provides for the constitution of an advisory committee on which the interests concerned will be fully represented. And, finally, it provides for the levy of light dues, so that the administration of lighthouses may be self-supporting and may not be a charge on the general tax-payer.

On the subject of this Bill, Mr. President, we have consulted very fully commercial and mercantile opinion. The Bill has been considered by a strong Joint Committee composed of the Members of both Houses. That Committee has presented a unanimous report and I have no doubt that the House will agree that the recommendations of such a Committee ought to be accepted. For that reason, I do not propose to enter into any further explanation of the provisions of the Bill. I should like, however, to refer to two recommendations made by the Joint Committee on particular points. These are recommendations in which they did not propose any amendment in the Bill but recommendations as to the action that Government should take. The first of them is this. They say :

> "The question of inserting a provision requiring that the advice of the Central Advisory Committee should always be accepted was discussed, and we strongly recommend to Government that its advice should in all ordinary cases be accepted."

Well, on that point, Mr. President, I would say this. It is clear that the Government of India must retain ultimate control over expenditure. But subject to this, we are prepared to accept the recommendation that the advice of the Central Advisory Committee should in all

ordinary cases be accepted. The second recommendation was as to the constitution of the Advisory Committee. The Joint Committee said :

"As regards the constitution of the Central Advisory Committee we recommend that the Commerce Secretary should be Chairman, and that the Committee should include representatives of the following interests :—Royal Indian Marine (or Royal Indian Navy), shipping registered in India, and commerce, both British and Indian, which should each be represented by an equal number of members appointed after consultation with the commercial bodies concerned."

The Government of India have no objection to accepting the proposed constitution as a suitable constitution for the Committee subject only to this, that as the Joint Committee themselves recognised as time goes on it may be necessary to revise the constitution for certain reasons. The example they give is that eventually it may be necessary to have District Advisory Committees and the District Advisory Committee might suitably elect a member to the Central Advisory Committee.

I do not think, Sir, I need add anything further and I move the motion standing in my name.

The motion was adopted.

Clauses 2 to 22 were added to the Bill.

The Schedule was added to the Bill.

Mr. President : Clause 1.....

(Some Honourable Members rose in their places.)

Honourable Members should not rise when the Chair is standing.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir George Rainy : I move that the Bill, as passed by the Council of State, be passed.

Mr. W. S. Lamb (Burma : European) : Sir, I desire to give a hearty welcome to this Bill and to the establishment of the principle that such revenue as is secured from light dues shall be utilised to maintain lights and light ships and also towards reduction of the dues payable for lights. I think the House would like to have a certain assurance from the Honourable the Commerce Member in this connection. We are not unacquainted with the ways of Chancellors of Exchequer, and Finance Members, and we should like to hear from our Honourable friend that the principle I have mentioned will always be kept in mind. With regard to the Report of the Select Committee, who have done their work well, I am sure the House would be glad to hear from the Honourable Member for Commerce repetition of the assurance given in another place concerning the Central Advisory Committee. I have no more to say about the Bill. But I should like to say a few words with regard to the Burmah lights. We have a very dangerous coast. I think it is admitted that it is the most dangerous part of the Indian coast, and therefore anything which militates against that efficiency which should at all times characterise the service of the lights is to be condemned. There are quite a number of questions which will engage the attention of the proposed Committee. I should like to mention two. One is this that at the present time the crews of lightships, of which there are five, are not under the terms of the Merchant Shipping Act, although I understand

[Mr. W. S. Lamb.]

that in Bengal they are under the Act. This, of course, affects the discipline and accordingly efficiency, and I do trust that this particular point will have the early attention of the Advisory Committee. There is another matter, and a more important one. That is the provision of a craft which will attend to the lights and relieve the men who serve those lights. At present these services are being carried out by two trawlers. No doubt they are very good stout sea boats, but being trawlers they have very little accommodation. They cannot carry on board the crew which is required to serve the relieving boats. Further, there is no accommodation for any medical officer, an officer who, I think, is as important as the Captain who commands the trawler or other ship. Now, being served by two trawlers only, when the monsoon comes along, it is quite proper to describe the service as dangerously inadequate. I should like to hear from the Honourable the Commerce Member that one of the very early duties of the Advisory Committee will be to cause to be designed a ship especially fit for the job. I should like to have an assurance of that nature because I regret to say that at the moment I have some misgivings about the attitude of the Government of India towards this matter. Only some months ago a character was arranged for a term of years for a certain vessel to serve the Andamans generally and the lights there and this ship has been described by a nautical friend of mine as " a standing disgrace " and " the worst selection that could possibly have been made." I trust that the proposals of the Government of India will be made in no spirit of cheese-paring and that they will accept recommendations on the lines of certain suggestions I have put before the Department of the Honourable Member. They are not my own suggestions or recommendations. They are the suggestions of a man who has the most intimate acquaintance with the coast lights. Sir, I support the motion.

Mr. Sarabhai Nemchand Haji (Bombay Central Division : Non-Muhammadan) : Sir, the Honourable the Commerce Member and the Honourable Mr. Lamb have drawn the attention of the House to certain points in the Joint Committee's Report, but with your permission I would like to draw the attention of the House to another point in that Report which unfortunately has been overlooked by the previous speakers. That, Sir, is a reference to the Indianization of the staff engaged in connection with the lighthouses of India. As it happens, this is a Bill upon which the Joint Committee has as important points to make as are made in the body of the Bill itself, and if there were any means by which the Report of the Joint Committee could be tagged on to the Act proper I should have very much preferred that it was done. But the facts being as they are, I would draw the attention of the House to the recommendation of the Joint Committee that, as regards the personnel of this staff and of the expert mechanics, it may be found necessary, to begin with, to recruit them from England. The Committee, however, recommends to Government that an Indian personnel should be trained in the special work as quickly as possible so as to fit them for these posts. This being the verdict of the Joint Committee, I do hope that the Government would try their utmost to get Indians, even to begin with, if possible, for this technical work. And if Indians are not available, then the initial recruitment of non-Indians should be as small as possible. I

consider that no more than one or two mechanics need be brought out from England, that simultaneously with them a number of Indian apprentices should be put in, who in a year or two would be fit to take the place of the expert mechanics imported from abroad.

There is, Sir, in the Joint Committee's Report another principle, or rather the recognition of another principle, to which I should like to draw the attention of the House. It is in connection with the composition of the Central Advisory Committee. You will notice, Sir, that the composition is made up of :

(1) The Royal Indian Marine or the Royal Indian Navy,

(2) Shipping registered in India—and this is the point I want to lay stress on—, and

(3) Commerce, both British and Indian, which should each be represented by an equal number of members appointed after consultation with the commercial bodies concerned.

Here, I hope, we have a recognition by the Government of India of the principle that in matters connected with shipping and allied subjects, the Indian Mercantile Marine, which has so far received very niggardly and step-motherly treatment from the Government has a definite place, a place which is its own by right and I hope that the precedent that has been set up now will be followed up in later measures.

With regard to the definition of " Indian shipping ", which is here represented by " shipping registered in India," I should like to draw the attention of the Government to the fact that when at a later date either of their own volition or under pressure of public opinion and of this House, the Government of India see their way, which they do not now, to accept the coastal reservation recommendation of the Indian Mercantile Marine Committee with regard to the development of Indian shipping, I hope they will replace the present definition of Indian shipping as " shipping registered in India " by the definition given in the report of the Indian Mercantile Marine Committee, namely :

(*a*) that is registered in India ;

(*b*) that it is owned and managed by an individual Indian or by a Joint Stock Company, public or private, which is registered in India with rupee capital with a majority of Indians on its directorate and a majority of its shares held by Indians ; and

(*c*) that the management of such company is predominantly in the hands of Indians.

This, to my mind, should be the proper meaning of the words " Indian shipping ". But under the circumstances of to-day we have to manage with the definition that was available in the Merchant Shipping Act, namely, that Indian shipping means shipping registered in India.

With regard to the question of separate accounts of lighthouses to which reference was made by my Honourable friend Mr. Lamb, I should

[Mr. Sarabhai Nemchand Haji.]

like to make it quite clear that the Joint Committee did get a definite undertaking on the part of the Government which has been expressed by them in their remarks on clause 20 which reads as follows :

"We have not amended clause 20 but we here record our recommendation that any surplus to the credit of the lighthouse account should be definitely earmarked for the purpose of lighthouse administration and should not be appropriated for any other purpose".

This is a recommendation which, I trust, will always be borne in mind by the Government along with the other recommendations made in the Joint Committee's Report.

There is just one point more and I will have done with this subject. That is with reference to the exemption of sailing ships from the dues that are payable by them now. Up to the moment, different provinces have had different scales with regard to exemption of sailing ships from the payment of light dues. The original Bill, as introduced by the Government, laid down the limit of 30 tons. The Joint Committee, taking the Burma figure as the one which was likely to cause the least heart-burning, raised the figure to 50. The reason why the Joint Committee raised it to 50 and not to any other figure was that, as they mention, they tried to keep the Burma figure in mind. But, unfortunately the Government themselves are not in a position to give the House any information as regards the various types of sailing ships and their tonnage plying along the Indian coast. The information, at our disposal in the Joint Committee, was more or less empirical and the remedy designed is also very much of that nature. Since the publication of the Report, I have received a telegram from the Chairman of the Buyers and Shipping Chamber at Karachi which reads :

"Reference lighthouse consolidation measure before the Assembly. My Chamber strongly urge sailing craft up to 100 tons be exempted from dues in order to secure some relief from already hampering condition."

In view of this telegram and the representations that have been made or might be made later on by interests concerned, I do hope the Honourable the Commerce Member will, if the case is fully represented to him, see his way to exceed this limit of 50 tons because, after all, as I said before, the figure has been more or less empirically fixed.

Finally, I would just like to say one word with regard to this question of sailing ships which are to be exempted from the operation of the clauses of this Bill. As I said before, the Government did not have sufficient information which they could put before the Joint Committee and I am afraid they have not got that information even now. It is to my mind an example of the utter indifference which the Government have shown to this question of Indian shipping, whether steam or sail, and I do hope that in future no occasion will arise when the Government would come forward with the excuse that they have not in their possession facts and figures, statistics and particulars which would facilitate the work of the House and the Select Committee, and I do hope that the Government would on future occasions be in a position to place all the necessary materials before the Committee and this House so that the country might see that the Government are quite serious in their intention to revive the Indian mercantile marine. Sir, with these words, I support the motion made by the Honourable the Commerce Member.

The Honourable Sir George Rainy : Sir, I am indebted to my Honourable friend Mr. Haji for drawing my attention to the recommendation of the Joint Committee which I had intended to mention in my previous speech, but which I inadvertently omitted. The Government of India accept the recommendation of the Committee, namely, that though it may be found necessary to begin with to recruit expert mechanics and the personnel of the staff from England, an Indian personnel should be trained in the special work as quickly as possible so as to fit them for these posts. The Government of India have accepted that recommendation. (Applause.)

Then, Sir, as regards the point that he raised about the limit of tonnage which would justify the exemption of sailing ships from the payment of light dues, as matters stand at present we cannot go beyond the recommendation of the Joint Committee, namely, that the limit should be 50 tons. But once the Advisory Committee has been constituted and the new system has got into working order, there would be no objection to considering whether that limit might not be raised. But, clearly, this is one of the matters on which the opinion of the Advisory Committee will be very important, and as I stated a few minutes ago that in all ordinary cases the Government of India would accept the recommendation of the Advisory Committee, it is clearly out of the question now, even before the Advisory Committee has come into existence, to say what the opinion of the Government of India would be.

Then, my Honourable friend Mr. Lamb asked for an assurance that the light dues would be appropriated solely for the purpose of maintenance and so on of the lighthouses. He had apparently some apprehension in his mind as to the practice to which Chancellors of the Exchequer and Finance Members are said to be addicted when they feel like robbing henroosts. All I can say is that it is the intention of the Government of India that, while the lighthouse administration should be self-supporting, light dues should not be used as a source of profit. (Hear, hear.) I will add this, that the total amount of revenue likely to be obtained from this source is, I think, too small to be an appreciable temptation to my Honourable friend the Finance Member. (Laughter.)

Then, my Honourable friend Mr. Lamb mentioned two matters which, he was anxious, should be brought before the Advisory Committee at an early date. I do not think there ought to be any difficulty about that, and I will certainly make a note of what my Honourable friend has said, so that these matters shall not be overlooked when the Advisory Committee comes into existence.

Finally, I would refer to the closing remarks of my Honourable friend Mr. Haji in which he complained of the indifference which the Government of India in the past had shown in mercantile marine matters. I thought his tone was unduly gloomy, and I missed, I confess, the absence of any recognition of our sign of repentance in the shape of this Bill which the Government of India have placed before the Assembly.

Mr. President : The question is :

"That the Bill to consolidate and amend the law relating to the provision, maintenance and control of lighthouses by the Government in British India, as passed by the Council of State, be passed."

The motion was adopted.

The Honourable Mr. J. Crerar (Home Member) : Sir, I move that the Bill further to amend the Indian Succession Act, 1925, and the Married Women's Property Act, 1874, as passed by the Council of State, be taken into consideration. To Honourable Members who are lawyers the Statement of Objects and Reasons will be adequate to give a clear idea of the intention of this Bill. I think that I shall sufficiently discharge the necessities of the case if I explain very briefly in non-technical language to Honourable Members who are laymen what the Bill sets out to do.

Sections 223 and 236 of the Succession Act of 1925 reproduce provisions of the law which have been in the Indian law since, I think, 1865. They prohibit the grant of probate or of letters of administration to a married woman when the deceased is a Christian or is at any rate not within the categories specified in these two sections. Those provisions were based, and have since been continued without amendment, on the law as it existed in England at that time. Since then, however, there have been many changes in the English law and it is desirable that the Indian law on these points should be brought into conformity with the English law. Nor is it merely a question of any academic discrepancy in the law. This measure was as a matter of fact originally drafted in consequence of representations made to the Government of India by the High Court of Bombay. They pointed out that under modern conditions serious hardship could be caused and as a matter of fact within their knowledge had been caused by the existing prohibition. There may be, for instance, physical reasons which render it impossible in cases arising under these sections for the consent of the husband to be obtained. The object of the Bill therefore is to bring the law into conformity with what is now the English Law in the matter, and also to provide remedies for those specific cases of hardship which have come to notice.

The other part of the Bill limits the liability of a husband in cases in which his wife has obtained probate or letters of administration and is a trustee, executrix or administratix either before or after marriage. The object of clause 3 of the Bill is to limit the husband's liability in that case also in accordance with the principles of the English law in the matter.

I hope, Sir, this brief explanation will commend this small measure to the favourable consideration of the House.

***Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Sir, I have no observations to offer on the present measure but I rise to make an enquiry from the Honourable Member in charge. I was one of the members of the Joint Committee that had to deal with the Indian Succession Consolidation Act of 1925, and when we were dealing with that measure of consolidation the desirability of a general revision of the whole law of succession was pointed out, and, as far as I recollect, Government also admitted the necessity of undertaking a general revision at an early date. I do not know what are the particular reasons that have induced Government to bring up this measure as a sort of piecemeal proposal instead of undertaking the revision of the whole Act as was said would be done.

* Speech not corrected by the Honourable Member.

Mr. President : The question is :

" That the Bill further to amend the Indian Succession Act, 1925, and the Married Women's Property Act, 1874, as passed by the Council of State, be taken into consideration. "

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Mr. J. Crerar : Sir, I move that the Bill, as passed by the Council of State, be passed.

In making that motion I should like to explain, with regard to what fell from my Honourable and learned friend Mr. Neogy, that the question of a general revision of the law is one on which Government have not yet arrived at any conclusion ; and the reason for introducing this particular measure—which I hope will not fall within the category of those boxes of chocolates for which my Honourable friend has expressed an extreme distaste in which I cordially admit I participate,—the reason for introducing this measure was that specific cases of hardship had been brought to the notice of the Government of India and this amendment had been pressed upon them by the High Court of Bombay as a measure of very considerable urgency.

Sir, I move the motion standing in my name.

The motion was adopted.

THE PRESIDENCY-TOWNS INSOLVENCY (AMENDMENT) BILL.

The Honourable Mr. J. Crerar (Home Member) : Sir, I move that the Bill further to amend the Presidency-towns Insolvency Act, 1909, for certain purposes, as passed by the Council of State, be taken into consideration.

I think, Sir, this is another case in which it is unnecessary for me to go elaborately into the details and technicalities of the Bill, which again will be apparent to Members of the House who are lawyers, and I propose, therefore, as on the previous measure, to indicate very briefly what the object of this Bill is. It relates to the interpretation which ought to be placed upon sections 7 and 36 of the Presidency-towns Insolvency Act and to elucidate and settle the law on that point. The position is this. Section 7 as it stands appears to give very wide powers to Insolvency Courts to decide questions of priority and all other questions whatsoever, whether of law or of fact, which may arise in any case of insolvency coming within the cognizance of the court. Section 36, on the other hand, empowers the court *inter alia* to summon before it any person supposed to be indebted to the insolvent and to require such person to produce any documents in his custody or power relating to the insolvent, his dealings or property. If on the examination of any such person the Court is satisfied that he is indebted to the insolvent, the Court may, on the application of the official assignee, order him to pay to the official assignee....the amount, etc. It is important to notice that this section taken alone does not empower the Court to enquire into and to decide a claim which the alleged debtor does not admit.

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There has been some difference of opinion between various High Courts in India on the subject. The High Courts of Calcutta and Bombay following I think the *cursus curiae* in England on similar matters have held that the joint effect of these two sections is not to enable the Insolvency Court to decide a claim of this kind unless the claim is admitted. The High Court of Madras have taken a different view and it has been their practice to deal with matters of this kind by a procedure which is known in legal parlance as garnishee summonses and orders. It appears to the Government, as it has appeared to the High Courts who have followed a different procedure, that this might involve a very serious injustice in ordinary circumstances. A person against whom a claim for debt is made has ordinarily certain very definite remedies. He may file a written statement. He may claim to have access to and to examine documents on which the plaintiff relies, and he is entitled to cross-examine the plaintiff and any witnesses that the plaintiff may produce. Now there appears no just reason why any one against whom a claim of that character is made should, merely because his creditor happens to be an insolvent or a person who is a petitioner for insolvency, be deprived of the remedies which are necessary for an equitable determination of the claim. I should like to say incidentally that the proposal which is comprised in the Bill has been laid before the High Court of Madras, and the High Court of Madras have expressed their willingness to adopt the procedure. The object then of the Bill is to bring the law into conformity with the law in England, or rather to make quite clear that the law is so in conformity and to remove all doubts as to the procedure which ought to be followed. Clauses 3 and 5 of the Bill provide for a subsidiary matter. They make it clear that rules may be framed regulating the conditions in which a petitioner in insolvency may be required to produce his books of accounts, to file lists of creditors and debtors and to afford such assistance to the Court as may be prescribed. The necessity for a provision elucidating the law on that point arises from the fact that in some cases rules have been made for this purpose, and in one case at any rate a ruling of the High Court of Calcutta has raised doubts as to whether such rules are *intra vires*. It is obviously necessary for the convenient and efficient administration of insolvency law and also for the ends of justice that any doubt on that point should be put at an end to and that rules which are framed for this purpose should be of unquestionable validity.

Mr. President : The question is :

"That the Bill further to amend the Presidency-towns Insolvency Act, 1909, for certain purposes, as passed by the Council of State, be taken into consideration."

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Mr. J. Crerar : Sir, I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

THE CANTONMENTS (AMENDMENT) BILL.

Mr. G. M. Young (Army Secretary) : Sir, I move that the Bill further to amend the Cantonments Act, 1924, for certain purposes, be taken into consideration.

This Bill, Sir, is a miscellaneous collection of amendments on points of detail which have come to light in one way or another recently in the working of the Cantonments Act. I have explained those points at length in the Statement of Objects and Reasons, and when I moved for leave to introduce the Bill. I do not suppose that the House will wish me to enter into them again.

Sir, I move.

The motion was adopted.

Clauses 2 to 13 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. G. M. Young : Sir, I move that the Bill be passed.

The motion was adopted.

THE INDIAN EMIGRATION (AMENDMENT) BILL.

Mr. A. R. Dalal (Secretary, Education, Health and Lands) : Sir, I move that the Bill to amend the Indian Emigration Act, 1922, for a certain purpose, be taken into consideration.

It is unnecessary for me to explain the object of this Bill as I have already done it more than once in introducing the Resolution on the subject of ratifying the Convention, and I shall therefore confine myself to a few comments on the two operative clauses of this very simple and small measure. Under clause 2 we define the term " emigrant ship " as " any ship specially chartered for the conveyance of emigrants, or conveying emigrants exceeding a number to be prescribed ". A ship specially chartered for the conveyance of emigrants becomes *ipso facto* an emigrant ship. But it may happen that passenger vessels might carry emigrants in large numbers and in that case Government might consider it advisable to include them under the definition of emigrant ships so as to extend to them the provisions of the Indian Emigration Act. There is a further proviso to this clause which runs :

" Provided that the Governor General in Council may, by notification in the Gazette of India, declare that ships conveying emigrants to any specified port shall not be deemed to be emigrant ships."

The object of this proviso is to exempt the ports of Ceylon and the Malay States at present from the provisions of this Bill. As I have explained in moving my Resolution on the ratification of the Convention, it is not necessary to institute any system of inspection of emigrants on board ships plying to Ceylon, which is merely a short journey across the straits by what is practically a ferry boat ; and as for the Malay States we have already a system of inspection by the Malay Government itself. It would not therefore be necessary for us to extend this measure to ports which might be called home-trade ports. As for the definition of what

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are home-trade ships I would draw the attention of the House to section 2 (*3*) of the Indian Merchant Shipping Act, which runs as follows :

" Home-trade ship means a ship employed in trading between any ports in British India or between any ports in British India and any port or place on the continent of India or in the Straits Settlements or in the island of Ceylon."

As the House will notice we have reserved power, if and when it is necessary, to extend the provisions of this Act to any port even within home waters, if we consider it necessary. But for the present we do not consider it necessary to extend the provisions of this Bill to the ports of Ceylon and the Malay Straits.

As for clause 3 (*1*), it is purely a drafting clause. Under clause 3 (*2*), we take upon ourselves the power to make rules for the purpose of providing for the safety and well being of emigrants during the voyage. Under the existing clause 24 of the Indian Emigration Act, we have power to provide for the safety, well-being and protection of the emigrants up to the date of their embarkation and on their return, but not during the voyage. But by this clause we take upon ourselves the power to provide for their safety, protection and well-being during the voyage. Sir, I move.

The motion was adopted.

Mr. President : The question is :

" That clause 2 do stand part of the Bill."

Mr. N. M. Joshi (Nominated : Labour Interests) : Sir, I move :

" That in clause 2 of the Bill, in the proposed clause (*cc*), after the word ' conveying ' the words ' more than ten ' be inserted ; and the words ' exceeding a number to be prescribed ' be omitted."

The object of my amendment is that the minimum number of emigrants which is required to be carried by a ship in order to constitute it an emigrant ship should be prescribed by this House and not by the Government of India. Sir, the personnel and the policy of the Government of India vary from period to period. To-day we may have a progressive department which manages this business of emigration; but to-morrow we may not have such a progressive department. It is, therefore, better that the minimum number of emigrants which is necessary to constitute an emigrant ship should be defined by this House, so that the definition may not vary according to the vagaries of the Government of India of a particular period. I therefore think that my amendment is very necessary and reasonable.

As regards the second portion of my amendment, it is also quite necessary, because if we once fix the number at 10, we have to omit the latter portion of the first part of sub-clause (*cc*).

I hope, Sir, the House will accept my amendment.

Mr A. R. Dalal : Sir, I very much regret that I cannot accept the amendment moved by my friend Mr. Joshi. I think, Sir, I have repeated almost to the point of weariness that the object of the Convention was not the institution of any new system of inspection of emigrants where

none existed, but the simplification of the system of inspection of emigrants where it did exist. Now, Sir, what would be the result of accepting the amendment of my Honourable friend Mr. Joshi ? The result would be that whenever any ten persons who come under the definition of the word " emigrants " travel, even say to Ceylon, immediately all the provisions of the Indian Emigration Act including the various Articles of the Convention would come into operation. Now, has my friend put forward a single argument to prove the necessity of such a provision ? Has he proved that there are any hardships undergone by emigrants who now travel to Ceylon and the Malay States ? I submit, Sir, that he has not attempted to do anything of the sort.

I would draw the attention of the House to the provision of the old Emigration Act, 1908. Section 2 (*4*) of that Act says :

" ' Emigrant ' and ' emigration ' denote the departure by sea out of British India of a Native of India under an agreement to labour for hire in some country beyond the limits of India other than the Island of Ceylon or the Strait Settlements ".

A similar provision exists in the British Act, section 364, which says :

" The provision of this part of the Act respecting emigrant ships shall apply to all voyages from the British Islands to any port out of Europe and not within the military.... ".

Mr. N. M. Joshi : May I ask the Honourable Member on which of my amendment he is speaking, because I have not moved all of them. I thought he was speaking on the amendments which I have not yet moved.

Mr. A. R. Dalal : Sir, if we accept the Honourable Mr. Joshi's amendment and do not take to ourselves the power to define the number of emigrants who travel by what we call emigrant ships, then I submit the arguments which I have just adduced are valid. As a matter of fact, the two amendments of my friend Mr. Joshi are so closely interconnected that it is really difficult to speak on the one without touching upon the other. Under the British Act also, I find that the number of steerage passengers which a ship should carry to constitute it an emigrant ship is 50, and not 10, as now proposed by my friend Mr. Joshi. I submit, Sir, that for these reasons I cannot accept my friend Mr. Joshi's amendment. Apart from that, as I have mentioned before, he has not made out a case to prove that any hardship is now undergone by passengers who travel to Ceylon or the Malay States, to which ports alone the Emigration Act is now applied and which alone we propose to exempt from the proviso.

Mr. President : The original question was :

" That clause 2 do stand part of the Bill ".

Since which an amendment has been moved :

" That in clause 2 of the Bill, in the proposed clause (*cc*) after the word ' conveying ' the words ' more than ten ' be inserted ; and the words ' exceeding a number to be prescribed ' be omitted."

The question I have to put is that that amendment be made.

The motion was negatived.

Mr. President (to Mr. N. M. Joshi) : Does the Honourable Member wish to proceed further with his second amendment ?

(*Several Honourable Members* : " Withdraw, withdraw ".)

Mr. N. M. Joshi : I move, Sir :

" That in clause 2 of the Bill, in the proposed clause (cc), the proviso be omitted."

Sir, this proviso gives power to the Government of India to make an exception, namely, that even though a ship may be chartered for carrying emigrants or even though a ship may be carrying emigrants of the prescribed number, still the ship may not be called an emigrant ship. Sir, the Honourable Member in charge of the Bill explained that it is not the intention of the Government of India to apply this Act to emigrant ships going to Ceylon or the Malay States, and he gave it as a reason for the policy which the Government are adopting that Ceylon and the Malay States in the first place are what he calls " home-trade ports ". Sir, Ceylon and the Malay States may be " home-trade ports ", from the point of view of the British Government, because they are under the same Imperial Government, but from the point of view of Indian emigrants, they are not home-trade ports. Our Government has no control over the Ceylon Government nor over the Malay Straits. I therefore think that the argument that these two ports are called home-trade ports cannot have much influence on the decision of this House as regards that point.

Secondly, he said that at present the ships conveying emigrants are being inspected by the Inspectors of the Government of Malaya and the Straits Settlements. Now, Sir, my point is that if Indians are being carried as emigrants on ships, the ships ought to be inspected not by the Inspectors appointed by the Government of Malaya but by the Inspectors appointed by the Government of India. It is only then that the emigrants will receive adequate protection. The Honourable Member in charge of the Bill stated that, so far no complaints have been received. Sir, it is difficult for me to say when Government will say that complaints are received. I have read several times in the Press that the condition of deck passengers going to Malaya and the Straits Settlements is not quite good and Mr. C. F. Andrews has once or twice made serious complaints about the point. I therefore think, Sir, that it is not right that we should give power to the Government of India to exempt ships going to the ports of Ceylon and Malaya from the operations of this Bill. I hope, Sir, the House will accept my amendment.

Mr. A. R. Dalal : Sir, I regret I cannot accept the amendment. The only point that the Honourable the Mover of the amendment has made is that certain hardships are being undergone by deck passengers travelling to Malaya and that it is necessary for the Government to see that those hardships should be removed. I understand, Sir, that the Report of the Deck Passengers Committee is now under consideration.

Mr. N. M. Joshi : May I ask when was the Report of the Deck Passengers Committee made ?

Mr. A. R. Dalal : I am afraid, Sir, he must address that question to the Honourable Member for Commerce.

Mr. Sarabhai Nemchand Haji (Bombay Central Division : Non-Muhammadan Rural) : Was it not in 1921, Sir ?

Mr. A. R. Dalal : That point, I submit, Sir, does not arise out of the consideration of this measure. If any hardships are being undergone by deck passengers, they are being undergone by deck passengers travelling throughout the various ports and not merely by deck passengers travelling to Malaya. As for the conditions of the voyage of emigrants to the Malaya States, perhaps, I might expand my remarks to a certain extent. Recently, the Government of the Malay States urged the shipping companies to increase the number of their vessels and the accommodation on board ship, and I understand that two very fine vessels have been put on by the shipping companies at the request of the Malaya Government for the conveyance of emigrants and those vessels which were formerly conveying 5,000 British troops are now only conveying 3,000 emigrants. The accommodation provided for emigrants travelling to the Malay States is therefore very much in excess of what is laid down under our Indian Merchant Shipping Act and is better than the accommodation provided for British troops. Under these circumstances, Sir, I do not think that my Honourable friend has made out any case for removing the proviso altogether. If we were going to do so, we should have to consult the shipping companies and it would be impossible for us to carry this measure through in the present Session and that would be defeating the Bill altogether, because we would not be able to give effect then to the recommendation of the International Labour Organisation and bring into operation the provisions of this Convention by the 1st January 1928.

Mr. President : The question is :

"That in clause 2 of the Bill, in the proposed clause (cc), the proviso be omitted."

The motion was negatived.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. A. R. Dalal : Sir, I move that the Bill be passed.

The motion was adopted.

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. President in the Chair.

RESOLUTION *RE* CENSORSHIP OF CINEMATOGRAPH FILMS.

The Honourable Mr. J. Crerar (Home Member) : Sir, I beg to move the following Resolution :

"That this Assembly recommends to the Governor General in Council that he be pleased to appoint a Committee to examine and report on the system of censorship of cinematograph films in India and to consider whether it is desirable that any steps should be taken to encourage the exhibition of films produced within the British Empire generally and the production and exhibition of Indian films in particular."

Sir, in view of the fact that a considerable amount of criticism has lately been passed in this House upon the appointment of Committees and of the

[Mr. J. Crerar.]

fact that on some occasions the Government of India have been unwilling to appoint Committees which this House has been desirous of appointing, I should have some hesitation in making this motion if I did not feel confident that I had a really strong and convincing case to lay before the House. I think that in the matter of appointing Committees there are two considerations to be taken into account. The first is whether there is a problem of sufficient importance and urgency to call for an inquiry and the second whether a Committee of inquiry is the best means of carrying it out. I shall revert to this particular point later. Meantime, I think I need say very little to emphasise the great importance of this question. It has been pressed very strongly upon the notice of Government in many ways and in particular on more than one occasion by Resolutions moved in the Indian Legislature. The last occasion, in fact, on which it was prominently brought to the notice of Government was the Resolution moved by the Honourable and learned gentleman who is the Leader of the Congress Party in another place. Sir, the rapid and extraordinarily wide development of the cinematograph throughout the world has brought a new force into being. It is as a matter of fact now one of the great forces for good or evil now operating upon society. In respect of very large sections of the population it rivals, if in some cases it does not even surpass, the power of the printing press and the platform and even the pulpit for the communication and dissemination and formation of ideas. It has a peculiar appeal because it appeals directly to the eye. It is not only that the cinema has become a favourite amusement of large sections of the community. We have to deal with what is not only a great force but what may be a great art. And in dealing with matters of that kind, we have to be very careful of the principles on which we proceed and the expedients by which we propose to operate. Now, Sir, the censorship in itself, however efficient the censorship may be, is by no means a final answer to the various problems which the cinema sets up. Censorship in all forms is an extremely difficult and extremely delicate task. It imposes a very heavy responsibility on those who are entrusted with it and it is not unnatural that the operations of the censorship should be subject to a very great deal of criticism. Indeed, Sir, I do not overstate the case when I say that an official censorship set up by law of all forms of official activity is itself one of the most exposed to censure. It is by no means easy to establish any rigid or hard-bound rules by which the censorship could operate. If, for example, we set out to exclude from the cinema such matter as an educational authority might exclude from school books we should find ourselves very much in the wrong. If we attempt to proceed on rigid principles of that kind, if I may paraphrase a familiar phrase, the public would fight and the public would be right.

Sir, I intend to dwell very briefly on what is the existing law. Two Statutes were passed, one in 1918, and one which very considerably amended it in 1919, to set up a censorship. The main principle adopted was that the Government of India should be empowered to authorise Local Governments to institute boards of censors and it was then provided that at least half of such boards should consist of non-official members. In pursuance of those powers the Government of India have authorised the Local Governments of Bombay, Madras, Calcutta and Burma to institute such boards. Those provinces have been selected for the natural reason that they are sea port towns and the points at which the greater part of

films shown in India come into the country. Other Local Governments are of course not left without powers. The certificates of films which are censored by the boards at the 4 centres I have mentioned are in the first instance valid for any part of India. But the Local Government may at its own discretion declare to be uncertificated any film which they consider unsuitable for exhibition in their own jurisdiction, and such a film cannot be exhibited. Other local authorities have also powers enabling them to deal with matters arising in their charge. The District Magistrate, for example, may, if he finds that a film which is being exhibited or is proposed to be exhibited, in his charge, is unsuitable, suspend the certificate and submit the case for the orders of the Local Government. That, Sir, is the general existing machinery and so far as the actual powers which it conveys are concerned, I do not think they are inadequate. The question is largely whether we have arrived at the most convenient method of applying them. As I have said, it is impossible to attempt to establish any machinery with standards of universal application.

The kind of criticism which has been made against the operation of the existing censorship is of a very diverse character. Exception has been taken by members of the European community, to a class of films which has particularly aroused the criticism of the members of that community and which are of a type of film, usually coming from America, which, without coming within the extreme limits which obviously render the film unfit for exhibition, nevertheless represent customs of society and manners in an undesirable light. That objection has been taken not only by the members of the European community. The objection has been taken equally strongly and in respect of the same matter by Indian opinion, and the point was argued at very considerable length and with great force and lucidity by the Honourable and learned member, to whom I have already referred, in another place. Then there are questions of a provincial point of view. For example, there is a case which came to my personal notice. It was a film dealing with the life of Buddha. It was imported I think, at Bombay and was there certified. The film, as a matter of fact, dealt with a great and sublime episode in a reverent and respectful spirit. It was produced in Bombay, Calcutta and in many parts of India without any objection being taken to it. But when it was produced in Burma, very strong exception was taken to it. There are several instances of that kind which I could quote which indicate that films may be passed by the board of censors according to very reasonable standards for large cities like Bombay or Calcutta, but which, nevertheless, when they are exhibited to less sophisticated audiences in Upper India, are found to be objectionable. That point of view has been impressed upon the Government of India from several parts of the up-country of India. As regards the criticisms that have been made regarding the work of the boards of censors, I should like to point out that to a very large extent they have been of a very general nature, which makes it difficult for the boards to take effective notice of them. I would suggest one practical measure that if in any film anything obviously objectionable comes to the notice of any private person, the best course is to call the attention of the board of censors which certified it, not in general but in specific terms. Criticism of that character would be of very material assistance to the Boards.

Now, Sir, in the various discussions which have taken place on our general system of censorship, on more than one occasion the suggestion has

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been made that the particular machinery set up by the Acts of 1918 and 1919 was not well conceived. A non-official Member of the Legislature actually urged upon the Government of India that the censorship ought to be strictly official, strictly stipendiary and central. There are some obvious objections to that course being taken, but it is a view which has been very widely held, even by Indian public opinion. Of course, if any change were made in that respect, it would be necessary that the matter should come before the House in the form of legislation. Now, in referring to the criticisms which have been levelled upon the existing machinery of the censorship, I desire particularly to be understood as not in any way endorsing those criticisms. I think that the work done by the two main boards which deal with the greater part of the work, namely, those at Bombay and Calcutta, has been carried out on the whole extremely well and that the country is under an obligation to the members of those boards, both official and non-official. The standards that they have set up are, on the whole, sound and practical. But there are, as I have pointed out inherent difficulties in the case and it is desirable that the whole system should be overhauled and examined.

The second part of my Resolution refers to a somewhat different matter. It refers to the question of the industry as distinct from the question of the censorship. The Resolution refers in particular to the films produced within the Empire and especially to those manufactured in India. The question was raised before the Imperial Conference I think two years ago, on which India was represented. A resolution was passed suggesting that all the Dominions represented at the Conference should consider this question.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : May I ask who represented India in that Conference ?

The Honourable Mr. J. Crerar : I think it was Mr. Chadwick, but I am not quite sure. At any rate, that resolution was adopted. Whether we find it possible to proceed on these lines or not, it would be premature to say. That is a question which might very well be examined. But, in particular, I think the question of the Indian film industry is one which ought to engage the sympathy of this House and is a matter which ought to be inquired into. At the present moment the manufacture of films in India has hardly got beyond the initial stage. There is no reason why it should not become a large and a thriving indigenous industry. Personally, I should welcome a large extension of the manufacture of films in India because I consider that Indian films, if properly contrived and properly treated, would be in many respects more attractive to the average Indian audience than foreign films, the attractions of which often are of a very doubtful character. I think that films of that character, if we could get them, would not only be more instructive and more interesting to the Indian public, but would do a great deal to squeeze out from the market those films which we all unitedly condemn. I think, therefore that if a committee of inquiry could devise means by which this nascent Indian industry could be encouraged and put upon a sound footing, it would have rendered a very great service not only from an industrial point of view but from the point of view of instruction and healthy amusement.

Now, Sir, I do not want to delay the House longer on this point. I only wish to say this. The constitution of the Committee which the Government of India have in mind would be a small committee with a preponderance of non-official representation. We contemplate a committee with a non-official Indian chairman and I think that it would not be improper on my part to inform the House that if this Resolution is passed and the committee is duly appointed, Diwan Bahadur T. Rangachariar, late Member and Vice-President of this House, has been good enough with great inconvenience to himself to consent to assume the duties of the Chairman. (Applause.) Of the five other members of the Committee, we propose that three should be non-official, two of them Indian and one a non-official European ; that is to say, in all four non-officials of whom three, including the Chairman should be Indian. The remaining two members were contemplated to be officials. The necessity of that is, I think, apparent. The question of cinematograph censorship, the whole organisation that has been set up, is a matter now of very considerable complexity and technicality and a purely non-official committee, however, constituted, would spend a very great deal of their time in exploring, the voluminous, almost overwhelming correspondence, which exists on the subject before they could really extricate the issues to which their attention ought to be directed.

I revert now to the point why it is desirable that a committee should be appointed to deal with this problem. The magnitude of the problem, its complexity and its difficulty will, I think, be recognised generally. When I say that we cannot get any further without the appointment of a special agency, I have some credentials for expressing that opinion. I have myself been personally connected for nearly nine years now with the whole course of the correspondence and discussions which have taken place in the matter of cinematograph censorship from 1918 when the first Act was passed. I have seen it from the point of view of a local board of censors. I have seen it from the point of view of the Local Government. I have seen it from the point of view of the Government of India. I hardly like to compute the many hours, the many days which I have spent in reading the extraordinarily voluminous mass of correspondence, of despatches, and of other proceedings on paper in the course of the enquiry. I am convinced that we have now arrived at a stage when nothing effective can really be attained without some special agency for the purpose. The ordinary methods of correspondence will serve merely to add to the volume of our records without adding very much to our knowledge of the subject or to the practical expedients which we should undertake to deal with the question. I am convinced of that, and I hope the House will agree with me. We have now, I say, reached the stage where the ordinary method of examining questions of public importance by correspondence between the Government of India and the Local Government and between the Local Government and the various subordinate authorities has been nearly exhausted. We have passed that stage and it is because I am convinced, that we have passed that stage, that I have put forward this proposal before the House. If the House agrees with me that this is an important question, one which ought to engage the attention both of the executive and the Legislature, one on which some advance ought to be made, then I trust it will agree with me that the committee that I have suggested ought to be appointed.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, I rise to move the amendment which I

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have given notice of and which runs as follows :

"That for the original Resolution the following be substituted :—

'This Assembly recommends to the Governor General in Council that he be pleased to appoint a committee consisting of a majority of non-official Indians with an Indian as the President of the committee :

(*a*) to examine and report on the system of censorship of cinematograph films in India ;

(*b*) to examine and report on the kind of films now exhibited in the various theatres ;

(*c*) to suggest legislative measures to be adopted for preventing and penalising the exhibition of films having a demoralising effect ;

(*d*) to consider and report on the desirability of preventing religion being dragged into the films of cinematograph '."

Sir, I have heard with great pleasure the fine arguments of the Honourable the Home Member in presenting his case for proving the necessity of appointing a committee for cinematograph censorship. The Honourable the Home Member started by saying that this House is naturally prejudiced against committees and that, therefore, he with great diffidence moved the Resolution relating to the appointment of a committee. But I may assure him that, if the Government have the same warmth in putting into force the recommendations of a committee as they have at its institution or inauguration, surely much of the prejudice of this part of the House would have faded long ago. On the other hand, what do we find in practice ? We find in practice at the inauguration of a committee, all the warmth and zeal is exhibited by the Government. They start with big pronouncements ; they start with pompous declarations and they start with all sorts of communications. But after the committee have sat for a long time and after they have spent lakhs of rupees of public money in their investigations, and after they have made the recommendations, then comes all the delay and the disinclination and the aversion to give effect to those recommendations. If this be the conduct pursued by the Government of India, we are amply justified in viewing with alarm the starting of any committee. I hope the Honourable the Home Member will in this case, at least, try to give effect to the opinion of the Indian members on the committee, such as he has described to us, as forming the constitution of this committee.

Sir, when I read this Resolution, I considered, at first sight, that it was of the gravest importance that a committee of this nature must be appointed to make the enquiries under contemplation. But, when I got deep into this, I found the Resolution as framed by the Honourable the Home Member contained words which must be taken with a little bit of suspicion and alarm by this part of the House. Sir, in this Resolution the Honourable the Home Member says :

"That the committee should consider whether it is desirable that any steps should be taken to encourage the exhibition of films produced within the *British Empire* generally and the production and exhibition of Indian films in particular."

Sir, I do not know why this partiality should be exhibited for films produced in the British Empire alone. If the films exhibited in cinematographs are to have an educative value to the audience which are attracted to it, then I cannot understand this partiality shown to the British products. I, for one, Sir, will always be willing to have films of all countries exhibited in cinematographs provided they do not

have a demoralising effect, provided they are not calculated to humiliate one section of the world and exaggerate the virtue of another section of the globe. If that be the object with which these films are exhibited, if the cinematographs represent the true state of conditions, they thereby act as an educative force. Then, I am sure, films coming from Japan, films coming from China, those coming from Russia, from Germany or those coming from any country for the matter of that, must necessarily be wholeheartedly welcome to Indians. I do not for one moment understand why this Imperial Preference, why this preference for British films alone must be shown even in the cinematograph industry. They have a good deal of preference in every industry and in all other things that concern the British interests. At least so far as the film industry is concerned, let them not have this partiality for British Empire films, or for Imperial films alone.

Sir, the Honourable the Home Member has also stated that the censorship is being made effective and is worked with more or less efficiency. But, Sir, the proof of the pudding is in the eating. When we see the various kinds of films that are exhibited in this country, we find that there has been absolutely no efficient or effective control over the exhibition or the selection of appropriate films in India. I am glad to hear from the Honourable the Home Member that the European community itself has expressed resentment always at the manner in which the Western life is depicted in the films in this country. Yes, they feel it, and I wish that feeling is also reciprocated. I wish that it is also realised that when we Indians are depicted in books like that of Catherine Mayo and when we resent the atrocious manner in which we are depicted in books of that sort, I hope that the Honourable the Home Member will realise and appreciate the feeling of Indians. I say with all the emphasis that I can command that we are injured by such films, by such book-films and by such treatises aided and subsidised and financed by the various persons who are interested in humiliating this country. If, Sir, some of the pictures which are depicted in this book are to be transformed into films and brought to this country and exhibited in the cinematographs, then I hope the Honourable the Home Member will stand by our side and see that these films are prohibited. I feel for the European community. I appreciate their indignation when Western life is depicted in the most undesirable ways in this country. I hope that feeling will also be reciprocated by the Honourable the Home Member so far as we are concerned.

Sir, the Honourable the Home Member has informed us what the constitution of this Committee is going to be and he has informed us that the Indian President has already been selected. I am glad to hear that. Sir, very often we do realise that Committees are pre-arranged, pre-formed, and everything is settled and the recommendation of this House is only a formal affair. However, if this Committee is properly constituted we shall have not the least objection to that. But as it is we do not as a matter of fact find that there is a majority of non-official Indians, and I do not see how Government will suffer if they satisfy the desire of this part of the House by adding one more Indian and thus make it a majority, which my amendment seeks to do.

In the amendment of which I have given notice I have not tried to exclude any of the main purposes for which this Committee is to be

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appointed according to the scope of the Resolution moved by the Honourable the Home Member. But I wanted to emphasise the fact that certain necessary instructions must be given to the Committee in the shape of definite propositions and definite powers which they have to exercise as members of the Committee. Oftentimes you find that the members of a Committee are told that a particular enquiry or a particular investigation is not exactly within the scope of the reference. To avoid that sort of thing I place before the House certain items of specific reference which must be considered by the Committee. First of all, I say, Sir, it is " to examine and report on the system of censorship of cinematograph films in India "—which I have reproduced from the Honourable the Home Member's Resolution itself ; but I have also asked them not only to examine and report on the system of censorship but to examine the actual films that are being exhibited in the various cinematographs, so that they may see how far the censorship is obeyed. If the censorship is not properly obeyed and is in practice ineffective it is the duty of the Government to frame the necessary legislation in order not only to prevent undesirable films coming into existence but also to punish those who have exhibited films contrary to the censorship.

Now, Sir, the most important thing that I wanted to put into this amendment of mine is the question of religion not being dragged into the cinematographs ; and I am glad to see that the Honourable the Home Member has himself stated an instance where the Life of Buddha was exhibited as a picture and approved in various parts of this country but when it went to Burma there the devotees of Buddha resented it and it was found to wound the religious feelings of Buddhists in that province. I can also quote to my Honourable friend the Home Member several other cases in which religion and religious legends and incidents which are recorded in the Puranas and the Holy Texts have been dragged into the films. There is the birth of Krishna, there is the Kalinga Mardana Droupadi Vastrapaharana. So many things of this character are now being manufactured by Indian film producers. I found also at these exhibitions that a good deal of Puranic history has been converted into some false stories, legends and other things. So great is the mutilation of it that when these pictures are taken to other countries, as sure as anything those other countries will try to ridicule them without understanding where the mistake lies or where the mistake does not lie. In this connection I may point out to the Honourable the Home Member the remarks of the Editor of the *Madras Mail* about the mentality of the persons who attend these cinematograph exhibitions. He says :

" It is extremely difficult for a member of the audience constantly to remind himself that the scenes he is witnessing are influenced by the place of their production, the nationality of their producer, the kind of people he works with, the producer himself and by the actors considered in similar relations. Even the most aloof, critical and highly educated person is only partially able to rid himself of the impression that the camera does not lie when a film is convincingly presented."

That shows the enormous psychic force and the psychological effect which is produced by the films upon persons of various kinds of education and culture who are attracted to them, and it is absolutely necessary that a good deal of care should be taken in seeing that the Puranas

and other religious subjects are not brought into the scene of ordinary cinematographs. Of course the Honourable the Home Member has stated how British people do not appreciate and even condemn the American cinemas. I believe the reason is also mentioned by the Editor of the *Madras Mail* as to where the crux of it lies. The *Madras Mail* says :

"The outcry against the American war film 'The Big Parade', for example, was directed not against any actual details of presentation, but against the underlying assumption of the film that America won the war."

Therefore the British people naturally resent America exhibiting in all the cinematographs that they won the war, and not the British people. And if the British resent this simple thing, how much more must we resent it if our religion is sought to be exposed even to the extent of being humiliated by foul and perverse stories. Therefore, I am strongly of opinion that much care must be taken by this Committee in prescribing what kinds of films alone can be exhibited. Sir, the film exhibitor after all is not there for educating the people ; he is not an educationist. On the other hand, he is a commercial man. The more he can draw people to his shows, the more profitable it is for him. Therefore he mixes up so many things which are false but which he wants to make appear true, as the Editor of the *Madras Mail* again points out :

"For him a historical picture means 90 per cent. production and 10 per cent. historicity. Production is the art of making the impossible credible. British historical films have largely succeeded in making the truth incredible."

If, in dealing with history, the truth is presented in such a crude and undesirable manner what shall we say when they begin to deal with our Puranas which belong to 5,000 or even 10,000 years ago ? They are exhibited to us in most humiliating forms and in figures which are ridiculous, humiliating and demoralising. I say, Sir, that it is absolutely necessary that this Committee should work promptly and immediately. It is also equally necessary that as we are dealing with the exhibition of films in this country and dealing with films relating to this country, the majority of that Committee must be Indians. Indian sentiment must prevail and it must be properly brought before the notice of the Committee. These things are absolutely essential and, therefore, I request the Honourable the Home Member to consent to this amendment by raising the number of non-official Indians that are to sit upon this Committee, to such an extent as to make it a majority. Certainly he is interested in seeing that the films are properly regulated, controlled and checked in the interests of both the European as well as the Indian community ; and among non-officials there are certain Europeans domiciled here who will no doubt take an interest in this matter. I will go to the length even of not objecting to such a member on the Committee who will make it a non-official Indian majority. I for one have been anxious that this Committee should commence its existence soon if it is to do really useful work ; and therefore it is that I did not put into my amendment that the non-official members of the Committee must be elected by the elected members of the Legislature which might act as a red rag to the Government. I avoided all these expressions for the sake of promptly bringing into existence this Committee, and provided the Honourable the Home Member agrees with my view in this matter, a view which I believe is shared by all my Honourable friends on this

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side of the House, the Committee will be quite acceptable to the Indian community.

Sir, I move the amendment.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I am fully alive to the necessity of appointing a Committee for the censorship of films, but I agree with my Honourable friend Mr. Duraiswamy Aiyangar that the sphere of the activities of this Committee should not be confined only to encourage the exhibition of films produced within the British Empire. I think, Sir, as he has already pointed out, that no Imperial preference should be given in this connection.

The other point, and the point in my opinion which is more important than that, is the appointment of the Chairman of this Committee. Sir, I have great respect for the Honourable Mr. Rangachariar. He was for a long time a Member of this Assembly and I have very great regard for his ability. But I consider it a slur upon the present Members of this House that an outsider should be given preference in being appointed to an office or as a member of a committee. I note that the Honourable Mr. Rangachariar was appointed by the Government to represent India in Australia last year, and now I find that the same Honourable gentleman is appointed as Chairman of this Committee. It means that the Government have no faith in the capacity of the present Members of this House or that they consider that the present Members are not fit to hold that office in the Committee which is being appointed. I have not the slightest idea of saying anything against the Honourable Mr. Rangachariar, but what I submit is that making a selection of the members and office bearers of such Committees the rights of the present Members of the House should be kept in the forefront. If, of course, no Member of this House is willing to serve or is capable of working on such Committees, then an outsider may be appointed. But as long as Members of the House are willing and capable of holding office or of being Members, they should be given preference over outsiders. The work of censorship of cinematographs is not I think such a highly technical thing for which you require the special knowledge of an expert ; and even if you do require it I do not think my friend Mr. Rangachariar possesses any special qualifications in that direction. He is a distinguished member of the Bar and I think we, in this House, have many distinguished members of the Bar like the Honourable Mr. Rangachariar. I therefore strongly urge upon the Government that in appointing the office bearers of committees they should not go over the heads of the present Members of the House, who should be given preference in the matter of such appointments. With these reservations I support the Resolution.

Lala Lajpat Rai : Sir, I consider it my duty to enter an emphatic protest against the insidious way in which various methods are adopted to thrust the principle of British Imperial preference upon this House through the back door. I think this is a very objectionable procedure and I wish the Members of this House were strong enough to-day to show to the Government their resentment of the procedure adopted by the Government. Sir, I do not object to the appointment of a Committee to consider the question of censorship of cinematograph films ; but I find

that the real object of this Resolution is practically to afford a kind of protection to films produced in the British Empire. As regards the encouragement of the Indian industry it is all eye-wash. We know that the Indian industry is not in a good condition. I would rather urge that no films except those produced in India should be exhibited in India at all. I do not see any reason why the British Empire should have the preference, and why only films produced in the British Empire should be exhibited and not those produced in any other country. If this principle is going to be adopted I do not see why it should not be introduced all round specially in the book industry as well. Cinematographs have an educational value ; so have books. Authors of books are being encouraged to come to this country and Government officials co-operate with them so that they may write books which are extremely humiliating to the Indians, full of lies and insulting to the manhood and womanhood of this country. I do not understand this parental solicitude to protect the morals of the people of this country. I cannot see any purity of purpose behind this Resolution considering the attitude and behaviour of various officials in connection with a book which is now on the lips of everybody in this country. I can see no basis for this Resolution except the anxiety of Government to protect and encourage British produced films. Why not extend that anxiety also to the protection of British Empire produced books and give those a preference over American produced books. If an American author can be imported into this country and helped in the work of degrading the people of this country, I see no reason at all why American films should not be exhibited in India. The European community is very anxious not to let films into this country which depict a degraded view of European life. But are those films entirely false ? And, if they are true to the life of the people, why should there be any objection raised to their being exhibited in this country ? Sir, I have travelled in many countries and I think there is a deliberate conspiracy amongst film producers in the various countries of Europe and America to bring into discredit and contempt all Asiatic countries by means of cinematograph productions. I have seen several films in England and elsewhere in which most disgraceful and humiliating scenes representing Asiatic life are shown nauseous details of a rajah's life or a nabob's harem, which are produced simply to prejudice the English and other people against Asiatics in general and Indians in particular. I say that the anxiety behind this Resolution is not genuine and is really an anxiety to protect the British film industry, because perhaps the British films in competition with the American article do not draw such crowded houses and do not bring in much money. I therefore strongly object to the whole of this Resolution, unless the words relating to British Empire preference are entirely deleted. If those words are deleted, I will have no objection to the Resolution. (*An Honourable Member* : " They are not in the amendment.") But in the amendment there is one defect which I wish to point out, namely, that the Honourable Mover has not added the words " manufactured in India ". His amendment therefore gives no encouragement to the film industry in India. If he adds those words the amendment will be an excellent one.

One word more. The Honourable the Home Member has told us that there was some kind of conference in England which discussed this

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subject and India he said was properly represented. I humbly beg to say that that is exactly how India is being wrongly forced to accept proposals which are said to be for the good of the Empire and which are very detrimental to India. No one in this House was ever consulted in this particular matter. No Indian was ever sent who could be said to represent the people of this country. This is the case generally in relation to all International or Imperial Conferences. Britishers that are sent support British interests rather than Indian interests. I wish emphatically to protest against this procedure of committing India directly or indirectly to various schemes of Imperial preference through people who do not represent India and who do not know India's wishes, who nevertheless commit India to schemes to which it is claimed afterwards that India was a party and therefore must abide by the commitments thus made. I submit that is a very objectionable procedure to which we on this side of the House very strongly object. To the League of Nations, the International Labour Conference and various other Conferences representatives are sent who do not represent the wishes of India and who make statements and commit themselves to schemes entirely detrimental to the interests of this country. We on this side of the House insist on non-official representation ; but the procedure which Government adopts is a very roundabout one ; and there are non-officials and non-officials. Government has got into the habit of catching hold of one or two gentlemen to represent non-official India in the different Conferences. Some times it is a Hindu and some times a Muslim ; but the character is almost always the same. He is ostensibly nominated to represent poor India's interests, the interests of 300 millions of the people of this country. Whatever he says, whatever he agrees to, is afterwards quoted as having been said or agreed to on behalf of India. That is a course which we strongly object to.

Then I come to the constitution of the Committee. My friend Maulvi Muhammad Yakub has dealt with that. I do not want to insist that the Members of this House only should be appointed to this Committee. There are many people in the country who can well perform that duty, but I may inform the Honourable the Home Member that the gentleman whom he proposes to appoint as Chairman does not inspire any enthusiasm in Nationalist circles and is not likely to protect the interests of the people of the country. He is a very able man ; he is a very good man ; but somehow or other he has a weakness for what I may call the milk and water policy. I say nothing against him. He is a very good man ; he is a very able man. (Laughter). But somehow or other he is a favourite of Government. For this reason, Sir, I say that.....

Mr. President : The Honourable Member is speaking against Diwan Bahadur Rangachariar.

Lala Lajpat Rai : I am not saying anything against him, Sir; nor have I said anything against him. What I am saying is that he is not the sort of person who is likely to inspire any enthusiasm amongst us, in spite of his ability and in spite of his goodness. Therefore, Sir, the mention of his name does not take us any further. I do not attach very much importance as to how many non-officials there are on this Committee. I only

object to the element of introducing British Imperial preference in this otherwise simple and innocent Resolution.

*Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, I desire to associate myself with all that my friend Lala Lajpat Rai has so forcibly and eloquently placed before the House on behalf of us all, Nationalists, who feel very keenly in this matter. But, Sir, I desire, in the first instance, to say that the logical conclusion of the reasoning which he so lucidly set forth must be that he should not be prepared to accept this Resolution merely with the omission of the words " within the British Empire ". On the other hand, I feel that the Honourable the Home Member having come to this House with a Resolution to strengthen his hands ought to have left it to this House to elect the Committee which is to sit and examine this matter. We claim, Sir, that it is the right of this House, when it passes a Resolution for the appointment of a Committee, to choose the Committee, and I do not see how otherwise this Resolution can properly be brought before the House. Sir, the Government in this country possesses any amount of power; not only does the Government in this country possess immense powers, but the Government in England can pull the wires from behind and can get this Government to do most atrocious things. If that is the state of things, Sir, I do not see why the Government of India should now come to this House and ask us to give them the power to appoint a Committee which they can do themselves. If it is necessary then that this Legislature should be a party to the appointment of this Committee, I say it logically follows—and Lala Lajpat Rai has definitely indicated it—that it is the duty of this House to appoint this Committee in the same manner in which it has been appointing so many Committees in connection with the administration of this country. Therefore, Sir, my objection to this Resolution is based not merely on the insidious method employed for introducing Imperial Preference, but because it derogates from the right of this House to elect its own personnel.

Sir, much has been said about the appointment of a particular fellow Indian of my province.

Mr. President : Order, order. The Honourable Member ought to be more dignified.

Mr. A. Rangaswami Iyengar : I say fellow countryman of my province. Sir, I am not concerned here to discuss the merits or demerits of Diwan Bahadur Rangachariar, and I do not think they are germane to the Resolution before us. The real thing that we want is that the Chairman of this Committee should be appointed by this House, and when this House is asked to affirm the propriety of appointing a Committee, it is the duty of this House to point out as to who the Chairman should be, and the duty of judging of the qualifications or of the fitness of any Member, whether of this House or not, must pertain to this House. I therefore strongly object to the Government of India appointing the Chairman of this Committee. And I ask, Sir, why does the Honourable the Home Member ask this House to recommend to the Governor General in Council to appoint a Committee ? If the Governor General in Council possess the power, of course he does it himself; but if, on the other hand, he thinks this House

* Speech not corrected by the Honourable Member.

[Mr. A. Rangaswami Iyengar.]

is good for anything, he can consider it good enough also for the appointment of the Committee. Therefore, I sincerely trust that the Honourable the Home Member would be pleased to allow this House to elect this Committee and also to omit the words " within the British Empire", and that he would adopt the policy which his colleague the Honourable Sir George Rainy has definitely accepted and is out here to carry it out, namely, that of protecting Indian industries. Therefore, I hope, Sir, that both these amendments will be accepted by the Honourable the Home Member.

Colonel J. D. Crawford (Bengal : European) : Sir, I rise to congratulate the Government on having taken steps to bring the Cinematograph Censorship Act under revision. I am one of those who have received very many complaints from my own community regarding the misrepresentation of the conditions of western life in cinematograph films shown in this country, and I can sympathise with my friend, Mr. Duraiswamy Aiyangar when he says that his community also have objected and must rightly object to any misrepresentation of Indian life in western countries through the cinematograph. Sir, the cinematograph is, I believe, of great educational value ; it is one of the greatest educational factors of the future, and it seems to me perfectly right that we should do all we can to see that the films presented in public places, both for amusement as well as for instruction, should be of the very best stamp and kind.

In regard to one aspect of the Resolution, namely, the production and exhibition of Indian films in particular, I feel that that is a point of very real importance. Sir, if the cinematograph industry is to flourish in this country, it has not only to serve a few communities, but it has got to serve all the different communities that inhabit this vast continent ; it has also got to penetrate right through into the Indian villages. For that purpose I feel very much in sympathy with my friend Mr. Duraiswamy Aiyangar's amendment, that the proposed Committee should have a non-official Indian majority, because I feel that a Committee of that description is likely to know exactly what type of film is wanted for Indian audiences.

I do not think, Sir, that the rest of his amendment is complete, although all the big questions he has put down are questions which will undoubtedly be examined by the Committee. I agree with my Honourable friend Lala Lajpat Rai that the question of building up an Indian film industry should be included. In India we have climatic conditions admirably suited to the building up of a film industry. In our historic life, there are romantic and historical incidents which would make very admirable pictures if the industry is controlled and guided on right lines, and altogether we have a great opportunity in India of producing films which will show to the other parts of the world what India really is, and that, to my mind, Sir, is a matter of very great importance. Sir, I would strongly support my friend Mr. Duraiswamy Aiyangar's suggestion that there should be a non-official Indian majority on the Committee, and I trust that the Committee will be able to produce really something more satisfactory than the present system of censorship, and will give very real assistance for the building up of an Indian cinematograph industry.

Mr. Muhammad Yamin Khan (Nominated : Non-Official) : Sir, I am one of the regular cinematograph goers, and when I go to a cinematograph, I do not think I care very much to see whether the film is produced in Germany, America or England or in India ; but I go with a view to see good art and to get good enjoyment. I think, Sir, everybody who goes to a cinematograph has only one point in view, and it is that, after the day's work is over and after having spent the whole day (*An Honourable Member* : "In the Assembly") say in the Assembly or in other places, one would like to have some sort of relaxation which may give some relief to his brain. But one thing which I have noticed in England is that there are certain cinematographs which are reserved for people of tender age, the like of which we do not find in this country. There were cinematographs which were very instructive and certain cinematographs specialised themselves in producing films of the type which may give good instruction to people of tender age. One cinematograph I remember used to produce only historical events like the life of Queen Victoria, Julius Caesar, Napoleon Bonaparte and others. There were other cinematographs which produced only social events. Then there were others, Sir, which produced different kinds of films for people of different tastes. Here what we find is nowadays really one thing which is coming from the Pathe films and other films which come to India, though I do not attach so much importance to this kind of feeling which might be prevailing in the mind of my Honourable friend, Colonel Crawford, that people in India consider western life as they see it in the cinematograph—and they see western life in the worst form of it—or they attach some value to it, thinking that it is western life or what life, as I go to the cinematograph and I have a talk with many of the people who go regularly to the cinematograph, I can say that they do not think a bit about whether it is representing western life or not, but they want only some kind of fun. Nobody takes it seriously that it is really the life of western countries that is depicted. They say it is only some foolish acts that are done on the cinematograph and are shown just to please men.

Lala Lajpat Rai : All are not like Mr. Muhammad Yamin Khan.

Mr. Muhammad Yamin Khan : I think most of them are like myself.

Lala Lajpat Rai : I doubt that very much.

Lieutenant-Colonel H. A. J. Gidney (Nominated : Anglo-Indian) : Who says this ?

Mr. Muhammad Yamin Khan : But I quite agree with one point which has been made by the Honourable the Home Member and by other Honourable Members too, that there are some films that, though they may be amusing to some people, are really objectionable if we find that they are visited by young boys from college or school children and women, and they find that these films go beyond the limit of decency. Those kinds of films are really objectionable. Though some things may not be considered objectionable in western countries, for instance in Europe and America and other places, from the point of view of India, on account of the different social customs prevailing here, they are really objectionable.

Mr. President : What about the Resolution ?

Mr. Muhammad Yamin Khan : That is what I am saying. The Resolution aims only at stopping these very films which I was just mentioning. It asks that these objectionable films should be stopped and should not be exhibited. That is the only thing which we want at present in India. But to come to this conclusion and to make recommendations, Sir, we can only do this in two ways. Either by creating public opinion which may insist that these films should not be exhibited, and that nobody should patronise these films when they come, which is impossible. This cannot be done by creating any public opinion in favour of such action because the people who have got the cinematograph business can always find an audience willing to patronise them even by showing the worst kind of films and the most objectionable kinds of films too. Now, the only thing that can be done is by legislation and legislation can be initiated by the appointment of a Committee which will go thoroughly into this matter and after seeing the whole situation they might make definite and substantial recommendations which might be acceptable to the House as a whole.

There is one point, Sir, about the Indian industry. I think the Indian industry in films is making rapid progress. About three or four years ago, the films which were produced in Bombay and Madras—the Coronation Company and other companies—were worthless and did not attract any kind of audience. People would not like to go to see them in preference to the American films or English films or French films. But now I see that rapid progress has been made by these companies and they are putting up some very good shows, and this industry I think deserves a great deal of consideration and encouragement by this House. But one difficulty to my mind is coming up in the Indian Films Act, and I agree with my Honourable friend Mr. Duraiswamy Aiyangar's suggestion in clause (*d*) of his amendment with regard to the desirability of preventing religion being dragged into cinematograph films. In most of the films shown in India at present I find there is a touch not of social events but of religion : they drag in religion or some very delicate points and communal questions which are not desirable for creating a good atmosphere in India. And I think from the political point of view and from the social point of view, those things require to be checked.

One word, Sir, about the appointment of the Committee. Certain names have been dragged in which I consider very very unfortunate for this House to indulge in. The name of my old friend, Mr. Rangachariar, has been dragged in. Those Honourable Members who are here who were members of the first Assembly might remember in what esteem we all held Mr. Rangachariar.

Lala Lajpat Rai : Even now we hold him in esteem.

Mr. Muhammad Yamin Khan : He was one of the foremost members and very liberal minded, and he always fought for radical changes in this Assembly. Mr. Rangachariar's character was unimpeachable from all points of view and from all sides in this Assembly. I think it deplorable that any attack should have been made on a Member who is not present to defend himself.

Mr. T. C. Goswami (Calcutta Suburban : Non-Urban) : I have not heard any attack.

Maulvi Muhammad Yakub : May I point out, Sir, that it was not intended to attack the character or the policy of the Honourable Mr. Rangachariar. What I submitted was the question of principle that an outsider should be given preference over the present Members of this House, and this I think is not right, and it throws a slur upon the present Members of the House. I do not in any way want to throw a slur on Mr. Rangachariar, but it is the principle which I consider to be objectionable.

Mr. President : I did not think the cap fitted the Honourable Member. I thought the Honourable Member was referring to the speech of Lala Lajpat Rai.

Mr. Muhammad Yamin Khan : Sir, what I was alluding to was not the speech of the Honourable the Deputy President of this House, and I think like a valiant champion fighting for the honour of the present House, it was his duty to come forward and to say what he said.

I am sorry I cannot agree with his views. I do not think that the present Members of this House have got any preference over the Members who have once adorned the Benches of this House if they are suitable and capable to deal with this case. I do not think that even the present Members should have any privilege over those people who have not had the privilege of coming into this House as Members. It is fighting for a privilege which, I think, will defeat its own ends. I do not think Honourable Members of this House should be so narrow-minded as to want that they should be placed in each and every position and nobody else should have any privilege outside this House. It is too narrow ; we should not take that view ; it is undignified ; it is objectionable from the point of view of India. We should not exclude all Indians who could not come and serve or who have not had the opportunity of serving India here but who are quite ready to serve outside in different spheres ; they should not be shut out and Members of the present Assembly only should not be made to take each and every position. In other words, it is not right that we should get everything and not others. Is it that, if after three years the present Members go out of office, all those privileges should be taken away from them and they must be entrusted to somebody else ? That is not correct. I do not think that at this time the Honourable the Deputy President was voicing the feeling of this House.

Maulvi Muhammad Yakub : The feeling of a large number, at any rate, of the Members of this Assembly.

Mr. Muhammad Yamin Khan : Coming to the merits of the resolution and the amendment, I certainly suggest, Sir, that it is not desirable to have Imperial preference in an industry and an industry which only indulges in amusements and nothing else. One point which strikes at the very root of the thing is this. How are you going to control cinematographs, those objectionable matters which may be coming in or are imported from America or other places, like the film Indian Raja ? He is depicted to be a great villain who abducts all the white girls and who is keeping a big harem in America and who comes riding on an elephant and who after inviting ladies shuts them up in his room. We have got no check over America producing this kind of film. Of course if a film is

[Mr. Muhammad Yamin Khan.]

produced in England, if we have no direct control over the company in England, at least through the Indian Government we could bring pressure to bear upon them. If English people produce a film of that kind, India can produce just the reverse kind of film, showing English life and character badly. Of course that will soon teach every body a lesson. We can only go to this length to see whether the particular film is suited to the condition of the country. We have to see that our country does not get demoralising pictures which may tell very injuriously on the minds of the young and uncultured youths from schools and other places. Indian ladies have now started to see the cinematograph and I like it very much. But would it be desirable that Indian ladies after coming out from purdah should see such kinds of films that are exhibited nowadays ? There should be some check on them and for this purpose there can be only one control, which the Committee can go into. We should not show any kind of suspicion about a Committee that is going to be formed ? Supposing a Committee is constituted which is composed of certain people and the Committee does not do as we expect. The only result will be it will make absurd recommendations ; it is open to this House not to accept them. We can discuss that after the recommendations are made. But it is putting the cart before the horse to say we have got doubts that the Committee is not going to be good, because we do not know what sort of Committee is going to be formed. It was quite right on the part of Government not to mention the names, because we are all human beings, like my valiant champion in the Assembly. It is not right to say that if a Committee is to be formed it should be composed of the Members of the House. No Committee should be formed with the consent of this House, because we are bound on account of our feelings to say that we must prefer the Members of this House over others.

Maulvi Muhammad Yakub : If the consent of this House is required to appointing a Committee, certainly the Members of the Committee ought to be selected from amongst the Members of this House.

Mr. Muhammad Yamin Khan : If this House is consulted about the formation of the Committee, I suppose there are some Honourable Members who have never gone to the cinematograph and they might be selected for this Committee. The only possible suggestion is the suggestion of the Government of India. The Honourable Member in moving his Resolution did not ask this House to form a Select Committee but that the Committee may be formed from outsiders who may impartially go into the whole question.

Maulvi Muhammad Yakub : As if Members of this House are partial ?

Mr. Muhammad Yamin Khan : I suppose that the Member who is expected to sit sometimes in the Chair should know first how to keep himself in order.

Maulvi Muhammad Yakub : Therefore he tries to keep order.

Mr. Muhammad Yamin Khan : At present if Honourable Members, who come and devote long time to the sittings of this House over a month in Simla and about three months in Delhi, are entrusted to do other public work too, I think it will be asking them to do too much. It may

not look very good to some. I know that it will not commend itself to some Members, because it is going against the desires of some Members who want to sit on that Committee. I, at any rate, support this Resolution, and I think the Honourable Member in charge will accept at least clause (*d*) of the amendment.

(Some Honourable Members moved the question be put.)

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I welcome this Resolution, this censoring of American films, I would rather welcome a Resolution which would censor American women. I particularly refer to Miss Mayo and her book. Sir, that book has aroused strong comment from Indians and we all condemn that sort of book. American films have no doubt done great injury to the minds of the Indian public and Indian youth. I find that American books are doing now great harm to the honour and dignity of India. I want British films, they must be good films and should be exhibited in India as well as Indian films and continental films if they are good and if they are educative to students and the youth of India. Sir, I support my friend Mr. Duraiswami Aiyangar's amendment which goes into the details and brings out the essential points that are necessary from the Indian view point. I am glad, Sir, that this Resolution has given an opportunity, to us to condemn the action of a certain American woman and I wish we could bring in another clause in this Resolution by means of which we will be able to condemn every foreign woman who writes irresponsibly anything about India ; and that book, I hope, will be proscribed under certain sections of the Criminal Procedure Code. In reference to films to be exhibited I want only....

4 P.M.

(It being Four of the Clock, Mr. President called upon Mr. M. K. Acharya to move his motion for the adjournment of the House.)

MOTION FOR ADJOURNMENT.

SERIOUS SITUATION IN THE BENGAL NAGPUR RAILWAY WORKSHOPS AT KHARAGPUR.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : Sir, from the pleasures of the cinematograph we have to turn to the pains of the workshops at Kharagpur. At the very outset I desire to convey to you, Sir, and to the Honourable Sir George Rainy the thanks of the thousands of workmen there for affording this opportunity to discuss the very serious situation that has arisen in that place. I want to be very brief, and I shall, therefore, not go into very ancient history. It was last Wednesday when compulsory notices were served upon about 1,300 people asking them to quit the workshops—it was then that the situation became very serious. Nearly 700 men had voluntarily resigned before that date. But on the 7th about 1,300 notices were served compulsorily asking as many men to retire. Then the next day, I believe, the men met and discussed the situation, and came to the conclusion that these notices were served upon men in a manner which was bound to elicit the sympathy of the other men. Therefore, they seem to have gone to the workshops, and simply attended them without doing the work. On the next day, it was that the men were determined that some justice should be obtained for those who, they considered, were unfairly retrenched.

[Mr. M. K. Acharya.]

It was then that the railway authorities found the necessity for locking up the workshops and calling in military aid to guard the streets and the workshops. Sir, the whole thing therefore relates to the retrenchment problem at Kharagpur. I am ready to admit that that retrenchment has been resolved upon evidently by the various agencies concerned from very different motives. It has been given out to the men that it is all brought about under the directions of the Railway Board. And I believe that the Railway Board with the very best of intentions, on the impression that there were too many men in the Kharagpur workshops, came to the decision that a large number of men must be retrenched. That was evidently the motive of the Railway Board. But the Managing Director, the Agent, the Chief Mechanical Engineer and some of the superior officers seem to have had also their own intentions. I do not say that they were wrong or right ; but I do say that they had other intentions than those which moved the Railway Board. Now, Sir, through the kindness of some other officers more sympathetic towards the men in their troubles the men have been able to obtain copies of secret correspondence which clearly shows that this matter had engaged the attention of the Managing Director and the Agent for some time past. In the early part of the year, soon after the unfortunate strikes, they seem to have been discussing this matter pretty seriously, and trying to find out how far the work of the railway could be carried on without depending entirely upon the workmen with whom they were dissatisfied. Therefore, and as a result of this correspondence, an attempt seems to have been made to see whether some, indeed a great deal, of the work that was being done in the workshops could not be got done through private contractors from the Calcutta firms. I will read, Sir, only one or two paragraphs.

The Honourable Sir George Rainy (Member for Commerce and Railways) : May I ask if this document is a document which the Honourable Member admits is not properly in his possession ?

Mr. M. K. Acharya : I am unable to make any such admission. It is a piece of information which has come into the possession of the men, and I want to give it to the Honourable Member to show exactly how the thing has been going on so that he may find out the proper solution. It has been sent to me by the Labour Union and they have obtained it, I take it, through very proper means. As I have said, they obtained it through the kindness of some of the officers who are very sympathetic towards them, and who were willing to let them know how the whole thing was being worked. That is my impression. However, here is the letter from the Managing Director to the Agent in which it is said :

" The work done in shops divides itself into two heads :

(*a*) Repair work,

(*b*) Manufacturing work.

The workshops must do repair work, and because in the early days of Indian Railways there were no private workshops in India capable of doing manufacturing work, railways had to embark on this work themselves. Times have changed and there are many private workshops in India that can turn out good work. The line, I think, we ought to take is to reduce our manufacturing work, giving it out on contract to private firms, and give this reason why we are making large reductions in our workshops."

Then, Sir, on this letter there is a long correspondence. There is a long letter submitted by the Chief Mechanical Engineer to the Agent ; and there he says :

"We are already arranging contracts for the manufacture of a substantial quantity of Loco spares, iron and brass castings and forgings and loco cylinders complete—which we can now buy cheaper than and fully as good as those we make ourselves. We shall probably cast as more cylinders here, and this I hope is the beginning of the end of the foundry."

This last sentence I would like to emphasise. The letter proceeds :

"The very favourable position of engineering firms in Bengal in relation to sources of coal and iron supplies should eventually enable us to do the same as many American Railways, and dispense with our own foundry altogether. Mechanical inspections we can easily arrange for and now that we have our own chemist we are or shall soon be in a position thoroughly to check all supplies.

We now have specifications for practically all our regular purchases in India, and conditions of contract also have been introduced for local manufactures corresponding with those used by our Consulting Engineers at Home, modified only where necessary to fit Indian conditions.

Partly as an experiment and partly to make good the outturn lost due to the strike, we are also arranging contracts with the Indian Standard Wagon Company and Jessops for the repair of a few hundred wagons.

If successful, this measure will indicate another means of rendering ourselves rather *more independent of local labour.* But at present it is an experiment.

A great deal has become possible since the war that we could not contemplate before the war, and the more outside firms become capable of dealing satisfactorily with manufactures for us the stronger will be our own position."

This, Sir, was a letter written about the 3rd of May. I have produced this simply to show what has been working in the minds of the men. The impression that they had was to the effect that whatever motive the Railway Board might have had their superior officers were gradually trying to eliminate local labour and to obtain the requirements of this particular railway from the manufacturing firms of Calcutta. That, Sir, was the position about the beginning of this month. So, when this question of retrenchment came, the men took the view that, if the workshops were conducted in the old way, no very large reductions would be required at all. In fact, in one of their meetings that they held with the Chief Mechanical Engineer or some other important officer about the beginning of August they came to the conclusion that about 700 and odd men would be the maximum number that will be required to be dispensed with. But later when this went up to 2,000, and when in the matter of choosing the men to be sent out it was naturally left in the hands of the subordinate officers, there came the third trouble for the men. I do not of course blame the Agent or the Mechanical Engineer who necessarily had to entrust this work to their subordinates. But human nature being what it is, the subordinate officers picked out those men against whom they had personal grudges. That is the kind of action which exasperated the feeling of the workmen and which made them come to the conclusion that under the plea of retrenchment, a large number of men were sent out in a most unjust manner. Under the plea of trying to put the workshop at Kharagpur on the same working level as other workshops with respect to other railways, under that plea, the subordinate officers gave full vent to their personal grudges against individual workmen. I again repeat that I do not blame the Agent for this. When one of the men interviewed the Agent he categorically denied that there was any intention on his part to victimise the men. He also informed the men

[Mr. M. K. Acharya.]

that if it was proved to his satisfaction that his subordinate officers victimised the men, he would take necessary action against them. But it must be remembered that it is very difficult to get such proofs. Under those circumstances, the victimisation has gone on unchecked. That has aggravated the situation, and exasperated the feelings of the men.

The Union at first were willing to co-operate with the authorities in trying to get a large number of men voluntarily to resign ; and with the willing co-operation of the Union about 700 have up to date been retrenched. That was the position some time last week, when this compulsory notice was served on the men. Then the men began to feel that retrenchment was only an opportunity for sending away a large number of men in the most unfair manner. They feel that they have been working for many years, for some of them have put in 10, 15 and 20 years of service ; that they have really helped to build up the railway to its present level. Having worked for such a long period, they feel that some consideration ought to have been shown to them. They feel that they should not have been so summarily got rid of. They have no objection to superannuated men being sent away, they have no objection to the men recently employed being sent away, they have no objection to the men engaged on day-to-day wages being sent away ; or those who could not pull their required weight. They have no objection to such men being retrenched. But they feel that the retrenchment of the capable permanent men, of men who have put in long years of satisfactory service is quite unjust. With this idea at the back of their minds, they feel that the present method of retrenchment was merely intended to give more and more work into the hands of the private contractors. They feel, and I hope, Sir, everybody in this House will sympathise with them, that this method of sacrificing the poor people for the benefit of the contractors is very cruel and unjust. They feel that the bread has been snatched from their mouths and put into the mouths of other people. They have loyally and diligently served the company to the best of their ability for the past several years, and this is the reward they now get.

There is one more important point to which I should like to draw the attention of the House. Till recently the Bengal Nagpur Railway had a large amount of repairs very urgently required to be done and which were being delayed. The Director of Foreign Wagon Interchange seems to have complained about it ; and the Chief Mechanical Engineer in one of his notes has put this clearly down :

" There are 5,000 vehicles on the average per month running without due repairs, that is 20 per cent. of the authorised stock of wagons is without repair, a point very much commented on by the Director of Wagon Interchange and the Railway Board. This is the railway of all first class railways which has topped the list in the matter of running stock without repairs. Similarly coaching stock stands also on the same position when compared with other railways. The capacity of the Kharagpur workshop is only 600 vehicles per month though Ardhra and Waltair shops are newly named as mechanical workshops and other important loco sheds on the lines were also made to function as shops in the matter of repairs. The percentage of wagons running without repairs could not materially improve and in consequence huge recurring debit of Rs. 5 per waggon per day is realised from the Bengal Nagpur Railway by the Director of Foreign Wagon Interchange ".

Well, Sir, these admissions have made the men feel that there is plenty of work at Kharagpur workshops, if really the Bengal Nagpur Railway

aims at keeping itself abreast with the other Railways. There are 5,000 wagons every month to be repaired. The men have therefore come to the conclusion that there is plenty of work. The officers of the Railway on the other hand having got permission to effect large retrenchments are wantonly sending away these men without justifiable reasons. The men feel that the retrenchment is not carried on in the best interests of the Company, nor in the best interests of the public, and certainly of course in the very worst interests of the men themselves. This, Sir, was the position last Wednesday which drove the men to down their tools. I have received telegrams, which I do not think it is necessary for me to read to the House ; which telegrams show that meetings of 5,000 men and 10,000 men were held, and resolutions were passed to the effect that there was ample work and that somehow unfortunately the railway officers had taken it into their heads to push through this retrenchment under any circumstance, not heeding the best interests of the railway itself. Now the men are determined to stand by their unfortunate brethren who had been given compulsory notice. That, Sir, is the position. I repeat, I do not want to blame anybody for it ; I do not want to blame the Railway Board.

Mr. President : The Honourable Member is mistaken if he thinks he does not blame the Railway Board. The constitutional effect of his motion is a vote of censure on the Government.

Mr. M. K. Acharya : Thank you, Sir, while I am not anxious to blame the Railway Board.....

Mr. President : If the Honourable Member does not wish to blame the Railway Board, he should ask for permission to withdraw his motion.

Mr. M. K. Acharya : On the other hand, I do not of course want to err on the side of being overcourteous. Certainly the Railway Board should have insisted on getting fuller materials before sanctioning such huge reductions ; and they should have examined the whole position more carefully, much more carefully than they have done in the present case. They should not have given a *carte blanche* to the railway officers to go on retrenching as they liked. The result is that the Railway Board have got into this position. Of course there is the final responsibility of the Railway Board in the matter. I want to make a few suggestions on this matter as the situation is very serious.

Mr. President : The Honourable Member has already exceeded his time limit.

Mr. M. K. Acharya : Very well, Sir. I appeal to the House to insist that real efforts should be made to meet this serious situation. I have no doubt that leaders on the front benches will say very much more. I appeal to the Government to realise the seriousness of the situation, suspend further retrenchments and take steps to ameliorate the hardships of these poor workmen, and enable them to resume work immediately.

Mr. N. M. Joshi (Nominated : Labour Interests) : Sir, my Honourable friend Mr. Acharya has narrated some of the main facts of the situation at Kharagpur. Sir, the workers at Kharagpur feel that the proposals for retrenchment which are being carried out at present have their origin in the last strike about which this House knows something.

[Mr. N. M. Joshi.]

They feel, Sir, that the authorities of the Bengal Nagpur Railway felt somewhat humiliated on account of the strike. They expected the strike not to become general. They expected that the men would not show any strength, but they were disappointed and thought they were humiliated and defeated. There is good ground for the workers to feel, that the proposals for retrenchment emanated from the Managing Director in London who was present during the last strike in India and who took that strike as a personal humiliation and a personal defeat. The men also feel, Sir, that this is an act of victimisation, and I feel, Sir, that they have some justification even for that feeling. It will be admitted that one of the superior officers at Kharagpur, the Works Manager, issued instructions to the foreman that while making retrenchment or while suggesting names for retrenchment, he should see that the non-strikers were not retrenched at any cost. If the men after knowing of these instructions, feel that the present proposals for retrenchment had their origin in the last strike and are an act of victimisation, I think the men are fully justified.

Mr. A. A. L. Parsons (Financial Commissioner, Railways) : Sir, those instructions were immediately withdrawn.

Mr. N. M. Joshi : I know, Sir, that the instructions were withdrawn after they were brought to the notice of the superior authorities, but the very fact that the instructions were issued by a responsible officer in the workshop, namely, the Workshop Manager to his foreman, was sufficient for the men to entertain the fear that the present proposals were an act of victimisation.

Then, Sir, the second feeling in the minds of the workers in Kharagpur is that the present proposals for retrenchment are intended to do away with the labour troubles at Kharagpur or at least to reduce the labour troubles at Kharagpur by giving work to private contractors and by ordering out things from foreign countries. Now, Sir, during the last few months the Bengal Nagpur Railway, when that Railway could repair any number of wagons, when that Railway could manufacture any number of articles themselves, gave an order for repairing 100 wagons to a private company. If after knowing these things the workers at Kharagpur feel that these proposals for retrenchment are intended as an act of victimisation against them, I think, Sir, they have some justification.

Now, Sir, the Bengal Nagpur Railway is a State Railway, and as that Railway is controlled by the Railway Board I think, it is the duty of the Railway Board to examine the policy of giving work to private contractors or getting articles made by foreign manufacturers when these articles could be made in the State workshops. It is not a right policy that when the Legislative Assembly and even the Government have accepted the policy of protecting the industries of this country, they should, when they have got their own workshops, order out things from foreign countries and of the State management of Railways and, when they have got their own workshops and superior staff, should get their work done through private contractors. Unfortunately the Railway Board has made this an item of their policy and not only on the Bengal Nagpur Railway but on other lines also. I have seen this being done gradually on the Great Indian Peninsula Railway also. Under these circumstances if the

workers at Kharagpur feel that these proposals of retrenchment are also intended to benefit private contractors and foreign manufacturers, they have got sufficient justification.

It is said that the work is given to foreign manufacturers or to private contractors in the interests of economy. Sir, if the work is given to foreign manufacturers and private contractors in the interests of economy, it is necessary that the Railway Board and the railway authorities at Kharagpur or on the Bengal Nagpur Railway should convince the public that their policy is at least in the interests of economy. They have not done so. How is it possible that when superior officers are brought from England on very high salaries and they have been given the Lee concessions, and when the labour employed by private contractors and the State workshop is the same, how is it possible that private contractors can turn out articles cheaper than your own workshops turn out ? If there is a difference, then, the difference must be in the quality of the supervisors whom the Railway Board and the Bengal Nagpur Railway have appointed. I myself feel that the Railway Board have not yet made out any case that work given to private contractors is cheaper. Moreover, even if it is somewhat cheaper, I say, Sir, to give work to private contractors and to get work done by foreign manufacturers is against the policy which this House has approved of.

There is one more point which I would like to make and it is this. If the Railway Board want to effect economy and if they want to reduce the men and to reduce the work done at Kharagpur, it is necessary that they should also reduce the number of supervising officers ; but on the contrary during the last 4 or 5 years they have increased the number of superior officers by about 30. Why is it then that the number of ordinary workers is to be reduced and the number of superior officers is being increased ?

Sir, I do not believe that the proposals for retrenchment are actuated by considerations of economy. But even if these proposals are made upon considerations of economy, I think, Sir, there are considerations which are superior to considerations of economy. The Government as the trustee of the working classes in this country have a duty towards those classes. These men may have served the Bengal Nagpur Railway for several years, some of them for 3 years, some 5 years, some 10 years some 15 years and some even 20 years. Have the employers no duty towards the employees ? Government, as the trustee of the people and as the authority which lays down proper standards for labour legislation and labour conditions, must recognise that they have a moral duty towards the employees who are serving under them. Sir, I feel that Government do not recognise their duty towards the workers at Kharagpur simply because these workers belong to the working classes. They do not belong to the superior or the privileged classes. I know, Sir, there is at least one Department of the Government of India which only last year Government found it was overstaffed. It is clearly laid down in the report issued by the Department that it was overstaffed ; and still Government did not send away the men at once, though Government I understand are trying now to reduce the number gradually in the natural course of things. My Honourable friend Sir, Bhupendra Nath Mitra knows which is this Department which was considered to be overstaffed last year. Why did not Government send away those men all

[Mr. N. M. Joshi.]

at once ? Because those men were considered to belong to the privileged class and the workers at Kharagpur belong only to the working classes. I hope, Sir, the Government of India do not make this distinction between the privileged classes and the working classes. Now, Sir, if the Government of India want to effect economy and want to reduce the number of men, I do not agree to the proposals for reduction at all, but even taking for granted that those proposals are necessary, Government should recognise their duty towards the men who have served them for some time and should see that no hardship is caused by those proposals. It is quite possible that if Government had recognized this necessity for retrenchment last year during this one year they could have reduced at least 500 men in the natural course of things, as there are always vacancies occurring in these big workshops, and in the next year they could have retrenched another 500 men, and in a short time it would have been quite possible to reduce the full number. If they had adopted this policy of waiting and gradually reducing the number, it is quite possible that Government would have to spend about a lakh or two lakhs of rupees more. But is it not due to the men who have served you so long that you should spend two lakhs of rupees so that they may not suffer the hardship which you are now asking them to suffer ?

Now, Sir, the Government proposals have been decided upon and notices have been given. The working classes who are very weak have only one remedy for protecting themselves, and that remedy is to stand by each other. And it is to the credit of the workers at Kharagpur that they have stood by the people to whom notices were given. I am proud of those people who refused to work because others were given notice. Sir, the men after all have their duty towards their comrades and they have done it. I want the Government to appreciate the spirit of those people who are making sacrifices for the sake of their comrades. I feel that it was wrong on the part of the management at Kharagpur to have made these proposals at all. I feel that the manner in which they tried to enforce these proposals was worse still. I hope, Sir, that the Government of India will not stand still. It is their duty towards the working classes at Kharagpur that they should not put any hardship upon these men. They should not ask them to make sacrifices which they themselves would not make. I want, Sir, the Members who are sitting on this side to consider what their position would be if the Government of India asked a large number of them to leave this country without what they call proportionate pensions. I want them to ask themselves whether they do not sympathise with the men who are being asked to leave their work, to leave their homes, without proper compensation. If the Government of India are prepared to give some kind of proportionate pensions to all these men there may be some justification for asking them to leave. I hope the Government of India will take the humane course of making the reduction, if they want to make a reduction, by not filling up vacancies for the next year or two. It is wrong to retrench in the way they have done. Moreover, Sir, the Bengal Nagpur Railway authorities as well as the Railway Board do not realize that if they had made economies in proper time this situation would not have arisen. It is their fault. They ought to have realized that it was wrong to reduce 2,000 men all at once. Are there any workers in the world who,

when one-fourth of their numbers are threatened with reduction, will not stand by those who are being sacrificed ? It is the Railway authorities who have made the strike and not the workers. I would like any Member of this House to say that he would not in a like situation stand by the comrades with whom he has been working. Whatever the workers at Kharagpur have done, they have done their duty by their comrades. This House, Sir, should feel sympathy with these men, and I think the Railway Board and the Government of India will appreciate the spirit in which the men at Kharagpur have acted. I hope, Sir, this motion will be carried.

Mr. T. C. Goswami (Calcutta Suburbs : Non-Muhammadan Urban) : Sir, the confidence which the Trade Union Congress has very often reposed in me and my connection with the Labour Union at Kharagpur demand that I should add whatever little weight my words possess in support of the motion which has been moved by Mr. Acharya. Sir, I was myself witness, during the last cold weather, to many of the conditions for which one Sir R. T. Wynne, whom I once described in this Assembly as the octogenarian Dandolo of the Bengal Nagpur Railway, who had come to hibernate in this country, was responsible. And I have reason to believe—and, Sir, I have been in close touch with the march of events in Kharagpur—that the state of things which we have to deplore in this House to-day is a continuation of those conditions which were the cause of the strike last cold weather.

Sir, you will forgive me if I feel great hesitation in proceeding further with my speech ; because, Mr. President, having in the course of the day read the official, uncorrected report of Mr. Chaman Lall's speech of yesterday on another motion for adjournment, I feel I have not had sufficient time to determine the criteria of relevancy which, no doubt, underlay your successive rulings. And, Sir, I assure this House that it is not that I have not, to quote your words, " nothing more to say " .....

Mr. President : Will the Honourable Member proceed with the merits of the motion ? Does he realize that he is making an insinuation against the rulings of the Chair ?

Mr. T. C. Goswami : No, Sir, not at all.

Diwan Chaman Lall (West Punjab : Non-Muhammadan) : May I ask on a point of order whether an Honourable Member is not within his rights in making a remark of that nature ?

Mr. President : The Honourable Member is not within his rights.

Diwan Chaman Lall : By what rule or regulation is the Honourable Member not within his rights.

Mr. President : Order, order. Mr. Goswami.

Mr. T. C. Goswami : Sir, I must say that I have been so unnerved by reading the report of the speech and your rulings that I feel it is extremely difficult to keep within the limits of relevancy which seemed to have been prescribed by you.

Mr. President : The Honourable Member is perfectly entitled to call into question the rulings of the Chair by a substantive motion in that behalf, but he is not in order in challenging them in this manner.

Mr. T. C. Goswami : Sir, I have absolutely no desire to call into question your rulings. Your rulings in this House are inexorable, though my religion forbids me to regard them as infallible. Therefore, Sir, the only thing I feel it safe for me to do is to paraphrase the Resolution which has been moved by my Honourable friend Mr. Acharya, namely, that there is a serious situation—there is a very serious situation, a large number of workmen are about to be thrown out of employment for no fault of their own. It is the prodigals who are making honest workers pay for their prodigality.

Mr. Varahagiri Venkata Jogiah (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : I rise, Sir, to support this motion. In doing so, I must say that there is a widespread feeling and a lurking suspicion in the minds of the public of Kharagpur and those of the workmen, that the discharges and notices of removal that have been served on the workmen are not actuated merely by considerations of economy but that they are due to other causes. It is said that the retrenchment is proposed as a means of victimisation of strikers, though it was agreed when the strike was concluded that no victimisation would be resorted to. This feeling of suspicion is not altogether without foundation. As you are aware, during the strike the Managing Director, Sir T. R. Wynne, was in this country. Naturally he was against the strike and wanted to stop it, but he could not do so. Therefore, the conduct of the strikers enraged him very much, and it is stated that the present policy of retrenchment is dictated by the Managing Director more as a punishment to strikers than as a means of economy. It is also stated, and truly too, that if it were really a matter of economy, this would have been undertaken long before this trike commenced. As a matter of fact, not a word was ever mentioned about the retrenchment before the strike began, but only after it came off. There are other circumstances which strengthen this suspicion on the part of the railway authorities. We are informed that the Managing Director writing to the Agent stated—and that too after the strike—that the administration would not be able to give good reasons for making large reductions in workshops and that the administration was not in a position to sack men with bad records. He therefore suggested to the Agent the giving of contracts to private firms for manufacturing anything that is necessary for the railway administration in order to reduce the workmen in the workshops, and the reason that he gave for this was that that was the only thing that would enable the administration to escape the charge of victimisation. When suggestions such as these came from the Managing Director, it is no wonder that the railway officials out-heroded Herod, and gave contracts not only for manufacturing ordinary things but even for carrying out small repairs. As this House has already been told, private firms have been entrusted with contracts for carrying out even minor repair works. All this shows that the retrenchment is adopted with a view to punish the strikers, and not as a matter of economy.

There are also other reasons, Sir, which strengthen this suspicion. It is stated, and it has already been pointed out to this House by my friend Mr. Joshi, that one of the officers holding a high position in the workshop, Mr. Tyres, sent information to the foremen not to enforce the order of retrenchment against non-strikers. It is also stated that, while enforcing this order of retrenchment against strikers, about 300 new

hands were employed, and sanction was obtained to import from England officers drawing high salaries. Further, Sir, there was never any indication that such a large reduction would be made in the number of employees engaged in the workshops by the administration. The only time we heard of it was, during the time of the strike. Even then it was said that the number of workmen would be reduced to the extent of 10,000 in the workshops, and I understand that to restrict it to that number, the officers estimated that there would be a reduction of only 600 employees—500 from the Loco. Workshop, 150 from the Carriage Workshop and another 150 from the Wagon Workshop. I do not know how this number of 600 was considered insufficient, and in the course of 15 days it was increased to 2,200. Even if this retrenchment is held to be unavoidable, I suggest that it should be done gradually in consultation with the members of the Indian Labour Union. Every year some men necessarily go out for reasons of death, resignation or other causes. Their places may not be filled up and no fresh appointments made ; and inducements may be offered to those who retire early as the railway administration itself now proposed to do.

Now, Sir, these methods, I submit, will go a long way to reduce the number of workmen gradually without causing much panic. No doubt, some pecuniary loss will result to the Government, but regard being had to the fact that these men have been serving the railway administration for a long time and have been living with their families for years in Kharagpur, these pecuniary losses should not be regarded as very great. Unless this is done, it will be no wonder if the railway workmen sympathise with the sufferers and take to passive resistance, as some of them have already done, and this might lead to further troubles.

In the light of the information I have placed before the House, it is necessary, in the interests of the good name of the Bengal Nagpur Railway administration and the well-being of the railway employees, especially regard being had to the serious disputes between the employees and the employers, to appoint a Conciliatory Board consisting of representatives both from the railway administration and the Indian Labour Union in order to see how, in view of the proposed retrenchment, that the least injury would result to the employees. This aspect which I place before the House was agreed to in another place, the House of Elders, a few months ago, in reply to a Resolution moved by a Member of that House regarding the grievances of railway workmen by the Honourable Member for Commerce. Sir, with these few remarks, I support the motion.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : Sir, I just want to say a few words. It is extremely unfortunate that retrenchment in this country should begin with the lowest paid Indians, and while I am not going into the general question for want of full information on the subject, I want to associate myself with every word of what my friend Mr. Joshi has said. I want to point out very respectfully to the Government that, after all, most of the civilized Governments have begun to recognise that it is a part of their duty to keep every one of their subjects alive, and to find either work for them or to insure them against unemployment. We know that at the present moment in England over a million people are getting the dole of unemployment. So, if we look at the question from that point of view, it will not be good economy

[Lala Lajpat Rai.]

to dismiss these people at once and throw them entirely out of employment and to the mercy of circumstances. I therefore appeal in the interests of these workmen and in the interests of justice that the Government should do something to alleviate the sufferings of these people and not dismiss them at once. I fully sympathise with the object of this motion, and I hope the House will carry it.

The Honourable Sir George Rainy : Mr. President, I have listened with great interest to the speeches which have been delivered by the Honourable Members who have spoken in support of the motion for the adjournment. I think, however, that before I say anything in reply to these speeches, it might be convenient if I were to begin by stating the case from the point of view of the Government of India and the Railway Board. The Agent of the Bengal Nagpur Railway last July when he was in Simla placed his proposal for the reduction of the staff of the Khargpur workshops by 2,000 men before the Railway Board. Now, the reasons which were held to justify this reduction fall in the main under 4 heads. In the first place, there is the question of economy which is always present to the mind of every railway administration, or at least it most certainly ought to be. In the second place, during the war and since the end of the war, there has been a very considerable development in the railway workshops, as in other workshops, in the introduction of modern machinery which reduces the number of men who have to be employed to carry out a given amount of work. When that machinery was first introduced in some of the railway workshops, the supervising staff did not clearly understand the extent to which it would enable them to reduce staff and consequently to reduce the cost of production. That was a matter, I think, which the Raven Committee drew attention to in their Report. In the last two or three years, greater attention has been paid to that matter, and the result is that there has been a distinct reduction in the staff required in a workshop where the volume of work has remained about the same. New methods have also been introduced in the execution of repairs in workshops and that also has had a similar effect. Finally, during the 4 or 5 years after the war, the work to be done in the railway workshops was swollen by the working off of the war-time arrears of repair and maintenance work. Now these generally were the causes put forward in support of the reduction in establishment. Now, the Railway Board had to examine this proposal not only in the light of what was put forward by the Agent but in the light of the information which they already possessed and their knowledge of the manner in which in an efficient railway workshop work ought to be carried out. The test which can be applied in such cases is a comparison between the results achieved in one railway workshop and the results achieved in other railway workshops. The application of all the tests the Railway Board were able to apply, indicated that the reduction in establishment proposed was fully justified, and indeed some of the tests appeared to show that an even larger reduction would have been justified. I should like to give a few figures to illustrate this point. On the North Western Railway the locomotive shop has to look after 1,361 locomotives and employs 6,336 men. On the Bengal Nagpur Railway there are 729 locomotives and the number of men employed in the locomotive shops is 5,756. If the same number of men at Khargpur did the same amount of work as those in the North Western Railway workshop it would be necessary to reduce the

number of men employed to 3,353, which would be a reduction of over 2,400 men, whereas the actual reduction in the loco. shops is only 750. I quite admit that these figures have to be applied with caution. You cannot argue strictly from one railway to another and say that you can expect exactly the same outturn on all railways. Possibly in northern India, with a more bracing climate, the individual worker may be able to turn out a greater amount of work, but still the discrepancy is so great that the only possible inference that can be drawn, I think, is that a reduction in the number of men employed in the shops at Kharagpur was urgently called for unless the work was to continue to be carried on in a thoroughly uneconomical way.

Mr. C. Duraiswamy Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Is this principle applied at the top also ?

The Honourable Sir George Rainy : I had intended to come to that presently, but I have no objection to replying to my Honourable friend at once. I have forgotten which of the earlier speakers—my friend Mr. Joshi I think it was—complained that, whereas there was reduction at the bottom, the supervising staff was being increased. My reply to that is that one of the points which the Raven Committee criticised unfavourably in the Indian railway workshops was the inadequacy of the supervising staff, and they expressed the opinion that greater attention ought to be given to that point of adequate supervision. That answers my friend's point. I could give figures similar to those I have already given for locomotives, for carriages and wagons also, but I do not think it is necessary to enter into much detail. Approximately, on the North Western Railway standard, the number of men required for the Kharagpur workshops would be about 7,000 in all, whereas after the reductions which the Agent is actually making, the number will be 9,000. There are some other figures which illustrate the same point, but time does not permit that I should go deeply into them. The Railway Board definitely approved of the Agent's proposal, that was in July last, that the reduction of 2,000 men should actually be carried out. Then the Agent, after his consultation with the Railway Board, discussed the question also with the Government of Bengal, and thus, before he actually issued any notices to the men, he had been in consultation with both the authorities principally interested. His subsequent course of action was as follows. In the first place he offered inducements to the men to tender their resignations voluntarily by giving a bonus of a month's pay to the men who did so. After that, he proposed that the reduction of staff should be effected in the first place by reducing those who had reached the age of superannuation and then those who were approaching the age of superannuation, that is from the age of 50 to the age of 54, and it was not until these classes had been exhausted, and also until the voluntary resignations had been taken into account that he issued notices of compulsory reduction of establishment to make up the total number whom he had to get rid of. I might perhaps give the House the figures as nearly as we can get them. Since April the total number of resignations and of ordinary casualties amounts to 800, and the balance, about 1,300, is the number of notices of reduction issued and the latter figure includes some of those who were superannuated. The exact number we do not know, but in all probability it is between 200 and 300. Therefore, if these are excluded, the total number of men under compulsory reduction by

[Sir George Rainy.]

these notices is about 1,000 ; that is to say, it is probably not more than 1,100 and it is probably not less than 900.

I should like now, Mr. President, to deal with the point—it is a very important point—raised by my friend Mr. Joshi. His claim amounted to this, that when from any cause the amount of work to be done in any establishment controlled by Government had fallen off and the full staff were no longer required, it was not right to make sudden reductions and the proper course was to wait till vacancies fell in and let the whole operation take place gradually. Now, I quite recognise that in some cases that is a perfectly possible way of dealing with such a situation. But I am not for a moment prepared to admit that in all circumstances that way of dealing with the difficulty is the right way or the justifiable way or the way which Government should adopt. In a Department like the Railway Department cases must occur when, if the authorities responsible are to avoid a very great waste of public money, it is necessary to make a large reduction of establishment at one time. I can see no other alternative in certain circumstances, such as have occurred at Kharagpur, where the number of men employed is obviously a great deal too large for the work to be done, and it seems to me that in such circumstances it is not possible for the authorities responsible to refrain from making a comparatively large reduction in the establishment at one time. What I am prepared to say, however, is this, that Government do recognise the necessity in such cases of examining every possible alternative before agreeing to a large simultaneous discharge of staff in such cases. They will be prepared in any similar cases that arise in future to examine proposals placed before them from that point of view. But they are not prepared to give any undertaking that it will always be possible to avoid such large reductions ; and I would like to draw the attention of the House to one aspect of the position at Kharagpur and it is this, that if we were now to adopt Mr. Joshi's proposal, namely, to ask the Railway Company to withdraw the notices which they have issued and to let the reduction take place gradually as vacancies occur, it would not be only a question, as my Honourable friend seemed to think, of one year or 18 months before things righted themselves, because the figures in possession of the Railway Board rather indicate that further economies in the establishment are possible. The clock would be put back 4 or 5 years and for 4 or 5 years to come we should be steadily every year spending more money on the execution of particular classes of work done in this railway workshop than we are really justified in spending.

I should like to allude again to another remark of my Honourable friend Mr. Joshi, when he referred to reductions in establishment of a higher grade. Whether he had my own service in mind I do not know. But he used the sacred words " proportionate pension " and he asked whether the members of these higher services would think it fair that they should be sent away without proportionate pension. I am not going to say what my view as a member of the Government of India is, but my view some 7 or 8 years ago was very strongly that for the members of the Superior Services the pensionary system ought to be abolished and the provident fund system substituted, so that it would be in the power of the Government to send them away at any time they choose. That was my view then ; I do not say it is my view now. My Honourable

friend said that we should give something in the nature of a proportionate pension to these men if their discharge was absolutely necessary. But my Honourable friend has forgotten that of the 1,300 men to whom notices have been issued at Kharagpur 600 are subscribers to the provident fund, and as far as they are concerned it is not a question of the Railway Company suddenly sending them off and leaving them with no sort of means to keep themselves going until they can find work again, because some of them, it would appear, must be in a position to draw very substantial sums from the provident fund. Subscribers contribute one-twelfth of their pay every month and they get interest on that, and in case of a reduction of establishment all of them get a bonus which is an equal amount contributed by the Railway Company with interest on that. I thought it might be worth while to work out the figures of a workman who might be regarded as a typical subscriber to the fund. It is about 9 years now since the workshops staff became eligible to subscribe to the provident fund ; and therefore I took a man who had been subscribing for 9 years. I assumed that he rose from Rs. 22 a month at the beginning of the period to Rs. 40 a month at the end of it with annual increments of Rs. 2 a month. I find that, if he subscribed regularly to the provident fund, he would at the end of 9 years have Rs. 671 to his credit, and if to that is added the gratuity of half a month's pay, which is given in such cases ordinarily on reduction of establishment it would amount to a grand total of Rs. 911. I do think it is important that the House should realise that the 600 men who are subscribers to the provident fund will not be thrown on the streets without any means of support, but will have fairly large sums to help them on their way. As regards the remainder, the men who are not subscribers to the provident fund, a good many of them must be labourers on daily wages, and the majority I should think would be men with less than 4 years' service with the Bengal Nagpur Railway, and therefore, as my Honourable friend Mr. Acharya pointed out, not liable to the same hardship as men who had put in 10 or 12 or 15 years' service.

I do not think, Mr. President, that I am justified in delaying the House much longer. The Government of India have given this matter very anxious consideration, and what they feel is that this is a case in which it is not possible to put pressure on the railway administration and to ask them to withdraw their notices of reduction. They do feel, however, that if harmonious relations are to be re-established at Kharagpur between the railway administration and their workmen, the workmen must feel some sense of security and not be under constant apprehension that they may be exposed again to a similar risk of another big reduction of establishment in a few months' time. That would clearly create a position of such difficulty, that even from the purely financial point of view it seems to me that the Railway would have nothing to gain by adopting a policy of that kind. Therefore, the Government of India will be prepared to communicate with the Railway Company and to point out to them that this large reduction of establishment having been effected, the Government of India consider that if it is found necessary, as it may be found necessary to reduce the staff still further, that should be done gradually and as far as possible on the occurrence of vacancies as they fall in. I do not believe myself that if that plan is adopted, the Railway has anything to lose.

[Sir George Rainy.]

Before I sit down I should like to refer to the correspondence which my friend Mr. Acharya read. I am quite sure that my Honourable friend, when he read that correspondence, did so under a full sense of public duty and in the belief that he was entitled to do it. But I would like to point out that Government have also their own point of view in that matter. Of the document that he read, the first, I understand, purports to be a letter from the Managing Director of the Bengal Nagpur Railway to the Agent of that Railway and it was communicated, as my Honourable friend said, to the Labour Union at Kharagpur by someone whom he described as a sympathetic officer. I doubt if the word " sympathetic " would be an exhaustive description of an officer who considered it proper to make over these documents to persons for whom quite obviously they were not intended. That is not, however, my main point. My main point is that the Government of India and the Railway Board cannot take any action whatever on documents placed before them in that way. It is clearly impossible and.....

Mr. A. Rangaswami Iyengar (Tainjore *cum* Trichinopoly : Non-Muhammadan Rural) : Are the facts disputed ?

The Honourable Sir George Rainy : I should like to say again that I am attributing nothing improper in any way to my Honourable friend Mr. Acharya who, if I may say so, has stated his case very fairly.

I ought to allude before I sit down to what was said about the giving out of work on contract. On the big point raised by Mr. Joshi, I will leave him to argue it out with the Bengal Chamber of Commerce who take a somewhat different view on that question.

Mr. N. M. Joshi : They are not the Government of India.

The Honourable Sir George Rainy : And I shall hope that both parties will be so preoccupied with each other as to be unable to direct their artillery on me for the time being. But as regards this question of giving work on contract, I should like to point out this that, in so far as the work is given out on contract to Indian firms, there is no reduction of employment. It is merely a transfer from one place to another. I have no doubt, however, that if the Bengal Nagpur Railway Company accept the view that after this big reduction of staff has been effected it will be necessary to go slow and to let any further reduction that is necessary come on the occurrence of vacancies, they will obviously not desire to pay both the workmen in their workshops and the contracting firms for the same work. I think it may be taken for granted that they will postpone this question of giving out the work on contract until the staff has been brought down to the figure at which this can be done without loss of money. I do not think, Sir, I need add anything further. (Applause.)

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, we are passing through very hard times and this is not the time for the trial of strength between the Railways and the Labour Unions. Sir, the Bengal Nagpur Railway might be backed by the Railway Board, the military authorities, the Auxiliary Forces, the volunteer forces and also the Police and the Gurkha bayonets, but as I have said at the beginning we are passing through very hard times. Kharagpur is situated in an area where most

of the workers come from the flood-stricken area. The districts of Midnapur, Cuttack, Balasore and Chota Nagpur supply at least half the labour of the Kharagpur area. And to-day the Bengal Nagpur Railway, backed by the Railway Board, are throwing out of employment at least 2,000 workers employed at Kharagpur, and it is no consolation to us to be assured, as we are now assured by my Honourable friend Sir George Rainy that he will see his way to gradually reduce the workers when subsequent reductions will take place in the Bengal Nagpur Railway. My Honourable friend before he came to my own province Bihar and Orissa was a member of the Bengal Civil Service. So, he knew Kharagpur and the condition of the working classes in Bengal. And when he was in my province he also knew something about the condition of the working classes and the condition of unemployment that prevails there among the skilled labourers for whom work is not available in abundance. So, I was sorry to listen to the speech of my Honourable friend which was rather unsympathetic. His sympathy went to the future reduction and nothing was promised on the present unemployment problem and the injustice that is going to be perpetrated to-day. Sir, the Honourable Sir George Rainy told us than 600 members of these 2,000 workers that are going to be reduced will get something like Rs. 900 as provident fund compensation when they are forcibly kept out from the Kharagpur workshops. My friend, Sir George Rainy, has very admirably worked out the details in the Tariff Board Reports but I do not know whether he has ever studied the economic condition and economic indebtedness of the people. Sir, the economic struggle among the working classes of India, thanks to my Honourable friend Sir Basil Blackett for his policy of exchange—the ratio policy—is becoming more acute day by day. Sir, I deplore the incident that took place at Bombay where 30 or 40 Indian working class women got so enraged and exasperated that they mobbed their employer and I believe that employer is now dead. If that employer is dead, I deplore it.

I deplore that we have come to such a pitiable condition in this country that the working class Indian women, who are usually so meek and timid, have become so distressed and exasperated because their children are going to starve and they will find no employment to feed them that they resorted to mob their employer. If that was the result when 50 women were put in the unemployment list, what will be the condition in the Bengal Nagpur Railway workshop where more than 2,000 men are to be sent out ? The Bengal Nagpur Railway is situated in that part of the country which is known for its distress caused by famine and flood, I do not want to contest the accuracy of the statement of the Honourable the Commerce Member about the employment capacity of the Bengal Nagpur Railway locomotive workshop. If reduction is to be made, I say that that reduction should be made with sympathy and in a conciliatory spirit. If only the authorities had been sympathetic, I do not think my Honourable friend Mr. Parsons would be sitting here on the Treasury Benches ! He would have run up to Kharagpur to watch the situation personally. I would not find the Chief Commissioner of Railways here in Simla but I would expect him at the workshop at Kharagpur. I would also expect the Honourable the Commerce Member to run up to Kharagpur after the Assembly adjourns so that he can study the situation on the spot. It is no use saying we cannot pay these men, and so we reduce the staff. What about the economic distress caused thereby ? What about the untold distress caused to those who are dependent on them ? I do not also agree

[Mr. B. Das.]

with the point raised by the Honourable the Commerce Member that the reduction was caused by the introduction of power machinery. I think that power machinery was introduced in the Bengal Nagpur Railway workshop as well as in the workshops of other railways for a long time past. I remember when I was an engineer student I visited these workshops in 1911. I do not think they have got any further improvement in power machinery. There is a great deal in what my Honourable friend Mr. Jogiah said that the Bengal Nagpur Railway has tried to victimise the men owing to the strike that took place there a few months ago. I think the Government ought to set themselves in earnest to settle this problem and they should not allow it to be light heartedly put aside by the railway authorities. I think ways and means should be devised to solve this difficulty. As was suggested by Mr. Jogiah, the Honourable the Commerce Member may call in the aid of Honourable Members like Mr. Joshi and a few other gentlemen to form a conciliatory Board which might meet at Kharagpur and listen to the complaints of the workmen there and solve the present distress of the men.

My Honourable friend referred to the Report of the Raven Committee which brought to light a lot of mismanagement in the workshops, in the matter of management, slackness in manufacture of appliances, accumulation of stores, etc. The committee found that there was no proper costing and accounting and they suggested several improvements in every department of workshop administration. We have been told that the Government are still considering those recommendations. But nothing has come out of the Report of that Committee so far. My Honourable friend Mr. Aney just now reminds me that the Raven Committee did not go into the workshop question at Kharagpur because the Bengal Nagpur Railway is a Company-managed Railway. That Committee did not report about the reduction of the staff at Kharagpur as the case was not referred to it. It only went into the case of State-managed Railways. Therefore, there is no reason why the Bengal Nagpur Railway should take in hand the question of retrenchment. My submission is that it was merely to victimise these poor workmen that they took up the question of retrenchment. That would lead us to concede those observations of my friend Mr. Jogiah that the workmen are sacrificed because they joined the strike last February and this House will be no party to any such policy of victimisation.

The motto should be "No victimisation."

Diwan Chaman Lall : Sir, I think the issue ought to be narrowed down to the point as to whether in this motion for adjournment it is to be brought home to the Railway Board that they have been allowing the Bengal Nagpur Railway to pursue a policy which is meant for the purpose of victimisation of their workmen. The merits of this particular case can be resolved by a reference to the statements that have been made by the authorities of the Bengal Nagpur Railway themselves. I heard the Honourable the Commerce Member say that it was only last month that the Bengal Nagpur Railway people came up to Simla and brought up the matter of this reduction.

The Honourable Sir George Rainy : July, Sir.

Diwan Chaman Lall : That is still better for my purpose. They came up in July. I want the Honourable Member to refer to the letter, which I dare say is in his file, which will show him that even as far back as 7th January 1927, a circular was issued, a demi-official note was issued, in which it was stated that steps should be taken to reduce these men and that no impression should be given to these men that they were being victimised. That is to say the reduction must take place in such a broad manner that there must be no impression given to them that they were being victimised. This was a note issued as far back as 7th January 1927.

Mr. A. A. L. Parsons : What document ?

Diwan Chaman Lall : I am sure my Honourable friend knows exactly what the document I am referring to is.

Mr. A. A. L. Parsons : The Honourable Member suggested that it was on the file of the Honourable the Railway Member or on my file; I must therefore enquire what that document is.

Diwan Chaman Lall : If the Honourable Member wants me to tell him what the particular document is, it is a demi-official note from Sir T. R. Wynne.

Mr. A. A. L. Parsons : Then, I must at once say that that letter has never been received by the Railway Board, nor is there any such letter in the file of the Railway Board.

Diwan Chaman Lall : Will the Honourable Member take it from me that there was such a letter issued. I am pointing out the intention that was at the back of the mind of the people in charge of the retrenchment scheme. Their intention was that they wanted to reduce these men and they did not want that the impression should go abroad that these men were being victimised. If the Honourable Member would kindly refer to this document he will discover that that was the intention namely that measures should be adopted to reduce the staff in order that the railways should be " independent " of the workers. There is a sentence in one of these letters which runs as follows :

" If successful, this success will indicate another means of rendering ourselves rather more independent of local labour. But at present it is merely as an experiment ".

The intention was there : namely these people had gone on strike. The Railway wanted to become independent of these men. They wanted to get rid of these men and the Railway wanted to give the impression that these people were not being victimised on account of the strike.

Mr. A. A. L. Parsons : The only point I wish to make clear is that the document from which the Honourable Member is quoting has not been before us ; it is not in the possession of the Railway Board.

Diwan Chaman Lall : I do not care.

Mr. President : Is the Honourable Member prepared to lay the document on the table for the information of the House ?

Diwan Chaman Lall : With pleasure, I shall lay it on the table of the House, if the Honourable Member so desires.

The next point that I want to make is that the very fact of the existence of this document shows that the Railway Board must know.....

The Honourable Sir Basil Blackett (Finance Member) : May I know your ruling Sir, whether it is not desirable to lay on the table all such documents before they are referred to.

Mr. President : The question does not arise because the Honourable Member, Diwan Chaman Lall, has agreed to lay the document on the table.

The Honourable Sir Basil Blackett : I am referring also to the document which Mr. Acharya referred to and which was not laid on the table.

Mr. President : It is too late now.

Diwan Chaman Lall : If the Railway Board does not know about this incident, I say that the Railway Board have been deceived and that they have not made proper investigations of the facts in connection with the retrenchment. That is my charge against the authorities of the Bengal Nagpur Railway. Let me refer to another document.

Mr. President : The Honourable Member might pass on the two documents to the table.

Diwan Chaman Lall : I will,* Sir. But may I use them for a minute, with your permission, before I lay them on the table ? I now refer to another document which also I shall lay on the table It bears the number 8690D and is dated 17th August 1927. In this the proposals in regard to these reductions have been detailed, and what are these reductions ? The total number of men to be reduced according to these detailed instructions comes up to 608 only. Subsequently, because they found that by placing contracts with private firms they could reduce more men and thereby, as they themselves, said, become independent of local labour, they desired to reduce further the number of men.

The Honourable Sir George Rainy : Would the Honourable Member just mention again what this document is. I did not gather its nature or from whom it emanated.

Diwan Chaman Lall : May I be permitted to read out to the first portion ?

"As per the Meeting held on 1st March 1927, the proportion for the reduction of staff was, etc. *Signed* M. H. O. 17th August 1927."

It is one of your official documents of the Bengal Nagpur Railway ; and I say this document proves that their intention was that only 608 people should be reduced and no more ; but nevertheless they went beyond that and reduced, as Sir George Rainy said, over 2,000 men. At present what we are concerned with is not only that it was the intention to reduce these men because of the strike, not only was action taken to reduce these men because they wanted to become independent of local labour, but that they found means of doing so by placing work with private firms somewhere else. That is the method adopted. Although it has been stated that it is cheaper to get work done by outside firms, I would very much like it proved to me how it is really a business proposition for the workshops to place work on contract with private firms. If this is the policy which is being pursued by the Bengal Nagpur Railway for victimising men I could understand it, but if it is a policy which is being pursued as a business policy, I assure you I am not in a position to understand it. Now, bearing this position in mind, that this is being done with a definite object, I would request the Honourable Member in

* *Vide* Appendix "A" to these proceedings.

charge to take note of the fact that there are only 946 men who are at the present moment involved in regard to these reductions. Why cannot some method be found by means of an enquiry, a joint enquiry by the Railway authorities and the union people or some such means, so that these men should be kept on in employment until such time as their services can be gradually got rid of or the services of others got rid of in whose places they can be put. I see no reason why such a scheme could not be adopted by the Honourable Member in charge. If it cannot, it is because, as I suspect, the Honourable Member has not the full particulars in regard to this matter from the Bengal Nagpur Railway authorities. If it could be done it would not be a very heavy burden upon the Railway. It would cost at the outside, even if these men were kept on for a year, about a lakh of rupees. The other day we passed a grant of Rs. 75,000 for 35 women clerks in the Y. W. C. A. I was a party to the passing of that myself, and I say that it was a good thing to have done. Women workers must be housed and well housed. But here are not 35 clerks but a thousand men—nay, a thousand families that are involved ; and surely it would be only right and just to ask of the Honourable Member to do the right thing by these people and keep them on in employment until such time as he finds means to employ them in some other way.

(Several Honourable Members moved that the question be put.)

Mr. President : The question is that the question be put. Does the Honourable Pandit wish to speak ?

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : I wish to speak only for a few minutes, Sir, if you will permit me.

Mr. President : We must finish this debate before six.

Pandit Madan Mohan Malaviya : I shall take only a few minutes, Sir. I wish to draw the attention of the Honourable Member for Commerce to just a few facts. When the Government permits a Railway Company to establish and run a railway, it incurs certain obligations, and one of these obligations is to protect the people employed by the Company. The Honourable the Commerce Member has not controverted the fact that the Company is giving out some work to foreign manufacturers and that the Company is getting a great deal of repairs done by private contract. I submit, Sir, this fact not being controverted, there is an obligation on the Company not to dismiss men who have been in its service for so many years when there is work to be done. It is not a case of their services being no longer needed. As I understand, the Honourable Sir George Rainy has not answered the point raised by my Honourable friend Mr. Acharya, that 5,000 wagons need repairs every month and the maximum capacity at Kharagpur at present with all the establishment that there was before the reduction in question is for the repair of only 600 per month. I submit if there is work to be done it is certainly cruel that these men should be sent away and work done by outside agency, and I submit it is eminently a case in which the Railway Board might appoint a Committee of Arbitration on which the men who have been given notice should be represented either by Members of this Assembly or by some other agency, to go into the facts and to place them before the Government of India in order that justice may be done. At present the feeling is that the reduction has not been carried out merely

[Pandit Madan Mohan Malaviya.]

in the interests of efficiency but that there is something else at the bottom of it, and that sense of injustice should be remedied.

Pandit Hirday Nath Kunzru (Agra Division : Non-Muhammadan Rural) : Sir, may I just put one question to the Honourable the Commerce Member ? He referred to the Raven Committee. May I ask him whether it is not stated on page 76 of their report that all the *elements of cost*.....have necessarily a tendency to be lower in a railway workshop than in a private workshop ? ''

Mr. President : The question is that the question be now put.

The motion was adopted.

Mr. M. K. Acharya : Sir, I do not at this late hour want to make any lengthy speech; and indeed I believe it is quite unnecessary, because I am sure that the Members of the House will realise the gravity of the situation and act in a befitting manner and that, placing their hands on their hearts, and realising that one thousand poor men and their families are going to be turned out into the streets, they will give such a verdict as will be a proof of their sympathy for the working classes.

The Honourable Sir George Rainy : Sir, I do not think it is necessary for me to say more than a very few sentences but I would like to say one thing which I ought to have mentioned when I spoke before, and that is, to disclaim in the most absolute manner, on behalf of the Government of India, the Railway Board and the Agent of the Bengal Nagpur Railway, any policy of victimisation. It is right that I should do so distinctly. Whatever indiscretion subordinate officers may have been guilty of, I am prepared to answer for the Agent as well as for the Railway Board and the Government of India that everything possible will be done to discountenance any policy of that kind. I think it was necessary that I should say so much.

Mr. President : The question is :

''That the House do now adjourn.''

The Assembly divided :

AYES—44.

Abdul Matin Chaudhury, Maulvi.
Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswamy.
Aney, Mr. M. S.
Ayyangar, Mr. M. S. Sesha.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Chaman Lall, Diwan.
Chunder, Mr. Nirmal Chunder.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Goswami, Mr. T. C.
Haji, Mr. Sarabhai Nemchand.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jayakar, Mr. M. R.
Jogiah, Mr. Varahagiri Venkata.
Joshi, Mr. N. M.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath.
Lahiri Chaudhury, Mr. Dhirendra Kanta.
Lajpat Rai, Lala.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Mitra, Mr. Satyendra Chandra.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Naidu, Mr. B. P.
Neogy, Mr. K. C.
Prakasam, Mr. T.
Purshotamdas Thakurdas, Sir.
Rajah, Rao Bahadur M. C.
Rajan Bakeh Shah, Khan Bahadur Makhdum Syed.
Ruthnaswamy, Mr. M.
Sarda, Rai Sahib Harbilas.
Shervani, Mr. T. A. K
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Narayan Prasad.
Sinha, Kumar Ganganand.
Sinha, Mr. R. P.
Sinha, Mr. Siddheswar.

NOES—38.

Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmad, Khan Bahadur Nasir-ud-din.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.
Ayangar, Mr. V. K. Aravamudha.
Ayyangar, Rao Bahadur Narasimha Gopalaswami.
Bajpai, Mr. G. S.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Coatman, Mr. J.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Courtenay, Mr. R. H.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Crofton, Mr. R. M.
Dalal, Mr. A. R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr. J. T.
Dunnett, Mr. J. M.
Gidney, Lieut.-Colonel H. A. J.
Haigh, Mr. P. B.
Irving, Mr. Miles.
Jowahir Singh, Sardar Bahadur Sardar.
Kabul Singh Bahadur, Captain.
Keane, Mr. M.
Kirk, Mr. R. T. F.
Mitra, The Honourable Sir Bhupendra Nath.
Moore, Mr. Arthur.
Mukherjee, Mr. S. C.
Parsons, Mr. A. A. L.
Rainy, The Honourable Sir George.
Sams, Mr. H. A.
Singh, Rai Bahadur S. N.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Wright, Mr. W. T. M.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 15th September, 1927.

APPENDIX A*.

No.

Kharagpur, 3rd May 1927.

Dear Carroll,

Re. *Sir Trev's note on workshops.*

We do not appear to get the Railway Board's Weekly summary in this office. If possible I should like to see the one for the week ending 26th February 1927.

2. As regards the possibility of getting work done outside.—

Sir Trev states the present position exactly. It has entirely changed since the war. We now have one large (and quite first class) engineering shop—Angus—almost at our doors and doubtless others will develop.

3. We are already arranging contracts for the manufacture of a substantial quantity of Loco. spares, iron and brass castings and forgings and loco. cylinders complete—which we can now buy cheaper than and fully as good as those we make ourselves. We shall probably cast as more cylinders here, and this I hope is the beginning of the end of the foundry.

4. The very favourable position of engineering firms in Bengal in relation to sources of coal and iron supplies should eventually enable us to do the same as many American Railways and dispense with our own foundry altogether. Mechanical inspections we can easily arrange for and now that we have our own chemist we are or shall soon be in a position thoroughly to check all supplies.

5. We now have specifications for practically all our regular purchases in India, and conditions of contract also have been introduced for local manufactures corresponding with those used by our Consulting Engineers at Home, modified only where necessary to fit Indian conditions.

6. Partly as an experiment and partly to make good the out-turn lost due to the strike, we are also arranging contracts with the Indian Standard Wagon Co. and Jessops for the repair of a few hundred wagons.

7. If successful this measure will indicate another means of rendering ourselves rather more independent of local labour. But at present it is merely an experiment.

8. A great deal has become possible since the war that we could not contemplate before the war, and the more outside firms become capable of dealing satisfactorily with manufactures for us the stronger will be our own position. We shall have to keep them strictly upto specification and inspection is being fully provided for.

Yours sincerely,

(Sd.) H. L. COLE.

C. CARROLL, Esq.,

Agent, B. N. Ry., Calcutta.

WORKSHOPS.

The Railway Board's Weekly Summary for the week ending 26th February 1927 gives a very useful lead for reducing the number of men employed in the shops but for us to be able to do so we must give some good reasons as we are not in a position at the moment to sack men with bad records in time keeping and efficiency. If we do so at the present time we should be said to be "victimising" the men.

The work done in shops divided itself into two heads :—

(*a*) Repair work.

(*b*) Manufacturing work.

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* *Vide* page 4396 of these proceedings.

The workshops must do repair work and because in the early days of Indian Railways there were no private workshops in India capable of doing manufacturing work railways had to embark on this work themselves. Times have changed and there are many private workshops in India that can turn out good work.

The line I think we ought to take is to reduce our manufacturing work, giving it out on contract to private firms and give this reason why we are making large reductions in our workshops. Will you go into this with Cole. Incidentally we will save in not having to spend a large amount of capital in building quarters at Khargpur for workmen if we can make a substantial reduction in the numbers.

(Extract from a D. O. from Sir T. R. W. to Agent).

(Sd.) H. L. COLE.

7th January 1927.

T. R. WYNNE.

7th January 1927.

No. 8690, dated 17th August 1927.

As per the Meeting held on 1st March 1927, the proportion for the reduction of staff was—

Loco. Shops	365	
Carr. Shops	182	729
Wagon Shops	182	

These numbers were based on the establishment on 31st January 1927 when the—

Loco. Shops had a total of	5,677
Carriage Shops had a total of	2,949
Wagon Shops had a total of	2,104
TOTAL ..	10,730

The figures on 31st January 1927 were—

Loco. Shops	5,509
Carr. Shops	2,873
Wagon Shops	2,225
TOTAL ..	10,607

showing a difference of—

For Loco. Shops	—168
For Carr. Sh	—76
For Wagon Shops	—121

In connection with the Wagon Shops, it should be noted that additional smiths hearths have been put into the Shops and certain additional machines. Each hearth and each machine has to be manned. It is said however that in the Wagon Shops certain machines are double manned as a result of the strike.

In addition to the men for Smiths hearths and machines a special sanction for number of coolies was given for handling material in the Wagon Shops.

These three points will have to be taken into consideration in adjusting down the number of men allowed.

Taking in round figures 10,000 to be the total staff to be employed and working on the proportion decided in the Meeting in April it shows that, of the total staff to be reduced, the Loco. Shops will take .. .. 50 per cent.

Carr. Shops will take .. .. 25 per cent.

Wagon Shops will take .. .. 25 per cent.

The Loco. Shops have now to reduce a further ..	.. 304	
The Carr. Shops have now to reduce a further ..	.. 152	608
The Wagon Shops have now to reduce a further ..	.. 152	

This will bring the total down to approximately 10,000.

(Sd.) M. H. C

17th August 1927.

LEGISLATIVE ASSEMBLY.

Thursday, 15th September, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

Mr. President : A short notice question has been sent by Mr. M. K. Acharya which the President has admitted and the Department has agreed to answer. The Honourable Member does not seem to be in the House to put the question.

Mr. A. Rangaswamy Iyengar : May I put that question, Sir, as it is an important question ?

Mr. President : The Honourable Member who gave notice of the question ought to be here.

Mr. A. Rangaswamy Iyengar : It is an important question, Sir.

THE SOCIETIES REGISTRATION (AMENDMENT) BILL.

Mr. N. C. Kelkar (Bombay Central Division : Non-Muhammadan Rural) : Sir, I rise to move the motion that stands in my name, namely, that the amendments made by the Council of State in the Bill further to amend the Societies Registration Act, 1860, for certain purposes, be taken into consideration.

Sir, the matter of this Bill is a very simple and small one, and I think I can explain it in a couple of minutes almost. This House will remember that it was pleased in February last to pass and sanction a Bill which I had introduced for the purpose of amending the Societies Registration Act for certain purposes. The point was about section 20 of that Act which defined certain objects of registration, but I found that the drafting of the section was defective or that rather it was not sufficiently enumerative, and I proposed that two additions to the objects mentioned in that section should be made. One was the addition of the words " political society ", and in order to carry this matter further and to put the matter beyond all doubt in regard to societies which had also a similar purpose, I had proposed to insert the words " any object of public utility " in section 20 of the Act. I had concentrated, however, on the words " political education " which I insisted must be included in section 20 in order that political societies should be allowed to register themselves and get all the benefits that emanate from incorporation. As I have said, this House was pleased to accept the Bill, and I need not refer to the debate which took place on that occasion. I would, however, briefly mention one or two points in order to give this House an idea as to what was the subject matter of the debate. On behalf of the Government the then Home Member tried to induce me and also to persuade the House to believe that my object could really be achieved under the Indian Companies Act. There was some debate on that point. I did not myself

[Mr. N. C. Kelkar.]

regard the point as debatable, and I think I succeeded in convincing him that it was not right to force political societies or bodies to register themselves under the Companies Act. I contended that a political society was not necessarily a company, because the objects of a political society were entirely different from those of a company. At the end of the debate, the Honourable the Home Member did not entirely give up his point, but I must acknowledge that he did not carry his objection too far. Ultimately he said this :

"I will not oppose the consideration at this stage, but if I am advised by competent legal authority at a further stage that registration can and ought to be effected under the Companies Act, I may take action in another place".

Eventually, however, I find that his legal advisers did not advise him accordingly, and therefore Government in the other place did not press that objection.

There was one small objection taken by my friend Mr. Srinivasa Aiyangar at the time, and the reply given to him by Sir Alexander Muddiman was this :

"I have only one observation to make, and that is, that my Honourable friend, the late Advocate General of Madras, tells us that he is against political societies being given corporate existence. I would ask him with the authority of his great experience of law to tell the House how they can hold property if they are not incorporated".

That shows, Sir, that the Honourable the Home Member accepted my position that it was impossible for political societies to hold property and function according to their objects unless they were registered. In that state of things the Bill was passed. The Government did put up some opposition to it, but it was not pressed, and the Bill as originally introduced by me passed through

Then it was taken to the other House, and there they made small drafting amendments. They dropped one of the words or expressions which I had suggested but accepted the one upon which I had insisted. As I have just said, I had insisted on the words "political education" being included in section 20. That position of mine was conceded by the House and by the Government as well. This is what the Honourable Mr. Haig said in the other place with regard to his amendment :

"The second point seeks to confine the amendment of this Act to the particular object which the Mover of the Bill had in mind. I understand, Sir, that in regard to this particular class of societies there is a sentimental feeling that they would prefer to be called 'society' rather than 'company', and in deference to that sentiment the Government of India have decided for their part to accept the amendment which will enable these societies to register themselves under the Societies Registration Act".

The words which were not recommended to be taken up were the words which also I had suggested, namely, "any other purpose of public utility". I suppose it was regarded that those words were too wide, and one specific reason which was given by the Honourable Member in the other House was that the object of those words was fully served by somewhat similar words in the Indian Companies Act. Lastly, a small drafting amendment was made, and that was, the words "political education", which were accepted and introduced into the body of the Bill, were transferred to the Preamble of the Act which, I think, was

necessary. These were the only three changes that were made in the other House. Therefore, I find, after all, that I have really no room to complain with regard to the Bill as accepted and amended by the other House. My chief purpose has been served, namely, that the words " political education " have been introduced into the body of section 20 which gives practically all that I want. The drafting amendment is quite necessary and reasonable, and with regard to the third thing, I have no quarrel. Therefore, the Bill comes back in that amended form, and I entirely accept it. I therefore move, Sir, that the amendments made by the Council of State be taken into consideration.

Mr. President : The question is :

" That the amendments made by the Council of State in the Bill further to amend the Societies Registration Act, 1860, for certain purposes, be taken into consideration."

The motion was adopted.

Mr. President : The question is :

" That this House do agree to the following amendments made by the Council of State in the Bill further to amend the Societies Registration Act, 1860, for certain purposes, namely :

In clause 2 :

(1) before the words ' In section 20 ' the words ' In the Preamble to and ' be inserted ; and

(2) the letter and brackets ' (a) ', the word ' and ', and the whole of sub-clause (*b*) be omitted."

The motion was adopted.

THE HINDU CHILD MARRIAGE BILL.

Rai Sahib Harbilas Sarda (Ajmer-Merwara : General) : Sir, I rise to move that the Bill to regulate marriages of children amongst the Hindus be taken into consideration.

The primary object of the Bill is to put a stop to child widowhood. No country in the world except this unhappy land presents the sorry spectacle of having in its population child widows who according to the customs of the country cannot remarry. Enforced widowhood is a feature peculiar to Hindu society, and when we consider that some of the victims of this pernicious—I had almost said inhuman—custom were babies 8 or 10 months old, Honourable Members will realise how urgent and imperative is the call for legislation in the matter.

Sir, the Bill before the house does not attempt to lay down the ages at which boys and girls should marry. For Hindus that was done by their law-giver, Manu, who laid down that a girl may marry 3 years after she attains puberty ; and Dhanwantri, the great Hindu authority on the subject, says that ordinarily girls attained puberty in India at 16. Social and domestic environment of the present day, and other things have perhaps slightly lowered the age of puberty in India. Yet, according to Manu, who allows marriage 3 years after puberty, even at the present day the marriageable age of a girl cannot be below 16 years.

Sir, as it stands, my Bill does not go against the spirit or the letter of any religious behest, for no Sastras, ancient or modern, enjoin that a girl must be married before she attains puberty. And it is an admitted

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fact that girls do not attain puberty before they are 12 years old Thus while it does not come into conflict with any Sastras, the Bill removes what is probably the most oppressive burden under which Hindu womanhood is groaning. The Bill is a very modest attempt to recognise that female children even amongst Hindus have certain inalienable rights and that the State with any pretensions to civilisation will deem it its duty to protect them, without heeding the vagaries that masquerade in the guise of social customs.

Sir, a reference to the last Census Report will show how important the matter of the Bill is. That Report says that there were in India in 1921, 612 Hindu widows who were babies not even 12 months old, 498 between 1 and 2 years, 1,280 between 2 and 3, 2,863 between 3 and 4, and 6,758 who were between 4 and 5 years of age, making a total of 12,016 widows under 5 years of age. The number of Hindu widows between 5 and 10 years of age was 85,580 and those between 10 and 15, 2,33,533. The total number of widows under 10 was 97,596, and under 15 was 3,31,793. These numbers include Jain and Arya widows, for Jains and Aryas have been separately classed probably for political purposes ; otherwise they are all Hindus and are governed by the same marriage laws. And if we include Brahmos and Sikhs, who are as much Hindus as the so-called Hindus, the total number of Hindu widows under 15 was 3,32,472 in 1921.

The gravity of the question will however be realised when we remember that out of every 1,000 Hindu married women 14 are under 5 years of age, 111 below 10, and 437 under 15 years of age. This means that a little over 11 per cent. of the Hindu women are supposed to lead a married life when they are below 10 years of age, *i.e.*, they are mere children, and that nearly 44 per cent. of them lead married lives when they are less than 15 years of age, *i.e.*, when they are not yet out of their teens and before they have attained true and full puberty and are physically utterly unfit to bear the strain of marital relations.

Sir, the secondary aim of the Bill is to remove the principal impediment to the physical and mental growth of the youth of both sexes and the chief cause of their premature decay and death. The measure I propose will help to remove the causes which lead to heavy mortality amongst Hindu married girls. The very high percentage of deaths among them is due to the fact that they are quite immature and are utterly unfit to begin married life when they actually do so. Speaking of the strain imposed on girls by married relations, Dr. Lancaster in his book " Tuberculosis in India ", page 47, says :

" People forget the fearful strain upon the constitution of a delicate girl of 14 years or even less, which results from the thoughtless incontinence of the newly married boy, or still more, the pitiless incontinence of the remarried man. Serious as these causes of strain are upon the health of the young married girl, they sink into insignificance in comparison with the stress of maternity which follows. It is a truism to say that the process connected with reproduction which, from one point of view, may be regarded as the most important of human functions, should be allowed to take place under the most favourable conditions possible. Surely it would seem to be of fundamental importance that these processes should be delayed until the body as a whole shall have attained their full development and be prepared for this great crisis. For in no other crisis of life does the ultimate result depend so much upon the physical condition of the body."

And he pleads :

"Let even so much as two years be conceded, and in place of 18 years which may be reckoned as the lower limiting age in ordinary cases of marriage in the west, let 16 years be the age which popular opinion shall regard as the normal one for marriage in this country. The result will be an incalculable gain in the health of the women of India as also in that of the children whom they bear."

Sir, this is the opinion of an authority on the subject. My Bill falls far short of this aim : it is only a step towards this desideratum.

Leaving aside this—and I confess that I regard this as the most important aspect of the question—I think the Bill deserves the support even of those to who nothing matters but the political emancipation of the country.

Sir, progress is unity, and if we are to make any advance, and the country is to come into line with, or nearly into line with the progressive countries of the West or to be completely free from their domination, a programme of social reform of a thorough going character, of which the abolition of child marriage will be a principal item, must be taken in hand along with the pursuit of political reform. Much of this social reform is no doubt the domestic or private concern of the people of the country and does not call for legislation. I believe, Sir, that just as the veil, with all that it connotes, has disappeared in the greater part of Turkey and is fast disappearing from the rest of it, so must the pardah, the Chouka, child marriage, enforced widowhood, the ban on inter-dining and intermarriage, caste in its present rigid and ossified form, and untouchability disappear from India, if we are to be in a position to hold our own in the international conflict of interests, the clash of colour, and the struggle for life that is raging furiously in the world. For we, must remember, Sir, that even political emancipation, freedom or Swaraj, by whatever name you call that one fact, droppeth not like sweet manna from heavens. It has to be won. It has to be wrested from unwilling hands, and so long as these evils exist in this country, we will neither have the strength of arm nor the strength of character to win freedom. Once these evils are gone, a spirit will arise in the land which no power on earth will be able to quench, a strength of arm to fight for freedom will be developed, which the might of the mightiest will not be able to resist. I am sure, Sir, that as the day follows the night, so will these evils disappear, and disappear soon. But there are certain matters of a serious nature in which considerations of humanity and the inalienable rights of a human being—and that human being, the innocent and helpless child—call for the immediate intervention of the Legislature. The present Bill, Sir, concerns one of those matters. In order to protect the inalienable rights of the innocent children and to concede to them the right to live—the life nature gives them—it is necessary that infant and child marriages must come to an end at once and that boys and girls grow up unfettered by marital ties and unburdened with family cares which have not only immensely accelerated the death rate amongst the young married people, especially girls, but have dangerously lowered the vitality of the race, stunted their growth, and barred their way to prosperity and happiness.

Sir, I will say one word more as to the utility of the measure I propose for enactment. The Bill, if passed, will give a real and effective protection to girls, which the Age of Consent Act does not do. That law

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is a sort of flank attack on the social and physical evil, I might say the crime, of child carriage. The law of the age of consent, so far as marital relations are concerned, is a dead letter, and has done little practical good except the slight educative effect which it has had on certain classes of people. The law regarding the age of consent has been in existence a pretty long time, but the last Census Report says :

"There is little evidence in the Census figures to suggest that the practice of infant marriage is dying out."

How long, Sir, shall we then allow this canker to eat into the vitals of our race ? Shall we stand by and see the race sink below the point when regeneration and resuscitation become impossible ?

Sir, in some quarters an objection has been taken to the provision in the Bill as to the function which the Magistrate has to perform in the working of the law The fact is that the Bill provides 12 years as the minimum age of a girl for a valid marriage. In order, however, to disarm all opposition on the part of the orthodox people, the Bill provides that a valid marriage of a girl, even in her 12th year, may be performed if there be a conscientious objection to the postponing of the marriage any longer. Some machinery has to be devised for the operation of this provision, and I consider that the Magistrate of the District is the most convenient and safe agency through whom the law may be fulfilled. The Bill gives no discretion to him to grant or refuse a license. His function is purely mechanical. When a conscientious objection in the shape of an affidavit is filed, the law enjoins him to issue a licence. I may, however, add that the provision with regard to the Magistrate is not an essential or an organic part of the measure I propose, and there will be no objection on my part to a suitable modification of the provision, if it can be devised.

I have a word to say to Government as to their attitude towards this Bill. A heavy responsibility rests on them for the continuance of this evil. Government probably know that several Indian States, for instance, Boroda, Mysore and Bharatpur, have passed laws forbidding marriages of girls below 12. Recently, the state Kotah in Rajputana promulgated a new Marriage Act with effect from 1st July, 1927, prohibiting the marriage of girls under 12 and boys under 16, as well as of girls under 18 with men above double their age and of unmarried girls over 18 with men over 45. Even China has passed a law forbidding marriages of girls below 16 and boys below 18. Sir, this shows what attitude Governments really interested in and solicitious of the welfare of their people are taking in regard to child marriage, and the duty of the Government of India lies clear before them. I was taken aback when at the introduction of my Bill, the Honourable the late Home Member declared that he would oppose its passing but that he did not desire to break the convention that Bills should not be opposed at the introduction stage. That, Sir, was a surprise to me. For, had not this very Government, through its Home Secretary, though in an apologetic tone, expressed its sympathy with the measure in 1921 ? I read from the debates of the Legislative Assembly held on the 17th February 1921 :

"Q. No. 123. Lala Girdhari Lal : Do the Government intend to undertake legislation forbidding marriages of girls before the age of 11 and that of boys before 14 ?

Answer by Mr. S. P. O'Donnell : The answer is in the negative. Government consider that under the present conditions, in a matter of this kind which intimately concerns the social customs and religious beliefs of the people, it is preferable that the initiative should be taken by non-officials rather than the Government."

Does this not show by clear implication that in 1921 the attitude of Government towards the question was one of sympathy, and by no means one of opposition ? Sir, it was a surprise to me, as it was to most people, to see that a Government which professes to work for the good of the people, a Government that is representative of a nation that certainly is one of the most advanced in the world in wisdom and in the development of Justice and freedom, and claims—and I think rightly—that it has a great respect for womanhood, should take up such an attitude, and instead of welcoming and promising to support such essentially necessary legislation for children and helpless girls, declare its intention to oppose it. Sir, if Government had said that they had in their hands unimpeachable and overwhelming evidence that the bulk of Hindu public opinion was dead against the measure, and that therefore they could not support it, we could understand their position. The attitude of the late Home Member has been condemned in the country and constructions have been put upon it which I think are unjustifiable, but which Government would do well to prove to be groundless and unjustified by taking up a helpful attitude towards this Bill. For, after all, Government, like the humblest of men, would be judged by its acts and not by its professions. Take this month's number of the *Modern Review*, the premier magazine in the country. In an article entitled " Indian Social Reformers, etc. " the editor, Mr. Ramananda Chatterjee, says :

" The abolition of child-marriage and child mortality and the raising of the age of consent within and outside marital relations would tend to make Indians a physically, intellectually and morally fitter nation. But British bureaucrats have all along been very unwilling to help Indian social reformers in effecting these reforms by direct and indirect legislation. They had no objection to abolish Suttee, probably because it was mainly a question of humanity ;—the abolition of Suttee was not expected to promote the building up of a stalwart nation. But the abolition of child marriage, etc., is indirectly and almost directly a political as well as a social remedy. So in these matters our British bureaucratic friends fall back upon the cant of neutrality and non-interference in religious and socio-religious matters. As if Suttee, hook swinging, etc., were not such things, which the British Government have stopped by legislation ....".

He adds :

" And this mentality continues in spite of the following admission made in the Census Report of India for 1901 A. D. (Vol. I., page 434).

' Happily there is reason to believe that the leaders of Indian society are fully alive to the disastrous consequences, both to the individual and to the race which arise from premature cohabitation and are anxious to use their influence to defer the commencement of conjugal life until the wife has attained the full measure of physical maturity requisite to fit her for child bearing '."

The editor further adds :

" Twenty six years have passed since this was written, yet the late Home Member of the Government of India declared that he would oppose Mr Harbilas Sada's very modest Hindu Child Marriage Bill. It has to be seen whether his successor will carry out the threat."

Though I, for one, do not believe that British officers in India are inspired by such unworthy motives as are ascribed to them in their attitute towards legislation such as that on the anvil, still it is my earnest hope that Government would reconsider their attitude towards this

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question of child widowhood—the tragedy of child widowhood as the *Pioneer* in its issue of the 9th of this month calls it. I would beg the Honourable the Home Member not to say or do anything which would give the social reformers and workers in the country and the public generally, any plausible ground to charge Government with hostility based on political considerations, to all measures calculated to remedy social and physical evils which are a disgrace to all concerned and which effectually bar their way to physical or social welfare.

Another danger lies before Government, which a book and a speech in England have brought to light. Let it not furnish an excuse to its simpleminded critics to suspect it of helping to perpetuate conditions which the base traducers of fallen and subject nations gladly make use of. Just as there are slimy creatures who burrow in dirt, eat dirt and throw out dirt, so are there persons like that notorious writer of "Mother India", whose attempt to revile the "mother" has earned for her the contempt of all sensible people. While she will for a time enjoy the ill repute of a defamer of a nation, to future students of Indian constitutional history she will appear as one of those contemptible characters, who lend themselves to become tools in the hands of scheming opponents of a nation's aspirations.

Sir, there are Indians who think, whether or rightly or wrongly, that Government who is the guardian of India's interests does India an injury by conniving at the continued existence of child-widowhood in the country, as it exposes their motherland to the base lies and vile calumnies of a Pilcher against a suffering class of womanhood, whose high character and sainted lives amidst suffering nobly borne, ought to put to shame those whose vile outpourings in no way enhance the dignity, the prestige, or the glory of the English race. Sir, Providence, as a just retribution for the woes and sufferings to which our passive acquiescence in the continuance of an evil custom subjects the child widows of this country, has condemned us to centuries of political servitude and national impotence, when in our utter helplessness we have silently to suffer the outrageous insults heaped on our womanhood. Sir, when an insult was offered to the Queen of France, the noble Burke in a memorable outburst of impassioned and noble eloquence, exclaimed that the age of chivalry had passed or ten thousand swords would have leapt from their scabbards to avenge that insult.

How fallen are we, and not we alone—pardon my saying so, Sir—but also some others who, having inherited the noble traditions of the English race and being custodians of the honour, the good name and the reputation of this country, allow without a protest the womanhood of India to be so basely traduced and grossly insulted—insulted in a manner which has moved at least one Englishman, a true missionary of Christ, to do public penance in Calcutta for the great crime of a countryman of his

Sir, if Government have no desire or have not the courage to initiate and carry through legislation prohibiting marriages of girls below 12 years of age, they might very well give this private measure their hearty support. But even if the Honourable the Home Member is not disposed to do this, as we think the representative of the *Ma Bap* Government

possessing a genuine solicitude for the welfare of the people ought to do, he will at least take up an attitude of neutrality, release Government Members from the Mandate handicap and permit them to vote according to their conscience, or let the fate of the Bill be decided by the vote of the Indian Members of this House who are principally affected by it. I hope Government have noted that all the amendments so far proposed by Honourable Members not only support the Bill but are directed towards making the provisions of the Bill go much further than I have ventured to do.

Sir, with your permission, I will read the report published in the *Times of India* of the 24th June 1926, of a heartrending incident, the direct result of a child marriage !

"The sad story of how a young married Mahratta girl, eleven years old, named Bhingoobai, drowned herself in a well at Narayanpet Road Station, on the G. I. P. Railway between Raichur and Wadi, while being sent back by her father to her husband at Shahabad has reached here.

The driver on No. 16 passenger train stated that while examining his engine near the water tank at Narayanpet Station, he noticed a girl get down from the third class bogie carriage and running to station well to jump into it.

The father of the girl told the police that his daughter Bhingoobai had been married to one Luxmon, four years back when she was about six years old. In accordance with the custom, she was sent to her husband's house two months after marriage. After remaining there two months, she returned to her parent's house, was sent back by the latter, but returned again.

This happened several times. Her father taking advantage of one of his relations named Yedoo going to Shahabad determined to send his daughter back to her husband with this relation and himself took her to the station and saw her entrained. While he and Yedoo were engaged in conversation on the platform he was informed his daughter had fallen in a well. He ran to the well with others and a cultivator, named Samboo, jumped into the well and brought the girl out still alive but senseless. She expired soon after."

Sir, this is not a solitary incident of its kind in this country. I have personal knowledge of one or two other similar sad things. Do Government with the knowledge of such happenings still feel justified in opposing or by proposing dilatory proceedings, in postponing the fruition of the labours of people who are endeavouring to alleviate the lot of innocent, defenceless girls who are done to death by ignorant, heartless custom, or a mischievously false notion of social decorum ?

Sir, before I resume my seat, I respectfully and with all the earnestness that I can command, invite the attention of Honourable Members on both sides of the House to the touching appeal of Mahatma Gandhi made at Madras on the 7th September, 1927, for the abolition of child widowhood. He said that there was no warrant for this kind of widowhood in Hinduism, and, he exclaimed with intense grief and agony of mental pain, "I have often said in secret to God, 'If you want me to live, Oh, God, why do you make me a witness to these tragedies ?'"

Kumar Ganganand Sinha (Bhagalpur, Purnea and the Santhal Parganas : Non-Muhammadan) : I sincerely congratulate my Honourable friend from Ajmer-Merwara who has brought forward this Bill to eradicate a deep-rooted evil from the Hindu society, namely, early marriage. Before I proceed further, I must make it clear that by early marriage I mean marriage at an age at which it is contemplated to be stopped

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by the Bill which we are now considering. Every Hindu knows to-day that taken as a whole his race is on the downward path of physical deterioration attended by intellectual degeneration and is threatened with virtual extinction. The reasons for these are as much political, as much economic as social and my Honourable friend has attacked one of the aspects of our social system which contributes towards such a degeneration. I think he has brought this measure at a right time and in a right place. Any one who has taken care to study the growth of the Hindu society will bear testimony to the fact that taking into account the history of Hindu civilisation, comparatively speaking, the custom of early marriage is a matter of rather recent origin. But somehow it has taken a firm grip of the society, and to free ourselves from it we must struggle very hard. There are unfortunately persons amongst us who try to justify early marriages by quoting scriptures. To them I say that I have also taken care to read scriptures with a view to getting information on the point and have taken pains to discuss it with erudite pundits of our part of the country, and I have come across nothing that can justify the marriage below the age which this Bill seeks to fix as the marriageable age. I do not want, here, on the floor of this House, to enter into learned discussions and dissertions about our scriptures but I am prepared to join issue with anybody who says that what I have stated above is not a fact. There is to my mind no religious sanction behind a marriage of that kind. That is not all. If we look at the matter from other aspects also, it would appear that the reasons and arguments for stopping early marriages are much more convincing. Look at it as a source of increasing the number of young widows who cannot remarry and constantly cast a gloom on the family by reminding all elderly members of the family of the loss the family has sustained in the death of the husband ; look at it from the point of view of the death of child mothers who conceive at a tender age and bring forth sickly babies ; look at it from the point of view of child mortality of which child parentage is a potent cause, and I am sure you will say that you must root out the evil at all costs. It is sapping the vitals of our race, and to let this continue is to commit racial suicide. I would like to quote some statistics that will illustrate the evil of the custom from the various aspects I have indicated. I was looking into the statistics in the last Census Report and it is stated there that in the whole of British India the infant death-rate amounts to one-fifth of the total death-rate for all ages and about one-fifth of the children die before the age of one year. As to its cause, it is stated :

"Special causes contribute to the high mortality of infants in India. Owing to the custom of early marriage, cohabitation and child birth commonly take place before the woman is physically mature and this, combined with primitive and insanitary methods of midwifery seriously affects the health and vitality of the mother and through her of the child. Available statistics show that over 40 per cent. of the deaths of infants occur in the first week after birth and over 60 per cent. in the first month."

Another remarkable fact that is revealed in the Report is this :

"A marked feature of the statistics of the last 20 years has been the increase in proportion of female deaths since 1901."

Although the Report does not refer to it, it is a matter of common knowledge that where provisions for midwifery are not adequate many

child mothers have to pay with their lives for their and their guardians' ignorance. That is often the remote cause but all the same that is an important factor in the mortality of child mothers. The doctors can bear testimony to this fact. There are in this land 216,237,797 Hindus, divided into 110,626,596 males, 105,611,201 females and out of these 20,218,780 are widowed females, and when I come to divide them according to age, the revelations are appalling. You will see that there are 597 widows of the age 1 and less. Between the ages of 1 and 2 years there are 494 widows, between 2 and 3 there are 1,257, between 3 and 4 there are 2,837, between 4 and 5, there are 6,707. The figures for higher ages are :

Age.	No. of widows.
5—10	85,037
10—15	232,147
15—20	396,172
20—25	742,820
25—30	1,163,720

Sir, it is stated in page 155 of the same Report that the large number of Indian widows is due partly to the early age of marriage, partly to the disparity in the ages of husbands and wives but chiefly to the prejudice against the remarriage of widows. The higher caste of Hindus forbid it altogether and as the custom is held to be a mark of social respectability, many of the more ambitious of the lower castes have adopted it by way of raising their social status. I ask, Sir, are these not ghastly revelations ? Are these not things which the House would like to remedy to-day ? Such a large proportion of child mortality, such a large proportion of child widows, such a large proportion of female deaths brought about sometimes directly and sometimes indirectly by early marriages ? Sir, these census reports are very valuable documents. They supply information with regard to almost everything about which we need them and here is a table that has been framed about early marriages. It is stated that in 1881, out of 1,000 males between the ages of 10 and 15, 843 were married ; in 1891, 841 ; in 1901, 860 ; in 1911, 866 ; and in 1921, 879. And between the ages of 15 and 20, in 1881 the number was 617 ; in 1891, 621 ; in 1901 650 ; in 1911, 665 ; and in 1921, 687. Now we come to the females between the ages of 5 and 10 in every 1,000 females in the year 1891 there were as many as 874 married girls ; in 1901, 893 ; in 1911, 891 ; and in 1921, 907. Again between 10 and 15 years their numbers are as follows :—In 1881, 481 ; in 1891, 491 ; in 1901, 559 ; in 1911, 555 ; and in 1921, 601. The House will note that the tendency towards early marriages is generally on the increase, though the increase has not been very large. But in spite of the efforts of social reformers who want to kill the custom of early marriage ; in spite of the abolition of early marriage being advocated in the Press and on platforms by the various social and quasi-religious organisations, we see that we have not been able to kill this evil. It has rather increased in spite of all our efforts during these decades than decreased. The practical effects of child marriage, as I have stated before, are twofold. First, it implies cohabitation at an immature age, sometimes even before puberty, and practically always on the first signs of puberty, resulting in grave physical effects upon the girl and in all the evils of premature child-birth ; and secondly, in the event of the husband

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dying the child wife is in the case of castes in which the remarriage of widows is prohibited, left a widow for life. I shall not take the time of the House by narrating what Hindu widowhood means. There is no Hindu who does not know it from practical experience in his household It is a life of agony, pains and suffering and austerity. It is a life which has been inflicted not so much by Providence, not so much by the Shastras, as by social customs. I repeat, Sir, it is not difficult to imagine what a childwidow in a Hindu household means. Fancy, mothers seeing the sight of widowed daughters day after day in a helpless fashion, sharing their agony ! Shall it not break the heart of everybody who experiences it ?

Mr. President : Is the Honourable Member going to move his amendment ?

Kumar Ganganand Sinha : I will refer to it later. I am going to move for a Select Committee, not for circulation, Sir, I again congratulate the Member in charge of the Bill for bringing in this timely measure, but I regret that I cannot agree with the details of the provisions of the Bill. I differ from him in regard to some of the particulars. I am going to move that it be referred to a Select Committee and I hope that the Select Committee will go into the details and make the necessary changes which will make the measure acceptable to this House. I will refer first to the question of validity which has been raised in this Bill. It is against all the canons of Hindu law, and the Hindu Shástras, that a Hindu marriage duly performed should be challenged by any temporal authority. The Hindu Shástras prescribe remarriage under certain conditions and certain conditions only ; but our society has come to a stage in which even that is not possible. It is really inconceivable that a Hindu marriage once celebrated according to the Shástras could be invalidated by any authority whatsoever. At present no one can nullify a marriage once duly celebrated, even if the temporal authorities order it, because the society will never accept it, and in case of insistence there will be a great stir in the country which I do not think the House would like to cause. I then come to the question of age. So far as the age of females is concerned, I have nothing to say. It is just as it should be when we take into consideration the present day Hindu society as a whole. But so far as the age of males is concerned, I think the Bill ought to be amended a little. As a matter of fact in his Statement of Objects and Reasons the Member in charge of the Bill has himself stated that according to the Brahmanas, the most ancient and most authoritative book on Hindu law, the minimum marriageable age of a man is 24 years and of a woman 16 years. Regarding boys, he states further that the Shástras do not enjoin marriage at a particular age. But he thinks that public opinion amongst Hindus would fix 18 years as the minimum marriageable age for a boy. Sir, my own opinion is that the minimum marriageable age of the boy should be fixed at 18 years. That is the age of majority in most cases and I do not like that a marriage should be celebrated at a time when a boy has not attained the age of discretion. Below that age physical development is at a very early stage, and I am afraid that a marriage if celebrated before that age would be detrimental to his physical growth. Now, Sir, I seriously object on the same ground on which I objected to the question of validity raised in the Bill to the provision for granting licenses. I do not like that executive authorities should have anything material

to do with our social or religious matters. This piece of legislation is designed, I think, to help society and to help the formation of public opinion and it should not provide for anything which may give the power of interference to the Government. With some such imperfections removed, I think, the Bill will be acceptable to the House.

Sir, I move my amendment which is No. 3 on the agenda, namely, that the Bill be referred to a Select Committee.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, I rise to give my whole-hearted support to the motion before the House. As a rule, Sir, I am opposed to measures of social reform by legislation. Whilst we have had a number of figures put before the House, giving details and statistics regarding the number of child widows under the age of 10 and so on, my Honourable friend the Rai Sahib from Ajmer-Merwara will admit that this evil has been steadily decreasing during the last say 30 years, even in his part of the country, Rajputana, where I am afraid it can be said even amongst the middle and upper castes and classes child marriage is most prevalent at present.

12 NOON.

The Honourable Member will admit however that the age at which girls are offered in marriage has a decided tendency to increase. What I think the Hindu conscience clearly revolts against now— and when I say Hindu conscience I mean, Sir, the consciences of all those who can think for themselves— is that any of those cases which occur at present should at all occur in the year of grace 1927. We feel that it is high time that this should be put a stop to, and I agree with the Honourable the Mover of the Bill that it is necessary to bring legislation in in order effectively to put a stop to child marriage or marriage of girls under 12. I do not wish to go into the details of how this custom of child marriage came to be and has continued all these years, it may be a very interesting subject, but I am afraid it is quite unnecessary to take the House through the various stages through which we have gone down to offering almost babies in marriage. I do not believe there can be a single Member in this House, or I venture to say a single thinking man in the Hindu society outside who deserves any consideration who would stand up and defend the marriage of a girl of four, five or even of ten years. But even the Honourable mover will realize that, owing to superstition, somehow or other a certain section of the Hindu community—and it does not go by caste but it goes by the extent to which education may have reached that section or not—a certain section of the Hindu community do unfortunately mix this up with their religion. It is therefore necessary if the Honourable Mover's very laudable effort is to meet with success, that the House should act firmly, as I admit they must and as I hope they eventually will ; but let us move with cautious steps. I, Sir, yield to none in my efforts to have child marriage stamped out from Hindu society. I am one of those who feel a humiliation, which I look upon as a great humiliation, when I am reminded that people who profess my creed and my religion have the heart to mar the happiness of their girls, knowing the dangers of child marriage. Bearing in mind the extent to which India is liable to plague, cholera and all the other diseases, none but an unthinking Hindu father alone, or none but a fanatic Hindu father alone can with a quiet conscience offer his girl in marriage at an

[Sir Purshotamdas Thakurdas.]

age which is an age of babyhood and of childhood. We must however recognize facts as they are. I therefore would very much suggest to the Honourable Member to have a little patience and to agree to comparatively slow and cautious steps being taken. All that I would ask him to insist upon is that whenever the step is taken, it should be a firm one. The Honourable Mover has said that several Indian States have introduced measures similar to the one which he has put before the House. I think it would be useful to this House, constituted as it is not only of Hindus but also of Muhammadans, Europeans and Parsis, who are all intent upon saving Hindus from this severe drawback, if it is realised that these various communities and their representatives in this House require to be satisfied that the real and correct religious feelings of the Hindu community are not in any way injured. (Hear, hear.) I am inclined to feel, Sir, that when the Bill comes to the stage of consideration clause by clause, it would be possible to prove on the floor of this House that anybody who mixes up the correct Hindu religion in its purity with child marriage is either a person fit to be locked up in a lunatic asylum or one who has some vested interests connected with the continuance of child marriage ; but that stage, Sir, must be reached by the regular process. I therefore hope that whilst I am anxious to give my fullest support to the Bill at the stage at which it has now reached, the Honourable the Mover will not insist upon pushing it through this House to-day but will have patience and will see that when the House does eventually act, it will act firmly and without any fear. I hope, Sir, that the Government, if they carry the motion which I see on the agenda paper, will also take every possible step to see that as little delay as possible takes place in getting the opinions of all whose opinions we should have, and let us hope that at the next winter Session in Delhi this Bill will emerge from this House as a measure satisfactory both to the House and to the thinking section of the Hindu public. Sir, I have great pleasure in supporting the motion.

Mr. President : Is the Honourable the Home Member going to move his amendment ?

The Honourable Mr. J. Crerar (Home Member) : I move, Sir, that the Bill be circulated for the purpose of eliciting opinions thereon.

Mr. President, the zeal, the earnestness and the sincerity with which the Honourable the Mover has moved his motion have I think, been greatly appreciated by, and have left a deep impression upon, the House, and the impression is felt as much on this side of the House as among the Honourable gentlemen opposite. (Cheers.) No one can deny, no one could be disposed to deny, that the evils and the many ramifications of the evils to which the Honourable gentleman referred constitute in themselves a great problem and one which demands a solution. So far as the Honourable Member's Bill expresses the principle that one of the various means of approaching this problem should be by legislation of a civil character, that is a principle with which I myself have a very large measure of sympathy. Everyone, I think, will agree that our best hopes for progress and for a remedy must lie in the progress of enlightenment, in the support of enlightened and educated public opinion in these matters, and in the establishment of practices based upon public opinion.

(Cheers.) But I do not deny that a great responsibility rests upon the Legislature and upon the Government to do all they can to promote the rapid development of public opinion on those lines. We have as a matter of fact undertaken penal legislation in the matter. A measure of penal legislation, which at any rate is to a certain extent germane to the question, will probably be before the House at a later stage to-day. The Honourable mover of this Bill has confined his attention to civil legislation, and I agree that the extent to which progress can be stimulated and to a certain extent aided by means of civil legislation is a question which merits very careful and very serious consideration. The Honourable Member stated that the Government of India have a great responsibility in this matter. I entirely concur. But one of the responsibilities and a very heavy one on the Government of India is to ensure that where measures undoubtedly impinge very deeply upon the religious ideas and the social customs of very considerable sections of the population, all legitimate interests and all legitimate opinion should be carefully, fully and fairly ascertain. Another part of the responsibility which rests upon the Government of India is to see as far as in them lies that such measures as are proposed are really conducive to the ends to which they are directed. Now, Sir, I do not intend to go into the particular merits of this Bill. Sir Purshotamdas Thakurdas in a powerful speech has just urged upon the House and upon Government to exercise caution in the matter. I confess that note of caution seemed to me to be a wise counsel. I think that before the House proceeds to consider this Bill in greater detail it ought to pass the motion which I move for further eliciting opinion thereon. Legislation, however well-intentioned, if it is hasty, is not likely in the end to promote the purpose for which it is intended. Legislation which is passed without due consideration may have consequences very remote from those which were intended. I am not opposed to the main principle of the Honourable Member's Bill on its merits, but I do appeal to the House to show that spirit of caution which is enjoined by Sir Purshotamdas Thakurdas. I ask the House to agree that this motion for the purpose of further eliciting opinion upon the Bill be passed.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : Sir, I really have no patience with those people who always want to proceed slowly and cautiously in matters of such vital importance for the well being of the community as the measure under consideration is. The voice against child marriages was raised in this country by a Hindu of very great pre-eminence whose name is honoured all over the country, by all sections of the Hindu community, I mean Raja Ram Mohan Roy, as early as 1830. He and his co-workers thought that the spread of education in this country would be so rapid and the conscience and intelligence of the community would be roused in such a short time that he and his colleagues would live to see the actual carrying out of this reform. But a foreign government has retarded the intellectual and social progress of this country by its very dilatory methods and by its slow and cautious measures—political, economic and social. If you study the Shastras and the Smritis, you will find, that the Hindus have always been changing their social laws according to the needs of the times, having had the power to do it by enacting legislation. Social reform is no easy task in any country ; it has not been easy in any age. Even in western countries, where education has filtered down to the masses and where bombastic claims are being made

[Lala Lajpat Rai.]

of enlightenment and purity of life, social reform is not an easy task. But social reform in a country like India which is governed by a foreign nation, a foreign power and a foreign race, is much more difficult ; and even the recognition of a primary thing like this, takes so much time, and is always opposed by dilatory methods proceeding either from the Government or from those who bring in religion in every measure, conceivable or inconceivable. Sir, I do pretend to have some knowledge of the Hindu religion. In my opinion such customs and manners have their origin, not in religion, but in certain political and economic causes, which bring about a change in the minds of the people who observe these customs and manners. Religion has nothing to do with it, and I emphatically repudiate the idea that the Hindu religion enjoins on anybody marriages of infants and children as have been going on in the immediate past and as are even now being celebrated in the name of religion. I beg to point out, Sir, that public opinion on this question has been sufficiently educated. At no time and at no stage will there be a lack of people who will oppose a measure of this kind in the name of religion. As long as legislative effect is not given to the desires of those who want this reform the opposition will go on. The question is simply this : Is the measure a right one or not ? If it is a right one, it ought to be accepted by the Legislature : if it is a wrong one, it ought to be rejected. So far as the Government's attitude is concerned, they say that we should proceed cautiously and that the opinions of the people concerned should be obtained, so that there might be no infringement of their religious susceptibilities. I might point out that Government have not kept that principle invariably in view. The Government at least should not have the face to say that they care very much for public opinion in this country. Do they care for it in other matters ? Certainly not. Public opinion has very often been expressed very strongly and clearly ; but the Government have simply trodden over it, disregarded it and followed their own inclinations. The easiest method of ascertaining public opinion in this matter is that this measure which affects the Hindu community should be left to the Hindu Members of this Assembly ; let them decide among themselves as to what should be done. The Government should not interfere. There are representatives of orthodox Hindu opinion here who have come from different parts of the country and there are representatives of those classes also who may be called heretics and who are reformers ; there are representatives of all classes. It is for them to decide upon legislation in this matter. The easiest way to ascertain public opinion and to find out whether the community is in favour of or against the measure is to leave it entirely to their representatives here. But when the Government interferes, I submit, it takes a great responsibility and it lays itself open to those charges of mixed motives which have been levelled against it by such clear-headed people as the editor of the *Modern Review* ; he is not given to bluffing ; he is not given to exaggerating and he always expresses very balanced opinions on questions social, political, and economic. (*An Honourable Member* : "Moderate.") The feeling is very strong on this side of the House against the suggestion of the Home Member that more time is required for eliciting information in regard to this matter. But, even assuming that there is need for it ; the motion of my friend, Kumar Ganganand Sinha, gives that opportunity. If you simply circulate this Bill for opinion now, it will not come up for consideration soon because eliciting public opinion is a huge

task. Some people will express and some will not express any opinion and the Government may not feel satisfied. I do not think my friend, Sir Purshotamdas Thakurdas is quite justified in saying that if this Bill were circulated for eliciting public opinion we would have an opportunity of finishing this legislation in the next winter Session. I do not think that is possible. But even if there are some people who are very anxious that the measure should not be proceeded with at once and that it requires closer examination in certain details their desire will be fulfilled by a reference to a Select Committee. It will give ample time to people who desire to express their opinion to do so. The measure has been before the House for several months now ; it has been discussed and commented on in the papers already and people have expressed their opinion in the public Press. It is not as if it is sprung as a surprise to-day or on a few days' notice ; it has been practically on the anvil for several months now ; therefore there has been sufficient opportunity for public opinion to express itself ; and if any further opportunity is required, the proposal of my Honourable friend, Kumar Ganganand Sinha, affords that opportunity. Reference to a Select Committee means that the Select Committee will meet, it will discuss and consider all the opinions submitted to it in a definite time and make its Report. The Report cannot be submitted in this Session, but it may be submitted in the beginning of the next Session. It will thus give us an opportunity to accept or reject this measure as may be decided upon by the majority of votes within a definite time. But, Sir, the acceptance of the proposal made by the Honourable the Home Member that the Bill should be circulated for public opinion will mean practically shelving the measure. I therefore strongly oppose the motion, and would ask the Hindu Members and other Members also who claim to be enlightened and broad-minded, not to vote for this amendment, but to accept the amendment proposed by Kumar Ganganand Sinha. At this stage I do not want to make any very lengthy comments on this measure, but I want to say one thing. If I had my way, I would raise the marriageable age of girls to at least 16 years. I would not be content with 11 or 12 years. I know that even in the most advanced countries of the world, the marriageable age of girls is not fixed, and I also know that even in India the early marriages are confined mostly to what are known in the Hindu community as the " higher castes ". It is not such a widespread evil as some people think ; but even for those limited classes and for the general political progress of the country, the question is of the most vital importance and should be taken in hand as soon as possible. The Honourable Member has been very cautious, in fixing the marriageable age at 12. I am very sorry to say that even such a cautious measure is not acceptable to certain Members of the House and they still want to proceed slowly and cautiously. After eliciting public opinion, the Bill may or may not come up within any measurable distance of time. Sir, this measure being a very moderate one, the Government ought not to shelve it by insisting on their amendment to circulate the Bill for eliciting public opinion. I would ask the independent Members of the House to vote for the motion that it be referred to a Select Committee.

I will only add one word, and it is this. When I am supporting this motion, I should not be considered to admit that in India we have an extra dose of sin in our men and women in social matters. I do not want to go into details. Sir, all communities in the world are victims of social abuses. We have certain classes of bad customs, while others have got certain others.

[Lala Lajpat Rai.]

This is not the occasion for me to go into them, but I do not think that anybody can point his finger and say that we in India have got the greatest dose of sin in the world in the matter of bad social customs, social manners or morality. I do not defend the practice of child marriage, Sir, in any way or in any shape or by any explanation. It is simply indefensible. It cannot possibly be defended on any grounds, but at the same time I do not want it to be understood that we are, as I have already said, for that reason immoral people or even an unmoral people. I say, Sir, that we are victims of our social customs, as some other people are victims of their own social customs. We want to progress, and I am perfectly certain that this evil custom would have been simply stamped out of India if we had the legislative powers in our hands, earlier. In all these matters of social reform, a certain amount of coercion has to be used, success can be achieved only when the leaders of the community sit together in a Legislature and decide to exercise a certain amount of coercion in bringing about the necessary reform. But, Sir, we have been powerless in the past ; we are powerless even now. Even if this measure is passed, some people will memorialise the Viceroy to veto it. Therefore, I would appeal to the Government Members not to throw in their weight in favour of shelving this measure, because it is of very great importance to the people of India. I am glad that in spite of this debate being misinterpreted in various ways by the enemies of political progress and of our political aspirations, in India or outside, we are staunch in the matter of pushing forward social reform, whatever may be the interpretation that may be put upon our speeches, methods or measures. We are determined, Sir, that the evil customs prevailing in our country, which are eating into the vitals of the nation and which stand in the way of our general and political progress, should be entirely stamped out. Sir, I am confidently able to say that the Hindu community as a whole has begun to realise the evils of child marriage and they want to get rid of it. But, there are always some people who are opposed to change and who are conservative to an extraordinary degree. They may be actuated by the best of motives, but they are the enemies of progress and their voice is not entitled to much weight. It is enough to follow the enlightened public opinion of the country. Therefore, I commend the motion made by my friend Kumar Ganganand Sinha for the acceptance of this House and not the one made by the Honourable the Home Member.

Mr. W. A. Cosgrave (Assam : Nominated Official) : Sir, I rise to support the amendment moved by the Honourable the Home Member, that the Bill be circulated for eliciting public opinion thereon. I have just listened with great interest to the speech delivered by my Honourable friend Lala Lajpat Rai, and I must say that I have hardly ever heard a more convincing speech in favour of the amendment that the Bill be circulated for eliciting public opinion thereon.

The first point I would mention is that my Honourable friend Lala Lajpat Rai said that he would like to raise the age of marriage to 16, while under clause 3 of this Bill, the proposed age is 12. If Honourable Members will read the amendments tabled on this list, they will see that there are many different proposals as to what the age should be under clauses 3 and 4. Personally speaking, I think that many of us are of the opinion that, as far as possible, the age of marriage ought to coincide with the

age of consent. But in view of the fact that my Honourable friend Lala Lajpat Rai thinks that the age should be raised to 16, and that other Honourable gentlemen have tabled amendments proposing other ages, I think that it is a very cogent argument in support of the fact that this Bill should be circulated for eliciting public opinion. I really owe an apology to the House for speaking on this Bill, because I agree in many ways for once at any rate at least with my Honourable friend Lala Lajpat Rai when he says that this is primarily a matter for Hindus to decide. And I think there is also another reason why the Bill should be circulated. How many Hindus are there in India ? This is a Bill which will affect more than two hundred millions of people.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Is not this House representative of the Hindus ?

An Honourable Member : Not entirely.

Mr. W. A. Cosgrave : There are very good representatives of the Hindus on the other side, I quite admit, but I think that a Bill which affects the social and religious, if I may say so, customs of more than two hundred millions of people should be circulated for opinion. I am speaking as a private Member, and I think that it might be possible that, if this Bill is circulated, some sort of undertaking might be given that it would come up for consideration again at a definite period. It is not for me but it is for the Honourable the Home Member to say as to whether this Bill will come up again at the Delhi Session or at the next Simla Session. But speaking as a Government officer who has spent 24 years in this country and who is very keen on every sort of social reform, I personally am entirely in favour of having some sort of law on the subject. I agree with my Honourable friend, Sir Purshotamdas Thakurdas, that social reform should as a rule be accomplished without legislation. But in these cases we seem to be able to do very little without some sort of legislation. Judging by the numerous Bills and Acts introduced by my friend, Sir Hari Singh Gour, it is almost impossible to get social reform without some form of legislation.

Another great defect, as far as I can see, in the present Bill—and in this matter I am speaking as a Government officer who is keen on social reform—is that there is no penalty provided in the Bill and that the only action left to the District Magistrate, who is supposed to be a sort of maid of all works in these social matters and other things, is to accept the affidavit which may be true or may be untrue. Well, Sir, I do not agree with my Honourable friend Kumar Ganganand Sinha that the Bill should be referred to a Select Committee at the present time. I hope it will come to a Select Committee later on, because personally I have the greatest sympathy with my Honourable friend Rai Sahib Harbilas Sarda in the motives which have led him to introduce his Bill. I notice that my Honourable friend Kumar Ganganand Sinha has as much dislike as I have for clause 6 of the Bill. And personally I think one objection to clause 6 of the Bill as it stands at present is that it is a loophole for all sorts of evasions of the Bill. I think, Sir, I have shown that there are many points in this Bill which require consideration by the country at large before the Bill goes to a Select Committee. I personally would have great sympathy with the Honourable gentlemen on the other side if they said that they did not want to have a District Magistrate

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interfering with Hindu marriages, and personally I think clause 6 will be practically either a dead letter or else it will give a convenient loophole for the evasion of the spirit of the Bill moved by my Honourable friend Rai Sahib Harbilas Sarda. And, Sir, I personally, as an apostle, if I may say so, of *laissez faire*, like to interfere with people's social customs as little as possible ; I like to see people happy and contented, I don't like interference with my social customs and don't like to interfere with other people's social customs, and I think, Sir, this clause 6 is open, as the Honourable Kumar Ganganand said, to very serious objections. I think that this is a question that I can quite understand public bodies and other people who are consulted saying that they would rather have this clause omitted. And, Sir, I can also imagine that there are certain people who might possibly object to the definition of " Hindu " in clause 2. There are of course all sorts of Hindus but there are some people who might say that the term Hindus cannot include Brahmos as well as Buddhists. For all these reasons, Sir, the reasons that I have given that there is a great division of opinion as to what the age should be in this Bill, that there is a division of opinion as to what interference there should be by the district authorities as regards granting licenses on the basis of an affidavit or as to whether there should be a penalty in this Bill for disobedience to its clauses, for all these reasons, I consider that there is a very strong case for referring this Bill for the elicitation of opinion. I hope speaking again as an officer keen on social reform, I personally hope that the Bill in some form or other becomes law within a very short time. I do not want it to be considered that in any way I am unsympathetic to this great cause of social reform of which I think my Honourable friend Rai Sahib Harbilas Sarda is a very worthy champion.

Mr. M. R. Jayakar (Bombay City : Non-Muhammadan Urban) : Sir, I rise to support the motion made by my Honourable friend Kumar Ganganand Sinha and to oppose the one made by the Honourable the Home Member. I have listened very carefully to the speech of the Honourable the Home Member and I must say, in absolute frankness, that occasions like these in my opinion are the only test which show whether our Government is national in temper. We are often told, Sir, that the justification for a foreign government to be in this country and to be at the helm of affairs is that, although for political reasons it is for a time foreign in personnel, it is growing increasingly national in temperament. Often that claim is made before us as a justification for the anomaly of a preponderence of Englishmen on the Government Benches. But, when occasions like these come, Sir, the real weakness of the British Government as in sole control of this country, becomes apparent. I want the Englishmen on the opposite Benches to take up a proper attitude on such questions. I can quite understand, Sir, that dealing with questions of this complexity, as they must appear to Englishmen, their attitude would be as follows :—" I will not apply my own mind to this question to see whether the remedy wanted is right or wrong : I am told by certain sections of Hindus that it concerns their religion : that gives me a fright : I will not touch the matter ; let it go ". That attitude, Sir, is the attitude of ignorance and timidity. A more natural attitude, if I may presume to speak for the benefit of my

English friends opposite, would be this. Let them judge this question from their inherent notions of right and wrong. Having judged all such questions as enlightened individuals and come to a determination that the matter is inherently right, then as forming the Government they are entitled to look for a certain measure of support from the enlightened sections of the community. We can never get, on any question of social reform, the whole of the country to agree. The Government are entitled to ask themselves after having decided that a Bill is a right measure, whether the enlightened sections of the community give their support to it. In every community there are enlightened and unenlightened sections and the enlightened section *ex hypothesi* is always a minority. I say the Government are entitled to seek for this measure of support for any social legislation. I am prepared to concede their claim that the enlightened section of the community should be with them. This is the only question to which the Government in such matters have to address themselves. This is the " Caution " of which the Honourable the Home Member has talked so much. He requires the ascertainment of public opinion. For what, may I ask ? Is it for the elicitation of the obvious truth that the proper place for a child below 12 is the nursery and not the marriage bed ? Is he going to ascertain public opinion on this important question—that such a child should, for its proper up-bringing be in the nursery or the play ground and not in the marital chamber ? Does he want to ascertain public opinion on this obvious question ? The Honourable the Home Member has a daughter, I suppose. I hope she is less than 12. If so, he can understand the force of my remarks. I am surprised at this frequent reteration of caution, Sir, caution, yes. Caution that the right measure is before the House. Caution, that the advanced and enlightened section of India supports it. But caution, in this that we want on such a plain question to ascertain Hindu opinion, representatives of which opinion are gathered on this side except for a few ! When the social fabric is on fire, we are asked to have " caution ", to find out whether public opinion demands that the fire should be put out. Caution for what ? That a child below 12 should play and grow instead of being married. Surely, he is an Englishman and he understands. I therefore think, Sir, that this advice of caution is absolutely misplaced in this case. Did Government consult public opinion when Mr. Macworth Young stated to this House the other day that after 12 years of service they would give young English I. M. S. men a gratuity of Rs. 37,000 ? Was public opinion consulted on that question ? Did Government consult public opinion when such temporary English officers brought to this country, after six years of service, were given a gratuity of Rs. 12,000 ?

Mr. G. M. Young (Army Secretary) : The gratuity in question is given to Indians as well as Englishmen.

Mr. M. R. Jayakar : My point is did Government consult public opinion ? " Caution " comes only where questions of India's national welfare are concerned. I do not want to be misunderstood. I understand the difficulties of a foreign Government. I am prepared to sympathise with them up to a certain point. But when they take their shelter under the advice of " caution " on questions which are only too obvious to the mind of any sensible man, I lose patience. The difficulty is, as I said before, the Englishman refuses to apply his mind to this question as he would in his own country. He is simply frightened by the attitude of the

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orthodox, which in every country must be opposed to social reform It is here that my complaint against the British Government comes in ; not against their caution, but against the overdose of such caution. I agree, Sir, with the view of my Honourable friend Lala Lajpat Rai, that public opinion has long been agitated over this question. Since what time ? Long before some of us were born, and perhaps long before the parents of some of us were born. Since 1831 or thereabouts this question has been agitated, nearly 80 or 90 years ago, and yet the Honourable the Home Member gets up and says, " We want to ascertain public opinion ", after 80 years, to find out what is the proper environment for a child below 12 years. I can assure my Honourable friends opposite that when Swaraj comes—which seems to be doubtful under the present clouds—we would pass measures of this description in the very first sitting of our Legislature. I can assure my Honourable friends it would not take 10 minutes to pass such a measure if we were sitting on the Benches opposite under our own Government. (Laughter.) All the three readings will be gone through in the course of one day, perhaps in the course of a morning (*Mr. D. V. Belvi* : " Question ".) There may be some Belvis even then. They are bound to be in any generation, but they will be in a most solitary minority. They may have a significance here before a timid Government. They will have no significance before a national Government that knows its own mind as to what the country needs. Their importance is heightened by the timidity of a foreign Government, if I may say so.

Mr. B. Das (Orissa Division : Non-Muhammadan) : They are Pandits and Gurus.

Mr. M. R. Jayakar : My Honourable friend Mr. Das says, " They are Pandits and Gurus ". But unfortunately Mr. Belvi is in neither of these categories. My Honourable friend Sir Purshotamdas Thakurdas also took the contagion and spoke of caution. I was surprised to hear that gospel preached by a person who always showed the courage of writing dissenting minutes and minority reports on Commissions. (Laughter.) Caution in social matters up to a certain point is good. Caution beyond that point is really misplaced caution. (*Lala Lajpat Rai* : " A crime ".)

Another thing which I should like to ask the Honourable Benches opposite is, do they really think that social reform could ever be had without some coercion ? If so, they are mistaken. A certain amount of coercion is absolutely necessary. All Governments exercise this coercion. The British have done it in India. Their Government was less timid years ago when its conscience was touched—in 1872, 1864, 1863 and 1859—and important messages of social advancement were preached to this country through British Indian legislation. I am surprised how those Governments could be more courageous than the present Government. They had not then the benefit of so many representatives of the people on the other side to advise them. May I ask the Englishmen opposite when you suppressed *suttee*, when you did away with all the disqualifications due to change of religion, when you dealt with crimes which were practised in the name of religion, when you dealt with all the disabilities which were regarded as of the essence of the Hindu religion—that glorious renaissance of British legislation which went on for 25 or 30

years, but which unfortunately absolutely ended with the Morley-Minto reforms, did you not take your courage into your hands : Governments were not so timid in those days. Look at the speeches which were made by Government Members on those occasions—names which have stood as beacon lights in the annals of British social legislation. I have no time to go into those speeches. We think that this measure is right and we supported it in that belief by the enlightened opinion in this country. That is enough for our purpose. We proceed on, taking the consequences. This is the right attitude for my friends opposite. Unless the Government show courage, no progress can be made. They show this courage in other pieces of legislation which affect the political affairs of the country. Take for example, the Reserve Bank of India Bill. How did Sir Basil Blackett take his courage into his hand and defy the Legislature ? He did not say, " Let us circulate for ascertaining public opinion whether I am right in my view." That is because in such measures the Englishman applies his mind to the rights and the merits of the particular case. In questions like the present he refuses to do that. He is simply frightened by the orthodox in this country. I submit, Sir, that that is not the proper attitude. The Bill is a very cautious Bill. If I had my own way, I would do away with clause 6 entirely, and I do hope when the Bill goes to the Select Committee, it will be done away with. Government have the further assurance that in places like Baroda, Mysore, etc., where Swaraj obtains within certain limits, or pseudo-Swaraj obtains, whichever way one might take it, such measures have been passed. I may mention for the edification of my friends opposite that in Baroda this measure was passed long ago, and a section like section 6 stood in the Act providing loopholes. The State found that these loopholes nearly overran the provisions of the Bill, and a Commission has been appointed—I am stating my impression—a Commission has been appointed for the purpose of finding out ways and means by which these exceptions may be done away with. This is in backward Baroda and yet we are told in 1927, on the 15th of September, that the civilized British Government must want further elucidation of public opinion, further proof that public opinion wants such a measure. When more backward States have gone further and have progressed upon such a measure in a more drastic manner, this Government stands by in doubt and caution, I want the Government Members to consider this question very carefully. In the minds of people like myself, their present attitude will determine very largely the esteem and trust in which we regard this Government and its personnel. As I said in the beginning of my speech, these occasions are the test, whether this foreign Government can ever become national even in temper. The only safety of this foreign Government is to make itself more and more representative of enlightened national sentiment when questions like this come before the House. Personally speaking, I agree with Lala Lajpat Rai that the age should be raised to 18 (*An Honourable Member* : " 16 ") to 16, and 18 in the case of boys. The amendment is there. I read the other day somewhere—unfortunately I have lost the cutting—that the average height of the English girl during the last few yaers has grown from five to six feet. My Honourable friends opposite must have read this. I may admit that we do not see many specimens of that description up here in Simla. What I am stating appeared in public print, and I am surprised that the height of the English girl should have gone up so much

[Mr. M. R. Jayakar.]

during a few years, I think it is 6 feet, I am merely quoting from memory. (*An Honourabel Member* : " 6 feet "). If that is so, surely the Englishman is aware that here the average height of Indian girls is about 4½ feet. We are here making a feeble attempt to raise it to 6 feet. Does he want to consider whether it is necessary for the benefit of the Indian girl that she should rise to that height by proper training and environment ? Is that what he wants to ascertain public opinion on ? And is he going to be frightened because certain men, certain orthodox men like my Honourable friend, Mr. Belvi, are opposed to this healthy measure ? Will he be frightened by such men in his own country ? (*An Honourable Member* : " No.") No, because there he will judge the measure on its merits and tell his friends, like my Honourable friend, Mr. Belvi, " You are out of date, four generations behind time."

Mr. C. Duraiswamy Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Would you like to imprison girls who are under 5 feet ?

Mr. M. R. Jayakar : I do not know what my Honourable friend wants to know.

Mr. C. Duraiswamy Aiyangar : If a girl does not grow above 5 feet, will you put her in prison ?

Mr. M. R. Jayakar : My Honourable friend has not followed the trend of my argument at all. I say the measure is ultimately calculated to give the Indian girl greater strength and better health than she has now. If my Honourable friend was not able to follow my argument, I am very sorry for him. I am sure the Government Benches see the point and agree with me. Let Government on a matter of this description not issue any mandate at all. Let it leave every Englishman free to vote as he thinks. I am sure that in questions of this character the Englishman has a conscience. Don't warp it by any mandate. Let every Englishman be free to vote and I have no doubt that when he knows the real significance of this measure, he will not be opposed to a measure by which we are making an attempt that our girls should rise to the same height and strength as the girls in his own country.

(Some Honourable Members moved that the question be put.)

Mr. D. V. Belvi (Bombay Southern Division : Non-Muhammadan Rural) : Sir, I am very thankful to you for giving me an opportunity to reply in my feeble way to the arguments advanced by such stalwarts as my esteemed friends, Lala Lajpat Rai and Mr. Jayakar.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Put high heels on your shoes.

Mr. D. V. Belvi : Before I advance my arguments, I have to make a request through you, Sir, to my Honourable friend, Mr. Ahmed, who has no *locus standi* in the consideration of this question, who is not a Hindu in the first place, and who is.....

An Honourable Member : He is an Indian.

(At this stage there were several interruptions.)

Mr. D. V. Belvi : Interruptions like these only show the unfitness of my Honourable friends to consider questions of this importance. I beg

to state that I yield to none in my zeal for social reform. I am a social reformer myself in my own way, and I beg to tell my Honourable friends who are posing here as social reformers, that I have got more daughters than one, and three of them were married after they had completed their 14th year. I am a believer in social reform, but I do not want to promote social reform through the medium of the Legislature.

Mr. B. Das : Why not ?

Mr. D. V. Belvi : My Honourable friend, Mr. Das, says that I should give him a reply as to why it should not be done. For the simple reason that we are a nation at different stages of civilisation. There are people of different castes, different creeds, who occupy different strata of education. That is one reason. Another reason is that this Bill strikes at the very root of the family law of the Hindus. Does the House understand the implications which are to be found in the bosom of this tiny Bill ? What is the notion of a Hindu as regards marriage ? Is marriage a sacrament, or is it only a contract among Hindus ? Is it a thing which can be set aside at pleasure ? Is that the notion of Hindus ? I do not care for those Hindus who have gone to England, and who have eaten beef and meat. No doubt I have great respect for them, and for my Honourable friends, Lala Lajpat Rai and Mr. Jayakar, who are highly educated and who have travelled much. But we have to realise that the large bulk of the people of this country are orthodox. We have to legislate for those people. Some of my Honourable friends are making a good deal of noise here. It reminds me of what I read in my college days from one of the books of Edmund Burke. He says :

"Because half a dozen grasshoppers under a fern make the field ring with their importunate chink, whilst thousands of great cattle, reposed beneath the shadow of the British oak, chew the cud and are silent, pray do not imagine that those who make the noise are the only inhabitants of the field ; that of course they are many in number ; or that, after all, they are other than the little, shrivelled, meagre, hopping, though loud and troublesome insects of the hour."

My Honourable friend, Lala Lajpat Rai has told us that the Hindu law, rightly read, nowhere lays down the principle of early marriages. It is quite possible to find, after making a long research into our antiquities, authorities for the position which he has advanced here. If I were a member of the Arya Samaj as my Honourable friend is, or a member of the Brahmo Samaj of which the founder was Raja Ram Mohun Roy, I would have very willingly agreed with my Honourable friend, Lala Lajpat Rai ; but unfortunately for me and the large mass of the people who happen to be still orthodox Hindus, it is not the laws that are laid down in the Vedas that we are following. We must be taken as we are. We have got a certain set of tenets, a certain set of beliefs and customs. These must be respected, and the laws which you frame here must be suited to those customs and beliefs. Those customs may be wrong in their origin, but after all, you cannot put them down in a moment. If you take only the pristine purity of the Vedic religion, all that is advocated by my Honourable friends, Lala Lajpat Rai, and Mr. Jayakar, may be true, but we have to take the large bulk of the Hindu population as it now stands. You cannot afford to wound their feelings. Their feelings may be wrong, their customs may be bad, but you cannot root them out all of a sudden. My Honourable friend, Mr. Jayakar waxed eloquent and said that if he and his friends were on the opposite benches, a piece of legislation like this would have been passed in ten

[Mr. D. V. Belvi.]

minutes. I may assure him that if he were to make a public declaration like that, he and his friends would be the last to be returned to the Legislative Assembly. (*Some Honourable Members* : "Oh!") I challenge you. If you go back to the country and contest the elections on this issue and get returned to the Assembly, I shall be the first to favour a piece of legislation like this. (*An Honourable Member* : "We will all come back.") You are always on the top note, talking in hyperbolic language, and you do not want to consider the feelings of the millions of people who are outside this House. We are told that the house is on fire. It is not on fire, but if you were to pass a piece of legislation like this, you would be setting the house on fire. Do you know that there is a large magazine of gunpowder outside this Legislative Assembly, and do you mean to throw into it a lighted match? You cannot do it with impunity. My Honourable friend says that enlightened public opinion is with Government. Are we to suppose that this enlightenment is confined to the four walls of this Legislative Assembly? (*An Honourable Member* : "Question.") Are we to suppose that there are no people outside who can lay claim to enlightenment and whose opinions should be heeded? Are we to suppose that there is a monopoly of enlightenment and intelligence centred in this Assembly? I refuse to yield to any proposition of that kind.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : It is the monopoly only of the front benches.

Mr. D. V. Belvi : My Honourable friend, Mr. Jayakar, has twitted the Government with saying that it always does not choose to consult public opinion. That charge is not infrequently true, but there are things and things. When you interfere with the customs and the religious beliefs of a community, you are bound to be much more cautious than when you are dealing with a question of taxation or matters of that kind.

1 P.M.

So far as the British Government is concerned, it is bound by a solemn document the Proclamation of 1858, and here for the benefit of my friends I will quote one passage from it. You know it but you very often forget it and it is better that your memories are refreshed. It reads thus :

"We do strictly charge and enjoin all those who may be in authority under us that they abstain from all interference with the religious beliefs or worship of our subjects on pain of our highest displeasure."

That is the charter that was granted to us by Her Gracious Majesty Queen Victoria in 1858. You are now here trying to legislate upon questions of social reform and you wish to make our marriages merely contracts. Make it a contract if you like which can endure only for a certain number of years. Let a man be married to a woman only for three months and let the marriage be dissolved. That is not the idea of a Hindu marriage. I know personally that in my part of the country social reform is going ahead by leaps and bounds. I can give you the instance of a Brahman chief in my part of the country who married an educated lady of the age of 18. He married her openly and publicly. There are many of us who have celebrated the marriages of our daughters and our sisters after they completed their 16th year. My

friends here have no right to say that orthodox people should be coerced into accepting your view of social reform.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Why should you coerce the woman ?

Mr. D. V. Belvi : If any woman is not willing to be married, she should not be coerced, but I do not want to have in India a good many maiden aunts.

Rai Sahib Harbilas Sarda : But you have thousands of child widows.

Mr. D. V. Belvi : I do not want to have a good many maiden aunts like Betsy Frotwood, a loveable character of whom we read in Dickens' David Copperfield. Our idea is that every Hindu girl must be married. That is a sacrament. My Honourable friends must appreciate the general belief in the country. It is better for them to go out of India or to occupy a particular part of India exclusively and then legislate for them in any way they like on social matters.

I have very great pleasure in supporting the motion made by the Honourable the Home Member. It is very rarely that I find myself in agreement with Members on the opposite benches, but there are occasions and occasions. (*An Honourable Member* : "You are a Swarajist.") Yes, I am a Swarajist in my own way. If Swaraj is granted, I shall be the last man to force on the people any measure against their will. Then, much was said about the abolition of *sati*. I really wonder why infanticide was not brought in. But those matters are on a different footing altogether from the question which is on the legislative anvil. Marriage is not the same thing among Hindus as consummation. They are two different things. Our idea of marriage is a religious sacrament. Marriage may take place but consummation may not take place for a number of years. Our idea is that when a boy is married to a girl or when a young man is married to a young woman the tie is indissoluble. It is only death that can part the couple. Much was said about so many Hindu widows of a certain age. Mr. President, I decline to go into this forest of figures which can be made to prove anything. It is very easy to enter into a maze of figures but it is not so easy to emerge from those figures. What are the two or three lakhs of young widows in a population of 330 millions and what guarantee is there that a girl who is married on the completion of the 12th year will not be a widow the very next day ? If there are widows, it is perfectly open to them to remarry a second time. Remarriage is allowed by custom and it is recognised by law. I am for remarriage but not for remarriage to be enforced by the Legislature. My Honourable friends may as well make a law that every widow must be remarried. It is said that Hindu widows are suffering a good deal. I do admit that there is a small number of Hindu widows who are extremely unfortunate and who suffer a great deal. But there are Hindu castes and castes. Remarriage is allowed in 99 cases out of a 100. There is no appreciable grievance. Suppose a Hindu girl's husband dies unfortunately within a month of her marriage. It is perfectly open to her parents to give her again in marriage to a suitable bridegroom any time they like. That is the usual custom. It is only among Brahmins who are considered to be at the head of the Hindu castes that the idea of remarriage is not very willingly tolerated.

Rai Sahib Harbilas Sarda : It applies to Vaisyas and others also, not to Brahmins only.

Mr. D. V. Belvi : My friend has corrected me and I accept his correction. If that is the position, even then it is only a drop in the bucket. (*Honourable Members* : " No.") I do assert it is. You have no right to say that, simply because you are overzealous to associate your name with this Bill which you desire to see translated to the Statute-book. I tell you this is not the way to promote social reform. How many of you have addressed meetings publicly on social questions ? From how many platforms have you tried to enlighten the public ? It is all very well to come here and introduce a Bill. I know my friend Lala Lajpat Rai stands on a different footing. He is a reformer of the first water. He is a member of the Arya Samaj. I hold him in great respect. If there were more men like Lala Lajpat Rai and Bhai Parmanand all over India, there would be no difficulty whatever, but unfortunately we cannot bring ourselves to be members of the Arya Samaj. Of course their principles are very salutary, very good, but the people cannot be persuaded to accept them and, so long as the people remain ignorant, so long as they are unwilling, you have to put up with them. Education in India is in a very backward condition. That is a trite proposition. There are not even ten people out of a hundred who can sign their names even in the vernacular. It is better to advance education than to force social reform on an unwilling public through legislation of this kind. You will be doing better service if you promote education in the country. Sir, I believe it is only right that this measure should be sent down for circulation among the people. Let them know it. Let them study it. Let them discuss it.. Let them hold thousands of meetings to consider this measure and if you find that there is a considerable bulk of opinion in favour of this measure I shall be the first to say with my friend, Rai Sahib Harbilas Sarda, that this measure should be passed into law. I am speaking in the name of the people. I am not personally opposed to the Bill, but I am only voicing the sentiments of the Hindu people who are very many in number and who are unfortunately not within the walls of this Legislative Assembly. I associate myself fully and heartily with the amendment which has been moved so eloquently by the Honourable the Home Member.

***U. Hla Tun Pru** (Burma : Non-European) : Sir, while I congratulate the leaders of the Hindu community on bringing forward this Bill, I must support the Honourable the Home Member in his motion for referring it to the country for more opinions. In the first place, this Bill is not sufficiently known in Burma, and secondly the term Hindu should not include all Buddhists. I find that Muhammadans have been left out of this Hindu Bill, and the Burmese Buddhists are likewise not governed by the Hindu law of India at all ; they are governed by the Burmese Buddhist law. That law has its origin in the institutes of Manu, but centuries have made it entirely different in spirit and they will strongly resent a set of laws which apply to Hindus being made applicable to Burmese Buddhists. Also there is a large community of Chinese Buddhists in Burma who are certainly not governed by the Hindu law. As a matter of fact also the Burman boy marries at the age of 24 and the

* Speech not corrected by the Honourable Member.

Burman girl at 16 years, and the law to a certain extent will be superfluous. The conditions which obtain in Burma do not hold in India and *vice versa*. I must therefore strongly urge that even if this Bill is referred to a Select Committee, neither the Burmese Buddhists nor the Chinese Buddhists should be included under the term " Buddhists ".

Mr. M. S. Aney (Berar Representative) : Sir, it pains me to rise on this occasion to express views which are somewhat at variance with those expressed by my friends Lala Lajpat Rai and Mr. Jayakar. I am at one with my friend the Honourable Mr. Sarda in wishing an early death to the pernicious custom, child marriage, which has undoubtedly been eating into the vitals of the Hindu society. The principal question which I want this House to consider is not one of a religious nature. Whether the religious significance of the question should be made much of or not is a point on which I do not want to enlarge at this stage. I want you to consider the question arising out of the Bill like practical politicians, like men whose vote is going to turn the Bill into a law and will consequently affect the destinies of those very people whose interests you are here to further and promote. What I find in this Bill is this. I say without hesitation that the Bill is entirely ill-conceived. The Bill is avowedly intended to render certain marriages invalid. Now you must certainly understand what that means. Marriages under certain ages are going to be declared invalid. Now what is a marriage ? If certain ceremonies prescribed by the Shastras are duly gone through, then those ceremonies confer the status of married life on the persons who have undergone those ceremonies. If by any law you are going to declare that status as null and void, are you not interfering with the religious beliefs and religious understanding of the people ? Are you going to tell them that the ceremony which has been sanctioned in the Shastras as calculated to confer a particular status upon the persons of a certain society has not got any religious significance ? Are we to accept your word as the word of persons who understand the Shastras and the scriptures ? My friends here have quoted this and quoted that. I do not want to fight over the question of the age. That is a different question. But when you here want to legislate that even when the ceremony under the Shastras has been gone through and that status which it is bound to confer has been conferred, it should be declared null and void by virtue of a Statute which you have passed here, it virtually means, Sir, that you are interfering with what has been considered by us as a sacred belief of religion. But leaving aside that question altogether, I am not going to take the Smritis and Srutis from those persons whose knowledge of religious works is no more than a mere smattering, and whose knowledge of those books is probably obtained through translations and commentaries in foreign languages. Those that have read those books in the original form themselves are in a position to understand and say what the position is. Notwithstanding the eloquent plea put forward by my friend Mr. Jayakar, I beg to join issue with him and say that the essense of a particular socio-religious status consists in going through a particular ceremony prescribed by the Shastras. That is the meaning of the ceremony. As regards the age you are clearly on a different plane. But if the ceremony is gone through, although you can punish the man who is responsible for it, you cannot take away the status which it confers without interfering with the essential features of the religious ceremony which is undoubtedly a part of the time-honoured religion. Leaving aside that question, I

[Mr. M. S. Aney.]

want to take a practical view of this matter. The practical question is this. Suppose you have married a girl under a particular age, and by virtue of this law the marriage is declared invalid. What is the position of that girl if this Bill is passed ? Under the law she is legally unmarried. Are you prepared to say that the entire Hindu community outside is prepared to accept that status and give their boys in marriage to that girl ? If public opinion on that point is not ready what is going to be the fate of that girl ? Out of sympathy with so many child-widows, whose fate everybody in this House and elsewhere is bound to bemoan, you think that a measure of this nature is necessary. Unless you are satisfied that there is a strong public opinion which will regard the marriages of girls declared under this law to be invalid as really invalid, and with whom the other members of the Hindu community are prepared to enter into relations of marriage and so on—unless you are satisfied that that is the state of public opinion, I am afraid, it will be dangerous to make a law of this nature. Probably you will unconsciously be creating a new kind of evil in the form of widowhood *de jure* in addition to the widowhood *de facto* which is already in existence. There will be husbands who under the law will not be married men. There will be wives who under the law will be un-married virgins. Other people in the society or castes will however refuse to accept and treat these women as unmarried, and what will be their position, legal and moral ? Is it not best for you seriously to consider whether you should not first consult public opinion in the country, to see whether it is ready and ripe to accept legislation of this nature ? I believe that the Honourable the Home Member has properly realized the grave responsibility that lies upon him, as the representative of the Government of India in a matter of this nature and he is therefore perfectly justified in insisting on circulating this Bill. It is of no use to him or even the society concerned that the champions of the cause of social reform in this House, who ignore these obvious issues, to call upon the Government to rush through each and every measure which savours of the progressive principles of social reform. That is unfortunately the doctrine for which my leader has stood. He has expressed great impatience at the spirit of caution advocated by some Honourable Members along with the Government in this matter. But what I strongly desire to protest against is the indecent haste with which he urges this House to pass such measures, simply because the music of social reform rings in his ears and he seems to hear some faint echo of it in the Bill in question. He is too impatient to obtain the opinion of the multitude of his countrymen who are going to be affected by this measure. For these reasons, Sir, with great reluctance I have to oppose the motion for a Select Committee and support the motion of my Honourable friend Mr. J. Crerar, with whom it is my good fortune to agree for once.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. S. Srinivasa Iyengar (Madras City : Non-Muhammadan Urban) : Mr. President, I wish to oppose the motion of the Honourable the Home

Member for circulation. I appreciate entirely the point of view of my Honourable friends, Mr. Belvi and Mr. Aney, in this matter, but I take a view intermediate between the purely rationalistic view and the orthodox view, for I hold that Hindu religion compels such a measure of legislation as this to be enacted. If I really felt that Hinduism was in danger if this Bill was enacted into law, undoubtedly I would join my friends. But on the other hand we know perfectly well—and I have had the good fortune not to be subject to the criticism of Mr. Aney, having some little acquaintance with the Smritis myself—that the criticism is not at all deserved that religion is in danger. That is a very ordinary cry, and Members of this House with all their responsibility must realize that the time has come for them to appreciate that there has been a very considerable change in Hindu opinion during the last two decades. Time was when as a budding social reformer I had to face a storm of opposition in my own province in connection with some varieties of social legislation ; but I find to-day, moving amidst people—and I claim to have as much acquaintance with the people of my own province as anyone else—and moving on the most intimate terms with orthodox members of the community, and with the masses of the population, I say with a full sense of responsibility that Indian opinion has very considerably changed in this matter. But there is opinion and opinion. If opinion is left to express itself then it expresses itself soundly, but there is such a thing as interference with opinion, and if you do propaganda, you can easily manufacture any opinion for one view or another. Except in political matters, where public opinion is crystallizing itself and hardening itself against the Government, in all matters which are purely economic, educational or social, opinion is in a fluid state. However, there is no doubt of the fact that the Bill is in many respects defective. While I congratulate the Honourable the Mover of the Bill on the courage and the public spirit with which he has moved this Bill and on the fervent appeal which he has made to this House, I cannot agree with him as to the two ages which he has fixed for boys and girls, myself being of opinion that no marriage of a girl should take place unless she was really of a marriageable age, and I cannot understand the distinction sought to be made between boys and girls. I think that the average age for puberty being thirteen in this country, one year after that is the proper minimum age for marriage ; and if I had my own way, I would certainly fix it at fourteen. That is caution—not the caution of Sir Purshotamdas Thakurdas, who wants the circulation of this Bill and whose caution of course deserts him in other fields of life—but my caution undoubtedly is that fourteen is the proper minimum age for marriage. I know, for instance that in many cases the assumption is made that in India child marriage is the rule. They do not realize that child marriage is the exception. All the speakers with the exception of Lala Lajpat Rai made that assumption, and he was the only one who pointed out that the great majority of marriages are not child marriages, and therefore it is absurd to suppose that the Hindu religion is against what is known as post-puberty marriages. The majority of orthodox people, the high-caste people, the Sellala Mudaliars and Pikais, the high-caste Naidus and even the high-caste Brahmins on the Canara side and in various other parts of India, without the least fear of excommunication, of social or other ostracism, marry their girls after they attain their puberty and marriages do take place in other cases after fourteen or fifteen. We know perfectly well that Indian society is accommodating itself to the changing conditions,

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and to say that this little Bill which will only affect, of the huge millions of India, comparatively a minor section of the population, should be opposed in the name of orthodoxy is, I submit, a belated protest. Sir, I yield to none in my admiration for Hinduism. I am not an Arya Samajist but a Sanatanist, we must differentiate between a Vedic rule and a Smriti rule. We all know that Smritis contain really a mixture of morality, of religion, of legal rules, and they contain descriptions of states of society and of customs and practices at the time when they were made. That is really the case with all the Smritis, and it is not right to say that what is laid down in the Smritis is really part of the Hindu religion. If they were part of the Hindu religion, then no Smriti rule can be abrogated by man-made custom, but as every lawyer knows as my Honourable friend Mr. Belvi knows, my Honourable friend Mr. Aney knows and the orthodox men and the lawyers in all the courts know perfectly well, custom can be pleaded in favour of inter-marriages, in favour of post-puberty marriages, in favour of many other things which are *prima facie* prohibited in certain particular Smritis. Therefore, man-made custom can be abrogated by man-made legislation. That is why the Mimansa rule says clearly that it is only Vedic vidhi that is not capable of alteration by custom. When a rule is laid down in the Vedas, that is not capable of alteration by custom, and no amount of immemorial custom could abrogate that rule. But a Smriti rule is easily set aside, and therefore it is that I contend that it is not a question of religion at all, it is a question merely of usage and practice which has been in existence in certain communities, and this has not been observed by the whole of the Hindu society. Therefore, the fact that the majority of the orthodox Hindu society does not follow this custom of child marriage shows that the reform which my Honourable friend Mr. Harbilas Sarda seeks to effect to-day is a reform which is consistent with the genius of the purest and the highest type of Hinduism I submit equally that the reform which he advocates is one which is enjoined in the most ancient Grihya Sutras and you will find there that the girl must be of a marriageable age, because they show that she must be one fit to enter into marital relations with a husband. Therefore it is not a question of Arya Samajists and Sanatanists, it is not purely from the point of view of rational social reform, but I say, speaking purely from the point of view of Sanatan Hinduism and what is the true Hindu religion, that this reform is a very much needed reform, and it does nothing but merely set aside a man-made custom, which, as Lala Lajpat Rai has so graphically described, is really due to political or economic causes. I myself have made some researches, and I consider that it is due to economic causes and causes due to disturbed states of society that this practice came into existence in mediæval and post-mediæval times. You go back to the Svayambara period, where there was no such practice. You turn to the Vedic period, where do you find this custom observed, or in the Puranic period ? These are later customs, and we know perfectly well that in the Smritis, which are like acts of a Legislature, there have been any number of amendments, and it appears as if we, reading to-day all these texts, think them to be of contemporaneous and equal validity, whereas those who have had any experience know that these were just like amendments introduced by subsequent legislation, and we cannot say now even the date of these amendments in many of these Smritis. The Smritis do not enjoin child marriage

either except Parasara Smriti. To regard these law books as having religious value is to deny the capacity of this Legislature to amend Hindu law. We have allowed, for instance, in many matters of Hindu law our rights of inheritance to be seriously affected by legislation. When you have given to the Legislature, foreign made and mixed as it is, the power to make laws, national or otherwise, when you have given the Legislature the power to abrogate the rules of the Hindu law of succession, the law relating to a son's liability for his father's debts and great varieties of laws which are of equal validity with the texts which deal with this question of reform, surely it cannot be said that these laws cannot be abrogated by this Legislature. Therefore I deprecate this idea that there is anything at the back of the minds of social reformers of these days—that they want to put down orthodoxy and somehow get this thing done. On the other hand the nationalist of these days is one who wants to reconcile the changing conditions of society with Hinduism as far as possible and wants to take them both together ; and taking that view I contend this Bill does not require any circulation for opinion. What is the opinion of the country ? We are all men who have been returned as representatives of thousands and tens of thousands of people in various parts of the country.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : But not on this issue.

Mr. S. Srinivasa Iyengar : We have not been returned on any issue. As a matter of fact I do not know on what issue we have been returned. I say this that the idea that the opinion of our countrymen differs from ours in this matter is really a mistaken idea. The times do require that sometimes Members of this Legislature must create an opinion ; and in matters of this description the opinion must go down from the Legislature to the populace rather than from the populace to this Legislature. There are matters on which undoubtedly the opinion of the community at large must be consulted before legislation is undertaken ; but this is not a matter for opinion because admittedly the custom is against you and you want to change the custom ; and if you ask the people, you will get wildly discordant opinions. One set of people will say one thing and another set of people will say another thing ; and what will be the assistance that the circulation for opinion will give to the Members of this Legislature I hardly know. We will be no wiser after reading the volumes of opinions that may be gathered than we were before reading them. Therefore, I think it is our duty to understand whether really we are hurting Hindu religon, whether we are really hurting Hindu society. I am not speaking merely of political interests. I know perfectly well that the Hindu society has survived the shocks of centuries and numbers of innovations and numbers of religious and other conflicts ; and I know the physical and moral and mental basis of Hindu society is sound ; but I do believe in race improvement and I do believe in arresting any deterioration and I do say that eugenics and heredity require that, in the minority of cases in which the child marriage institution is still in existence, it is necessary that we should set aside that custom and that we should boldly without flinching undertake this piece of legislation. Only, I would deprecate laying down the minimum age at 12 for the girls—but that is a matter which should be gone into in Select Committee if the House agrees to that course. I also associate myself with Lala Lajpat Rai and Mr. Jayakar in thinking that reference

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to the Select Committee will be a good compromise because it will give sufficient time ; and as the Bill must necessarily come up to be discussed only at the Delhi Session of the Assembly it wil give sufficient time for those of our friends in the Assembly who feel that public opinion must be consulted. But, as I said, in this matter there are those social reformers who think it is a principle with them that they must go in for this legislation ; there are others who think that orthodoxy and religion are in danger. I take an intermediate view ; I do not think Hinduism is in danger if this Bill is passed any more than the Bill which enabled widows to remarry. It does not in the least interfere with the Hindu religion. As I said the Hindu religion has survived five hundred changes and this little Bill of Mr. Har Bilas Sarda is not going to affect the Upanishadic interpretation of the universe ; it is not going to affect the Gita interpretation of Hinduism ; it is not going to affect the Karma and Samsara doctrine ; and coming to the popular type of Hinduism, I cannot understand how it is going to affect temples and other rituals. Therefore, Sir, this Bill seeks to affect nothing but a little custom which exists, a coustom which I think is quite out of date, which was forced on a former state of society when owing to war and disturbed conditions, owing to the love of the *pater familias* to dispose of his girl in marriage and to prevent her from giving herself in marriage, owing to a variety of other causes, this post-mediæval custom sprang into existence ; and that is all that this humble little Bill seeks to remove. Therefore, Sir, I give my heartiest support to the general principle of the Bill, though I do not certainly agree with the age mentioned in it.

I would appeal, if I can appeal at all, to the Honourable the Home Member and to the Leader of the House, who is not here, that the official bloc should remain neutral. That is the least they can do. They should give freedom to vote for their Members in this matter ; but if they do not give freedom to vote, at least they should remain neutral. There is a great deal of force in the admirable speech my friend from Bombay, Mr. Jayakar, made. I have often said that the Government stands in the way of social legislation ; but I have grown wiser. Time was when I was a reckless social reformer. Now I have come to the conclusion that we must take the people with us and that it will not do by hasty legislation to force very much the pace of social reform. But this particular matter is one upon which we all feel most strongly and I consider that the majority of the community is in full sympathy with it So there will not be any rebellion, there will not be any revolution ; there will be no communal riots and you will not have to call in the police or military ; and I can assure the Honourable the Home Member that no question of law and disorder will arise and no question of putting the Criminal Law Amendment Act into force or anything of that kind. I say therefore to this Government " Hands off. Why do you interfere ? " When the non-official Members of this Assembly say that this is the only way in which it is possible for them to discuss this small Bill dealing with a very much needed reform in Hindu society, when they want to improve their race, they want to put down this tragedy of child marriage and to minimise the evil of child widowhood, when they want also to prevent the greater tragedy of child motherhood, when they want to prevent all this, why do you, who claim

to be very humanitarian, very rational in outlook and very up-to-date and progressive in ideas, why do you claim yourselves to be the custodians of Hinduism and the custodians of the sacrosanct usages of the dumb millions of India ? Why do you claim that ? We are there to take upon ourselves the full responsibility. If the Government does not want to take the responsibility it can remain neutral ; it need not give freedom to vote, but it can remain neutral. By remaining neutral they can acquit themselves of any responsibility ; but by opposing this measure by this dilatory motion of circulation for opinion— for it is nothing but a dilatory motion I consider—they are certainly trying to interfere with the freedom which ought to exist among members of the Hindu society by their own majority to enact their own laws. I would also appeal to other Members of the House. I am not putting it as if it concerns Hindus only. Situated as this Assembly is, every one of us is entitled to vote and speak on all these matters ; and I certainly think that matters touching Hindu society are matters which touch, if not to that extent, at least to a lesser extent, my Muslim friends and other European friends also. I do contend that it is not their duty at all to say that in the name of preserving the present customs and in the name of moving with that wondrous caution—a word which I have seen nowhere at all except in the transactions of this body—I say that the fact that we are told that the Government would oppose this Bill or support a dilatory motion of this character, tells me that Mr. Jayakar is perfectly right in saying that time and again this Government stands in the way of progress in Hindu society ; and I would appeal to my orthodox friends in this House that even if I am mistaken there is no harm done. What after all do you do ? What is it you do if you allow a girl to be married only after she is 12 years of age ? Personally I would prefer 14 ; and I shall remain neutral if it is less than 14. It does not mean that the Bill proceeds on a wrong basis. What is the great danger ? Let us realise that we who stand up for Hinduism have also a duty to see that Hinduism promotes the growth of a virile race of men and efficient race of girls who will become the mothers of a greater India. I do believe, Sir, that the time has come for race improvement, and I honestly feel that this Bill does not interfere with the Hindu religion. With all the diffidence that I have got from the knowledge that able and conscientious men think otherwise, I have still the right to make to them the appeal to reconsider the position and not to think that religion is in danger by this Bill. On the other hand, religion will be strengthened by a race of grown up men and women and by allowing them a little freedom in the matter of marriage. It was the Svayambara period when religion was certainly not in danger. Are we to say that in the Vedic period religion was in danger ? Sir, we all contend that the Vedas are the only revelation to us, and those who do not believe in them are Nastikas, and I would appeal to them on Vedic authority to support the Bill and not to rely on the Smriti texts which modern lawyers imagine are to be regarded as really part of religion. Smriti texts are no more important than Acharans or customs which can be set aside. Manu Smriti says that the texts can be set aside when Parishads and learned persons find that the times do require a change, and Hinduism and Hindu society have progressed very considerably and have made deliberate changes in those customs which are not the framework of the Hindu society and which do not touch the fundamental tenets of Hinduism which are enshrined in the Upanishads, in

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the Gita and in other works. I would therefore most cordially support the Bill and oppose the motion that it be circulated for eliciting public opinion. I would once more beg my Honourable friend the Home Member, if he cannot accept the motion for taking this Bill into consideration, he should at least allow this motion to go to a Select Committee, where we can discuss this matter and come to a proper conclusion.

(Several Honourable Members moved that the question be put.)

Mr. M. Ruthnaswamy (Nominated : Indian Christians) : Sir, if I venture to take part in this debate, it is to repudiate the suggestion made by my Honourable friend Mr. Belvi in answer to an interruption of my esteemed friend Mr. Kabeer-ud-Din Ahmed. When he said that Muhammadans have no *locus standi* in this discussion, I suppose he included all who were not Hindus in that suggestion. Sir, I want to repudiate that suggestion, because, as Members of the Legislative Assembly, whether we are Hindus, Muhammadans or Christians, officials or non-officials, we are bound to take an interest in whatever question is brought before this Assembly. Apart from that, Sir, whatever hurts a Hindu hurts a Muhammadan, hurts a Christian and hurts the country all along the line. The logical conclusion of Mr. Belvi's suggestion would be a sort of varient of the dog in the manger policy. Because my home is beautiful ; I hope that the homes of other people are ugly. Sir, no Indian who has an interest in the progress of this country can accept the suggestion of Mr. Belvi which, to say the last, is suicidal

Then, Sir, the suggestion that this Bill should be circulated for eliciting public opinion seems to rest on a misunderstanding that we are concerned with the promotion of social reform. Certainly when social reform is somewhat in advance of public opinion it may be necessary to consult public opinion so that we may have public opinion with us. But to me, Sir, this Bill of my Honourable friend Rai Sahib Harbilas Sarda is not a Bill which aims at the promotion of social reform so much as at the obliteration of the ghastly social deformity which, as so many Hindu speakers who have preceded me have acknowledged, defaces the social system of this country. In order to penalise a crime, we do not suggest that opinions should be elicited, and I think it is a social crime that is sought to be removed by the Bill advocated by Mr. Harbilas Sarda. (*An Honourable Member* : " Exactly so. ")

Now, Sir, the suggestion of the Honourable the Home Member that this Bill be circulated for eliciting public opinion thereon, if he will allow me to say so, is a mere dilatory proceeding. (*Several Honourable Members on the Government Benches* : " No, no.") It reminds me, Sir, of a character in one of George Lloyd's novels—I think it was *Middlemarch*—who was a boy credited with a comprehensive knowledge of Latin. But when it came to translating any particular Latin passage into English, it dwindled into nothing. We have heard of philanthropists who pose as friends of the human race, but when it came to helping their neighbour, it was quite a different story. Now, the argument that this Bill should be referred to elicit public opinion smacks something of that character. Here is an opportunity for Government for improving the social system of a vast majority of the population of this country. There is an enlightened demand for it, and it seems to me, Sir, that Government, instead of

delaying the response to that demand, should encourage and meet that demand, because, Sir, as every one will acknowledge, whatever political reform we may be aiming at will be thwarted and delayed by these social abuses which are a blot on the social system of this country.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : I am sorry, Sir, I was not here this morning when some of my friends spoke on this subject. (*Several Honourable Members* : " Louder please ".) A public duty had taken me to another place, and so I lost the advantage of hearing their speeches. But I have heard some speeches this afternoon, and I am struck with amazement by some of the opinions which my esteemed friend, Mr. Srinivasa Iyengar, has given expression to. If there was a proposal not to consult public opinion on a matter of political importance which affected the people of this country, if there was a proposal to enact any law which affected the political opinions of the people without consulting public opinion, my friend, Mr. Srinivasa Iyengar, would have lashed his tongue much more vigorously than he has done to-day. But in dealing with a matter which affects the socio-religious ideas of a vast majority of the people of this country he holds that the Bill should not be sent out for eliciting public opinion thereon, and that legislation should be proceeded with straight off, regardless of the feelings of the people who will be affected by it. I submit, Sir, that the blame which has been laid upon the Honourable the Home Member that he had the temerity to propose that this Bill which affects vast numbers of His Majesty's subjects on a very tender point should be sent out, for eliciting public opinion, is most unjustified. Sir, I have great pleasure in supporting the motion made by the Honourable the Home Member. (Cheers from the Government Benches.) (Mr. Belvi at this stage whispered something to the Honourable the Pandit and some non-official members gave some decisive cheers.) This is not the first time I have been cheered by my friends. (*Some Honourable Members* : " The cheers are for Mr. Belvi.") I am grateful to Mr. Belvi for trying to help me when there is so much need for help because the volume of opinion that has been expressed against the proposal of the Honourable the Home Member seems to be so overwhelming, so desperately overwhelming that I do need the support of every Member of this House in trying to bring the House to a sensible consideration of the task that lies before them. Sir, what is the matter that we are dealing with ? My friends who are anxious to promote the physical well-being of the Hindu community are entitled to respect. They have not merely my sympathy, but my respect. Whether they are Hindus, Mussalmans, Christians or any others, their wishes for the physical well-being of their fellow-countrymen are deserving of respect. But let not zeal carry us beyond what is right and proper. We desire social reform. We desire a reform of the marriage law. Let us proceed about it in the manner in which we should proceed in bringing forward a piece of legislation which will affect the lives and the happiness and the future existence of a large number of our fellow subjects. I submit, Sir, that the object of the Bill which my friend Rai Sahib Harbilas Sarda has introduced here has my fullest sympathy. I have myself given notice of a Bill to effect somewhat the same object. But I do submit, Sir, that the Bill of such an important character, it seeks to effect such a revolution in Hindu society—(*An Honourable Member* : " Does it seek to effect a revolution ? ") Yes, it

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does, it will give such a shock to Hindu sentiment to a large extent in the country that I am surprised so many of my Honourable friends, sitting on this side, should, speaking as responsible men, urge that the Bill should not be circulated for opinion and that it should be sent straight off to a Select Committee. I am surprised at it. I wish, Sir, to point out that the object which my friend has in view will have the support of a large number of people. But the problem is of greater importance and delicacy than my friend has, in his laudable desire to prevent child marriages, thought. What does he propose ? He proposes that marriages of Hindu girls below the age of 12 years shall be invalid, subject to the qualification he has put in one of the clauses of his Bill. Does my friend imagine that the mere passing of a law in this Assembly will effect such a change in the ideas of vast masses of the people of this country that they will avoid such marriages all at once ? (*An Honourable Member* : "Yes.") I submit, no. I claim to know the country at least to the same extent as my friend does, and I think it is wrong to think that the mere passing of a law like this seeking to promote a reform in marriages will go down to the masses all at once and will be accepted by them all at once so as to avoid the evil results of the legislation which is proposed.

Mr. M. Ruthnaswamy : What about political reform ?

Pandit Madan Mohan Malaviya : I am not here, Sir, to instruct my friend on the question of political reform. He must await some other opportunity for it. But I submit the question that is now before us is—whose fault will it be if parents marry two children of tender ages at 9 or 10 ? What fault is it of the boy or of the girl who has been married that their marriages which are indissoluble should be held to be invalid ? What consolation will it be to them that such a legislation as is proposed has been passed ? I submit that the proposal does require more serious consideration. It does require that it should go out to the public for opinion, and that those persons and bodies should consider this question who are entitled to speak and that those who are in a position to take an impartial view of it should be requested to help the Legislature by an expression of their opinion. It has been said, Sir, that the Government has often stood in the way of social legislation. I am sorry I cannot endorse that view. What is the social legislation that we are responsible for ? What is the measure of social reform that we ourselves have brought about ? Put on one side the reform that has been brought about by our earnest day to day work, and put on the other side the many pieces of social legislation which have been passed by the Government and which have affected or helped social reform. And secondly, it has been said, Sir, that the Members of the House on the other side, the Government Members, should abstain from voting to-day on the motion if they cannot support the measure. I hope they will not accept the advice easily. I hope they will weigh the responsibility which rests upon every member of the House, European, Mussalman, Christian, Hindu, every Member of the House, to think of how this legislation is going to affect our humble uneducated or largely uneducated masses of fellow subjects in the country. If they feel that such a legislation should be passed without any reference to the country at large, if they feel that without asking for opinions, such opinions as are asked for on all legislation which is undertaken by this Assembly as a rule, that this is a special measure on which

no opinions should be elicited, that the opinions of those present here should be held to be sufficient to decide the matter, well they are at liberty of course to vote according to their judgment. But I do hope they will consider that this is a matter which does affect a very large number of our fellow subjects and that they will not yield to the appeal that has been made to them to abstain from voting on this motion as they think right.

Now, Sir, I wish to make it clear, I have said it already, but I wish to emphasise the fact that I am not less keen than my Honourable friend Rai Sahib Harbilas Sarda to see some legislation through which will put an end to the evils of marriages at very tender ages. These evils are well known and have been widely deplored. Though the age of marriage has been steadily though slowly rising in the higher classes of the community, the extent to which marriages still take place at too early ages is alarming, and I wish the House to consider the question not as affecting merely Hindus but also as affecting Mussalmans and Christians and Sikhs and Aryas and other sections of the population of this country. It is a question on which the legislation should be general and not confined to the Hindus, as I hope Honourable Members of this House will very soon be satisfied, when I have drawn their attention to a few facts. A statement prepared from the Census Report of 1921 shows that in that year there were 1,10,684 males and 2,18,463 females of ages up to five years, and 7,57,405 males and 20,16,687 females of ages between 5 and 10 years who were married ; that there were 23,44,006 males and 63,30,207 females of the ages of 10 to 15 years who were married ; that there were 40,77,400 males and 96,35,340 females of the ages of 15 to 20 years who were married.

Mr. President : Order, order. The Honourable Pandit was not here this morning. These figures have been repeatedly quoted in this House by the previous speakers.

Pandit Madan Mohan Malaviya : Thank you, Sir. These figures do not include widows. They show that the largest number of marriages take place between the years 15 and 20 and after that between the years 10 and 15. But it is clear from the figures that 8,68,089 males and 22,35,150 females, that is 31,03,239 children had been married at the ages of 10 years or earlier. The number of children who were married before they commenced their 12th year is not separately given. But the total number of children who were married between the ages of 10 and 15 years was 86,24,273 of whom 63,30,207 were females, and it may safely be assumed that at least one-fifth of these, that is more than 17,34,854, were children who had not entered upon their twelfth year, that is to say, roughly about 48 lakhs of children were married before they entered upon their twelfth year.

Now, Sir, that shows the great need of a Bill effectively to discourage marriages at such tender ages. And to support the point that it is not merely Hindu children who suffer but that children of all classes suffer, I wish to draw the attention of the House to the number of married males and females in India below the age of 15 in the different communities and classes, as the Census Report of 1921 gives it. The total number of children, who were married, of all religions, below the age of one year was 15,625. Among these, Sir, there were Hindus, 5,995 males and 7,938 females ; Arya, 4 males and 5 females ; Sikh, 1

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male and 10 females ; Jain, 35 males and 51 females ; Buddhist, 1 male ; total Hindus, 13,940 ; Christians, 55 males and 53 females, (*i.e.*, those married under one year), total 108 ; Mussalmans 639 males, 935 females, total 1,574 ; *between the age of 1 and 2 years,* Hindus 5,665 males and 9,863 females ; Arya 19 males, and 2 females ; Sikh 2 males and 1 female ; Jain 40 males and 65 females ; total Hindus 15,675 ; Christians 43 males and 55 females, (*i.e.*, 98 in all) ; Mussalmans 767 males and 1,386 females. *Between the ages of 2 and 3 years,* Hindus 13,827 males and 26,726 females ; Arya 2 males and 16 females ; Sikh 26 males, 12 females ; Jain 74 males and 156 females ; Buddhist 5 males and 5 females ; total Hindus 40,849 ; Christians 78 males and 167 females, total 245 ; Mussalmans 1,892 males and 4,410 females, total 6,302. Between the ages of 3 and 4 years—and so on. Sir, I will put in the statement with your permission, because I want to save time. The total number of children, who are married, under the age of one year, is 15,625 ; between the ages of 1 and 2, 17,909 ; between 2 and 3, 47,400 ; between 3 and 4, 87,799 ; between 4 and 5, 1,53,950 ; between 5 to 10, 27,41,647. I submit, Sir, that this shows the great need of introducing a piece of legislation which will save children, not merely Hindu children but children of all classes of the Indian community from the evils of marriages at such tender ages. One of these evils is the large number of child widows we have in this country. I have got a statement before me giving the number of widows below the age of 15. It is distressing to find that there were widows under the age of one year, not merely among Hindus but also in other communities. There were 612 widows among the Hindus under the age of one year, 127 among Mussalmans, 5 among Christians.....

Mr. President : Order, order. We are not concerned now with Mussalmans and Christians. The Bill before us exclusively applies to Hindus.

Pandit Madan Mohan Malaviya : Yes, Sir. That is one of my objections to the Bill, that the Bill should not apply exclusively to Hindus ; that while there is need for a measure which will protect the children of all communities, of all religions, the Bill seeks to protect children of Hindus only. That is one of my objections to the Bill. (*An Honourable Member* : "You are not concerned with them.") I thought only a while ago an appeal was made to every Member to take an interest in the Bill, and that every Member was asked to feel a concern in the interest of our children. I am as much concerned to protect my Mussalman sisters and daughters as my Hindu sisters and daughters. (Applause.)

Mr. K. Ahmed : Speak on your Bill when it comes on.

Pandit Madan Mohan Malaviya : I have reminded you that you have widows under one year—612 Hindus, 127 Mussalmans and 5 Christians ; bewteen 1 and 2 years, 498 Hindus, 84 Mussalmans and 7 Christians ; between 2 and 3 years.....

Mr. President : The Honourable the Pandit persists in quoting figures about other communities. I have already pointed out that this Bill applies exclusively to Hindus.

Pandit Madan Mohan Malaviya : With great respect, Sir, I submit that I am perfectly entitled to put the facts and arguments, which I am putting forward, before the House in order to ask the House not to accept the motion that the Bill be referred to a Select Committee but decide that it should be circulated for opinion so that the opinions I am expressing might find expression elsewhere too. That is the reason why I am putting these facts before the House, Sir, and I submit that it is essential for my part of the argument to show that it is not only Hindu children who are affected, but that children of the Mussalman community, the Christian community and the Sikh community are also affected, and that therefore.....

Mr. President : Does the Honourable Pandit realise that nothing he can do or say could extend the scope of this Bill ?

Pandit Madan Mohan Malaviya : I submit, Sir, I am more hopeful than you seem to think I should be, that when I have brought these facts to the notice of my Mussalman friends and my Christian friends, and through them of the country, they will ask for a Bill which will protect children of all communities. That is my object.

Mr. President : We are not concerned with any other Bill that might in future come up. We are concerned at present with the Bill that we have before the House.

Lala Lajpat Rai : There is no use circulating then. Reject it if you please.

Mr. M. R. Jayakar : How will circulation cure this defect ?

Pandit Madan Mohan Malaviya : I have said enough, Sir, to show that this Bill needs amplification and an extension of its scope in order to meet the situation in the country. What I wish to point out now is the objection to the Bill being sent to the Select Committee without eliciting opinions. I have already drawn attention to the fact that it seeks to make marriages invalid. I submit, Sir, this is a very strong measure to adopt when the Government and the educated people of this country have allowed early marriage to take place as they have taken place for generations, when they have not up to this time taken sufficient steps to educate public opinion on the evils of early marriages. (*An Honourable Member.* "We have done enough.") You have not done enough. I say it deliberately.

Lala Lajpat Rai : We have been doing that for over 100 years.

Pandit Madan Mohan Malaviya : I know what we have done, Sir. It is no good telling me that I do not know what we have done. We have delivered speeches, we have published pamphlets ; we have passed resolutions, but we have not gone from house to house to bring the evils of early marriages home to the people at large. We have not carried on such an agitation. We have not carried on even such an agitation as the temperance people are carrying on in some places against drink. We have not carried on an agitation commensurate with the enormity of this evil, and we are not entitled to claim that we have done all that we could. What I submit is that it is wrong to the community at large, when the Government of the country and the educated men of the country have allowed the custom of early marriages to go to the extent they have allowed it to go, that

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they should, all of a sudden, decide to introduce a law which makes early marriages among Hindus invalid. I entirely endorse the view which my friend Mr. Aney has expressed on this question. It is not a small matter, it is not a matter of small consequence to the Hindus that a marriage should be declared invalid. The consequences have been so well described by Mr. Aney that I do not wish to take up the time of the House by dwelling on them again. But I say that if my friends in their zeal for the good of the Hindu community are carried away to-day to urge that the Bill should be referred to the Select Committee without being circulated for opinion, if they go and meet popular audiences, they would find their position untenable. (*Mr. M. R. Jayakar* : "Question.") Until the matter is put to the test, you can well question what I say. But I speak not with disrespect. I do not mean any disrespect to any of my friends. But I submit that the proposal that marriages among Hindus should be made invalid by a piece of legislation without its being referred to the public for an expression of their opinion, would not find support on any platform on which the Hindus are properly represented. I therefore submit that the motion of the Honourable the Home Member should be accepted by this House. No harm will be done by a little delay that must be necessarily involved in doing so. We want to put on the Statute-book a piece of legislation which will commend itself to the general body of thoughtful people in this country. I feel that if the Bill is circulated for opinion there will be some opposition undoubtedly to the age that has been proposed. Some will ask that the age should be lowered by a year, and others may ask that the age should be increased by a year or even two. But I submit it is likely that, when the facts are put before the public properly, there will be a general agreement that in view of the calamitous state of things which exists at present, under which lakhs of our children are subjected to the disadvantages and evils of marriage, at too tender an age—when these facts are properly presented to the people, I expect that there will be a very large measure of general support to the object of the Bill. I submit that the great point to be considered is whether at this stage the right thing is to make marriages below a certain age invalid, or whether we should proceed in a less drastic fashion. I recognise that we have to introduce some penalty in order to prevent marriages below a certain age. There have been different suggestions put forward. In the Mysore State there is a law under which imprisonment is inflicted upon those who take part in marriages below the age which has been prescribed in it. My friend Mr. Ranglal Jajodia sought to carry a Bill in this House in which he also urged that a violation of the law should be punished with imprisonment. The provision he suggested was that no Hindu boy should marry until the age of 16 years and the male guardian of a Hindu boy marrying below the age of 16 or who may arrange or take part in such marriage shall, on conviction by a court of competent jurisdiction, be punished with simple imprisonment which may extend to 12 months or with fine not exceeding Rs. 1,000 or both ; but he had the good sense to provide that :

"Nothing herein contained shall invalidate any marriage which is otherwise valid under the law by which the boy is governed."

That was Mr. Ranglal Jajodia's Bill who was a Member of the last Assembly.

There is another proposal, and that is, whether our object should be at this stage more to educate public opinion on the subject than to severely punish those who carry out or celebrate marriages below a certain age. In view of the fact, which is indisputable, that the Government and the educated prominent men of the Hindu community and other communities have not yet put in their proper share of work to educate the general public on the evils of early marriages, I submit.....

Lala Lajpat Rai : I deny that charge.

Pandit Madan Mohan Malaviya : But I am sorry I have to make it—I ask whether in view of the fact that the Government and the men of light and leading in this country have not either separately or together made an effort commensurate with the enormity of the evil of early marriages, we should not proceed by adopting less drastic methods, whether in the first instance not only should marriages not be declared invalid, but whether in the first instance even imprisonment should not be avoided, and whether we should not be content for some years at least with inflicting merely a fine where a marriage takes place below the age which is prescribed by law. If this proposal should commend itself to the public and to this House, I would suggest the substitution of one simple clause in place of clauses 4 to 6, like this :

" Any one who may bring about or take part in the marriage of a girl who has not completed the age of 11 years or of a boy who has not completed the age of 18 years, shall, on conviction by a Magistrate within whose jurisdiction the marriage takes place, or either party to the marriage resides, be liable to punishment with a fine which may extend from Rs. 50 to Rs. 1,000 ".

Now, Sir, I am fully aware that this will be regarded by some of my friends here as a very mild measure, but I have been taught to believe that the mild dose is sometimes the strongest in its effect. I submit that a piece of legislation like this will be of very great educative value. It provides for a fine of Rs. 50 in the case of the humble man, and I wish to inform the House that our humblest fellow-subjects or the so-called depressed classes are the largest victims to this evil of early marriages. I wish to provide for their case. It will take some time to educate them about the law, and every effort should be made to educate them and the general public and to enlist the support of the various communal societies to affect the reform as early as practicable. There should be a propaganda throughout the country to proclaim the new law in order that people may support it, and I venture to think that if they know that cases of the violation of the law shall be punished with fine, they are likely to accept it and support it. Such a law will be of great educative value and it will not upset the people very much and it will largely effect its object. I suggest this for the consideration of Members of this House. I know that my Honourable friends who are oppressed by a thought of the evils resulting from early marriages will perhaps think that my proposal is of too mild a character. I ask them to consider it in the light of the arguments which I have presented and to consider it from the point of view of moving forward one step and a large step. I am most anxious—no words can express the anxiety that I feel—to prevent marriages of girls who have not yet completed even their eleventh year. I suggest eleven years not because I like the girls to be married at that age. The Hindu law does not enjoin that marriages should take place at a very tender age. Manu, the greatest of our law-givers, laid it down that a man of 30 years ought to marry a girl

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of 12 years, and I want that the marriageable age should be raised to 12 years, not as the latest age of the marriage of a girl, but as a great advance, an enormous advance upon the position that exists to-day. But I wish that that advance should be attained in such a manner that it will be acceptable to the people. In the medical works of Hindus it is laid down that until a young man has attained the age of 25 and a girl of 16... .. (*An Honourable Member* : "You are not correct.") I am absolutely correct—they should not live together as husband and wife. What I have quoted from Manu is also unquestionable. What Manu laid down with reference to the marriages of girls of 12 years, was not that they must be married at the age of 12, but that they should not be married until they attained the age of 12. And *Sushruta,* our great medical writer, prescribed that the age at which a young man and a young woman should begin to live as husband and wife should be 25 for a young man and 16 for a girl. Bagbhatta, who is another great medical authority among us, laid it down that until a girl has completed the age of 16 years and a young man the age of 20 years, they should not begin to live as husband and wife. I wish that the age of consummation of marriage should be raised even when marriages take place at an earlier age. I submit therefore that it will be a great gain to humanity, and a great piece of good service to the whole of India, if we can prevent marriages by law until the girl has completed the age of 11 years and until a young man has completed the age of 18 years.

For these reasons, Sir, in order that the matter should be fully investigated and examined in all its aspects and in order that we should be able to think calmly and dispassionately as to what will be acceptable to the community as a whole and what will make for the good of the community as a whole, I strongly support the motion that the Bill be circulated for opinion.

Munshi Iswar Saran (Lucknow Division : Non-Muhammadan Rural) : Sir, it is only a strong sense of duty that makes me differ from one whom, in all truth and sincerity, I hold in the greatest veneration, one whose life is worthy of all respect and admiration. The speech of the last Honourable speaker has not come to me as a surprise. I know his views on the subject. He wishes that when you introduce any social reform, the reform should be such as to be acceptable to the vast majority of your countrymen and countrywomen. I say with great respect that when you come across a case like this, where according to the figures which have been quoted children under one year of age are being married, it does not matter at all whether the reform proposed is acceptable or not. It becomes the positive duty of those who call themselves their leaders—the leaders are really the servants of the people—and the Government to tell the people, if they oppose "You are talking nonsense. We will not allow you to ruin yourselves." Sir, I submit that the Hindu race is dying and one of the causes responsible for our slow decay is early marriage. (*Lieut.-Colonel H. A. J. Gidney* : "You are quite right") Sir, it will be the sheerest impertinence on my part to offer any observations on Shastric rules in opposition to Pandit Madan Mohan Malaviya, but I shall say one thing quite clearly. I do not care at all what the Shastras say ; if the Shastras come into conflict with the natural laws of God, the Shastras must go.

I do not wish to say one word on this subject which may hurt anybody, in spite of the fact that I have committed the sin of having gone to Europe twice. Here is Pandit Madan Mohan Malaviya, one of the most orthodox men in the country. He approves of the principle of the Bill and here we have two excited friends, one the Secretary of my Party and the other, a prominent member of the Swaraj Party. They have got terribly excited. They abused right and left. They brandish their hands and I felt secure here because I was at a distance from them. Here is Pandit Madan Mohan Malaviya who deplores the present condition. (Here Mr. Aney made a remark which was inaudible.) He said, "Educate public opinion". Suppose you accept the motion of the Honourable the Home Member, how will you educate public opinion? Will the Honourable the Home Member undertake to go from house to house as Pandit Madan Mohan Malaviya said and speak to men and women? Will he exhort the people and say "Please see the dangers, please see what harm you are doing to your own children, please become sensible and accept this Bill." What will happen? In a few months you will have the views of the various Local Governments and the various public bodies. Where, I ask Panditji in all humility, is the question of educating public opinion? The question of educating public opinion will come if this Bill is passed. Let the Bill be passed and let all of us under the inspiring leadership of Pandit Madan Mohan Malaviya go about and explain to the people and tell them that it is in their interest and it is for their good that this measure has been adopted. You can then tell them, "Please accept it and follow the lead that has been given by the Legislative Assembly."

Then there is another point I want to make. Let me say quite frankly that there will be very great opposition to this measure and it is inevitable. Now, if every party was convinced that a girl under 12 or 14 should not be married, there would be no such marriage and there would be no necessity for legislation to prevent it. I submit with all respect that unfortunately in this country you will find a large number of people who will be up in arms, as indeed they are up in arms against any measure of social reform. Certain societies even to-day are passing resolutions against widow marriage. The Act legalising widow marriage is on the Statute-book. I submit that we shall have to take our courage in both hands. We shall have to go into Select Committee and discuss all the various provisions that are incorporated in this Bill. It may be that we may have to make very drastic changes. Let us make those changes, but, when the case has been proved to the hilt that the present practice is ruinous, is making our condition hopelessly and desperately pitiable, I submit it is time that we proceed with this legislation. I submit there are no points involved which require elucidation. Sir, in the year 1927, to ask public opinion whether a girl of 12 or 13 should be married or a boy of 14 or 15 should be married! You might as well ask whether a girl of 12 or 14 should have a drop of water to drink or a crump of bread to eat. We know the harm that the practice has done. We know the havoc it has created. What are we to-day? We are feeble and weak, not morally but certainly physically, because of this early marriage. You have to grapple with this problem in right earnest. There is one word more which I want to say. (Here an Honourable Member made an interruption.) If you interrupt me, please do so in the proper fashion. I submit that the motion moved by the

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Kumar Sahib can be made to serve both ends. Surely the Committee will not meet to-morrow and finish its labours before this Session is over. It will meet in the Delhi Session. In the meantime all discussions can take place. It will be open to the various representative bodies to submit their opinions, either to the Legislative Department or to the Home Department. I do not know the technicalities, but in the meantime it is open to the Home Member to write to various organizations and various Governments inviting their opinion and fixing a date by which those opinions should be submitted to Government. Let all those opinions be collected and in the meantime let all those that are inclined to carry on propaganda carry it on ; then let us get together and be done with this question once for all. There is one thing I shall say—and I have already submitted that I shall say nothing in anger—I shall beg my Honourable friends not to use expressions which they do not really believe in. Marriage is a sacrament. May I pause here, Sir, and say—I hope the House will forgive this personal reference—I do not yield to anybody in this House in my love and attachment to Hinduism. But my Hinduism does not represent a system which is an obstacle to progress. My Hinduism instead of being a hindrance is an inspiration for me to get along. I do myself feel that the marriage tie according to the Hindu religion is a sacrament. I should be very sorry if it was looked upon as a contract. A sacrament, yes. But I ask you to remember that a child of one is brought forward and is married to another child of two, and you say that is a sacrament. Do they understand what they are going through ? I know that sometimes the child is asleep ; it cannot be kept awake because it is brought along and married at 2 o'clock in the morning. And you call it a sacrament. You do not really believe that. Hindu society is living to-day because it has been undergoing changes with the changing times. Hindu society would have been dead long ago if it were so narrow, so hidebound, so illiberal as some of my Honourable friends represent it to be. Take all the old original rules of Hindu society. I should feel very happy if all the Brahmins would get out of my profession. All the Kshattriyas and Vaisyas would be very happy because there would be no competition with Brahmins and others who now invade their professions. Let us look facts in the face.

It is a most terrible question which we are considering to-day. I beg you most earnestly, to realise its gravity. I beg you not to make it a sort of party question. Even if I knew that I might not be elected next time for this speech of mine, still I should every time make this speech and not come back to this Assembly. One Honourable Member has said that if Mr. Jayakar had made a declaration to this effect, he would never have been returned May I say that Lala Lajpat Rai is notorious throughout India for being a social reformer, and still at the last general election he carried an amount of influence which I know to my own advantage, for he helped me and I got in. Please let me assure the House that our people are not so narrow as we imagine them to be. I have gone about and talked on this question. Many a man has come to me and said, " What you say is right, but the difficulty is about *ex*-communication " ; or " I quite see it, but if I do it, my uncle will get very angry." No one trots out the theory of a sacrament unless it be some educated man with a felt cap and with glasses. He has not the courage

to accept the reform, and he says, " You forget that Herbert Spencer has said somewhere that reform should not be violent. It should be in keeping with the general feeling of the people ". And I have told him, " Please let Herbert Spencer alone. Let us get into grips with live issues."

Pandit Madan Mohan Malaviya very rightly said, if I may be permitted to say so, that in this question, not only Hindus, but Muhammadans, Christians and Europeans are all interested. I was surprised to hear it said that a Muhammadan has no *locus standi* in this matter. What I said jokingly, I hope, will be true one day. Suppose we had a Swaraj Government with Mr. Jinnah as our Prime Minister. And if this question came up, would my friends go up and say, " Now, Mr. Jinnah, you are Prime Minister, but being a Muhammadan you have nothing to do with it." I hope my friends will notice that Pandit Madan Mohan Malaviya has said that it is the duty of everybody here to take up this question and see that we come to a right solution. May I say a word to Government Members ? Many of you say, " Oh, you are educated people, the intelligentsia. We move in the districts, we go about camping ; we are in touch with the masses ",—whom you are pleased to call the dumb millions—" we are their friends ; we look after them and their interests ; it is we who can be expected to do something for them ". Then here is the chance. Do it now. The educated people have already given up the practice. I can assure you I am not going to marry my girl at the age of 12. It is the ignorant man in the villages who sticks to this practice, who is one of the dumb millions, dumb millions being in inverted commas. Will you help him now ? If you are his friend, help him now. This measure will benefit those people more than it will benefit the hated intelligentsia.

Mr. A. H. Ghuznavi (Dacca Division : Muhammadan Rural) : I will not detain the House more than one or two minutes, but my two minutes will be unlike my Honourable friend, Munshi Iswar Saran's " one word " which ended in a speech extending over nearly half an hour. Sir, I want to associate myself entirely with my Honourable friend Pandit Madan Mohan Malaviya. He has given us a graphic description of the whole position, and I support the Honourable the Home Member in the motion for circulating this Bill. I do so on principle. I believe that no Bill should be introduced without its being circulated, and a Select Committee should not rush on with a Bill without eliciting public opinion. It is not fair that any Bill should be so rushed through. There is a considerable feeling amongst the Hindu community—I am told by my friend Mr. Ahmed that a Mussalman has no right to say anything about this Bill—I say that there is a considerable feeling amongst the orthodox Hindus, particularly in Bengal, and the Pandits of *Navadwips* there should have their say in this matter. After all, what does circulation mean ? The Select Committee cannot sit before the next Session at Delhi, that is 5 months hence. Why cannot you circulate the Bill now and elicit all views throughout India and get them ready for the Committee to consider ? In asking for that I do not think the Honourable the Home Member has asked for anything more than what the House ought reasonably to agree to. With these words, I beg to support the Honourable the Home Member's motion.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : Sir, I thank you and I thank my colleagues here for their cheering. I take it they do recognize, that humble as I am, yet on

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this question where the orthodox man has been so much maligned I have probably got something to say which they may with advantage hear. Sir, I wish to be very brief. (Hear, hear.) I am aware that I do not possess and cannot emulate the rhetorical flourishes of either Mr. Jayakar or Munshi Iswar Saran or the vehement indignation of Mr. Belvi ; and yet some of the sweeping assertions made by them call for a reply. Sir, when I hear words like these, " can the laws of God be over-ridden by man-made law " and so on, I am puzzled, Sir. I doubt if there is any one here who claims to have seen God or to have heard from Him His Laws ; if so, I should certainly throw away all my sacred texts including the Vedas and sit at the feet of any Lala or Munshi who has seen God and learn humbly from him God's law. Therefore such empty platitudes will not do in a case like this. And yet, Sir, to-day my soul also is among the prophets, and my humble orthodox self proposes to be for a little while among—I am afraid to use the word—among the reformers, to a little extent at any rate, because, Sir—and I wish to speak in a very matter of fact way—I recognize that the measure before us is one which is of very great national importance. I am not going to admit, because I do not believe, that the marriage system obtaining among Hindus has been the most baneful, the most pernicious system. Sir, I claim to have studied the Hindu system, to have read the history of other systems also, as far as was possible to my limited intelligence; and comparing other ideals with the marriage ideals of the Hindu, I am here bold enough to assert that no other community either in the past or at present has or can put forth an ideal which recognizes and teaches the girl the highest ideal of womanhood, and trains her from her childhood to suck it along with her mother's milk almost ; that teaches the girl to think and say : " *Rajâ vâ rajya hînô vâ yê mê bharthâ sa mê prabhuh* "—" Prince or beggar, he, that is my wedded lord, is my god ". Nowhere else has any such ideal been taught as part of a girl's every day religion. Indeed, Sir, with all the defects mentioned, it has been possible for India to this day to produce so many—, I believe they are not one, two or three thousands but as many millions—of my sisters and my daughters, living to this day up to the highest ideal of womanhood ! (Inaudible interruptions), Yes. Here marriage is not a matter that is to be settled after the ecstasies of the ball-room or the ethics of the divorce court, but has to be settled as a sacred function. (*Mr. T. C. Goswami* : " In the marriage market.") I am very sorry that here is a brother of mine claiming to be born a Hindu who thinks like that; I fear within his Hindu body lives a European soul ; I am sorry for him, but I am not going to be offended. He is doing an injustice to his own sisters and mothers. Sir, the marriage market exists everywhere; where does it not exist ? This world everywhere is very very imperfect; and therefore, comparatively speaking, where is the society, where is the community where marriage does not take place with a pecuniary element in the background, nay in the foreground ? But there is much less profiteering here, very much less; because our girls may not later on say as those married under a contract : " I was given a false notion of his wealth and position and was misled into marrying him, and therefore now want a divorce". There is no such thing here. However, we are dealing now with child marriages and not with marriage markets. Sir, the whole point is this. It has been very well admitted even by my esteemed friend, Pandit Madan Mohan Malaviya, that unfortunately child-marriage is too often the case.

Although in my own part of the country I do not believe that a child of over two years is married—I am not aware of that—yet it has come to our notice; and these things are very sad records. I agree with the last speaker, that these early marriages ought to be prohibited, and I do not believe that orthodox Hindu opinion, that regards marriage as a sacrament, that regards the bond of wedlock not only as of the bodies of the two together but as of the two souls, will seriously object or will at all object to any law that says that marriage before a certain minimum age will be regarded as null and void.

Mr. T. Prakasam (East Godavari and West Godavari *cum* Kistna : Non-Muhammadan Rural) : Is it a marriage before the age of one ?

Mr. M. K. Acharya : I say Hindu orthodox opinion will not object to our legislating that marriages before a certain minimum age—my own opinion is that it must be ten at the present day—is against the *Shastras,* and so null and void. Therefore I think that, though Pandit Madan Mohan Malaviya is very right in the view he has advanced, that we must take our people with us, nevertheless this question has been agitating the minds of many men, and I believe our women have been talking about it also more than ourselves. I have had, Sir, many a talk with my good old woman at home (Loud Laughter) ; and I do believe that the opinion of my sisters is quite in favour, as far as I have enquired, of such a kind of legislation, and that is why I have ventured on this occasion to go so far as to support this Bill warmly. Some of my proposed amendments indeed to this Bill go in one respect farther than Rai Sahib Harbilas Sarda's draft ; I think that marriage should not be, generally speaking, among the bulk of the Hindus, celebrated before fourteen ; provided however that a Hindu girl of not less than ten years should be allowed to be betrothed according to the tenets of her religion or sect. Sir, the whole trouble is a trouble of words ; because as soon as the word " marriage " is uttered, to a non-Hindu the impression is conveyed that the boy and girl would be living together as man and wife ; it is not so in Hindu society. Among us, this betrothal is the real sacrament....

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : May I ask the Honourable Member if marriage is sacred to the wife or to the husband ? I am only seeking information.

(*An Honourable Member* : " To the husband.")

Mr. M. K. Acharya : The truly ignorant can certainly be educated, but the seemingly wise cannot be. If however my friend really wants the information, he can have it : the Hindu ideal is that the man and wife become one indissoluble unity and there is no husband apart from the wife, nor wife apart from the husband. (Some inaudible interruptions). I refuse to give way to these interruptions; they are not the points before the House. Now, to the best of my knowledge, orthodox Hindu opinion is against the unorthodox and irreligious manner in which baby girls are given away in marriage; and therefore legislation for making marriages below a certain age invalid will, I think, be acceptable to my orthodox community. There will be some difficulty, I recognize, in the case of certain sections in Northern India, particularly where it has become a bad custom to celebrate very early marriages. There may be some difficulty in these people adjusting themselves to the new law; but that cannot be helped. There will always be some little trouble in enforcing a new law; but I hope that they will soon

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[Mr. M. K. Acharya.]

come into line with the legislation we are making. That, Sir, is the whole purpose of the legislation before the House, as I understand it. For the rest, I think we ought to leave out all these comparisons of ideals and customs as beside the point. The tears of the widow certainly are very tragic; but they are not more tragic than the sighs of the unmarried; and if in India there are so many widows resigned to their lot, in other countries there are so many restless maids running, panting, hankering after husbands and not succeeding in catching any. Which is the greater social evil? We are not here to set the world aright. As Swami Vivekananda well said, if you drive rheumatism from the head, it goes to the neck; if you drive it from the neck, it goes to the loins; and if you drive it from the loins it goes to the foot, likewise in this world some amount of evil there is and there will always be; we cannot help it; we are not God. God himself has created this world as a mixture of good and evil; and it is impossible to eliminate all the evils in society, no matter what amount of rhetoric my friends over there may indulge in. We can only correct some of our own mistakes. Therefore, I am supporting the general principle of this Bill. Of course the Bill is not very satisfactory as it is drawn; and my difficulty in agreeing to send it for circulation is this: that I fear people would not approve of the Bill as it is. I do not, in the first place, like the magistrate being brought in here; and I do not think that the age of 12 is a proper one to be applied to all communities. The Bill, as it is, is not likely to elicit a very favourable public opinion—that is my fear. Probably with some of the amendments which have been suggested the Bill may receive very much more favourable comment from many people than the Bill as it is drawn. Therefore, Sir, as somebody has suggested, I would like to know if the Government will not kindly undertake to circulate the Bill for opinion, while the Select Committee is being appointed. The Committee is not going to meet for the next five months. Government have obliged Sir Hari Singh Gour and circulated his very objectionable Bill for opinion even before the Bill came up here. I may say that this is a Bill on which we are all much keener than on Sir Hari Singh Gour's Bill. So, if the Government will kindly meet the wishes of the House, and circulate the Bill for opinion, and if meantime the Select Committee is also appointed, we may be able to put our heads together, and in the next five months I hope we shall be able to obtain the intelligent co-operation of all sections of the Hindu community, so that we may be able to pass this measure as early as possible. I have been here these four years, and Pandit Madan Mohan Malaviya knows probably more than I do, that it is very difficult to get a non-official Bill passed and put on the Statute-book. It has to pass through our House and then to go through the other House, and then there are the gods above! And all these stages cannot be got through within the life-time of this Assembly unless we hurry up. Therefore let this be said to the credit of Pandit Madan Mohan Malaviya, that before he becomes too old to come into this House again—that this measure has been placed on the Statute-book with his co-operation and with the co-operation of all the others who feel like him. As an orthodox Hindu, I do say that there is nothing in this Bill which can be said to be against the *Shastras*, which can be said to be against the orthodox opinion rightly interpreted. I do not wish to go into all those questions about the Vedic texts and the

Upanishadic and the Smritic texts and all that. If I do, you, Sir, will come down upon me for having taken up so much time. Even if I had seven days given to me I could go on lecturing about the subject if my friends had the patience to listen ; but I shall not do so because it will not be relevant, that is the unfortunate thing about it. For the reasons I have advanced, Sir, I support my friend, Kumar Ganganand Sinha's motion that the Bill be referred to a Select Committee ; and I would ask the Government to help us by circulating this and getting the opinion of those who are qualified to give an opinion ; and I would lastly earnestly appeal to my friends, the reformers, not to be so very sure that they alone or always are sane.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I do not agree with the remarks which have fallen from the lips of one Honourable Member of this House that because this Bill relates only to Hindus, therefore Muslims have no *locus standi* in the matter. Sir, I believe that a measure which relates to the well-being of the bulk of the population of this country relates to the Muslims as well as to the Hindus. The late Sir Syed Ahmed always used to say that India was a beautiful bride and that Hindus and Muslims were her two eyes and if one eye of the bride was disfigured her face would be spoiled and disfigured. So the measure which relates to the well-being of the bulk of the masses of this country is one in which both the communities are interested equally.

Now, Sir, as regards the motion before the House I submit that none of the Honourable Members who have spoken in favour of sending the motion for eliciting public opinion have said that a measure like this is not urgently required. My Honourable and esteemed friend, Pandit Madan Mohan Malaviya, has himself quoted such appalling figures which show the very necessity and urgency of such a measure as the present one. Now, Sir, they say that because this is a very important Bill, therefore let it go for circulation for obtaining public opinion. Now may I ask him, what does he mean by public opinion ? Does he mean the opinion of the educated classes in India or of the uneducated masses in the villages who are altogether ignorant of the ways and manners of social reforms ? If he means by public opinion the opinions of the Judges of High Courts, members of Bar Libraries and other institutions in the country (*An Honourable Member* : " Chambers of Commerce."), I submit, he is not right when he says that their opinion has not been obtained on the subject. Is there anybody who will say that the educated classes in this country are against the principle of the Bill before the House ? Now, Sir, Honourable gentlemen have said that we have not yet obtained the opinion of the public on the subject. There too, I respectfully submit that the statement is not correct. Have you not been holding social conferences along with the Indian National Congress for many years—at least for the last twenty years—and have you not discussed this question very thoroughly and elaborately in those conferences and passed resolutions in favour of such a measure ? Was that eliciting public opinion or not ? Was the opinion expressed in those conferences public opinion or not ? If you have got a volume of public opinion expressed for the last twenty years, I do not understand what good it will be if this Bill is again sent out for circulation to get the view of a few High Court Judges and a few Judicial Secretaries to Local Governments and Bar

[Maulvi Muhammad Yakub.]

Libraries. They cannot say anything more than what is on the record already. If, on the other hand, by public opinion you mean the opinion of the ignorant masses in the villages, then I submit that you will never get an opinion in your favour from them and you will find that they are against this measure and if, in spite of the urgency and necessity of this measure which you yourself claim for, you rely upon such opinions, you will have to drop the measure. Will you drop it because the ignorant masses are against it ? (*An Honourable Member* : " It will have to be dropped." (*Another Honourable Member* : " They are not against it.") I submit not. Therefore, I say it is no use to delay a measure like this ; it is no use sending it out for eliciting public opinion. Measures about which public opinion has not been ascertained are sent out for eliciting public opinion. But here we are already in possession of full public opinion on a question like this, and therefore I say that it is impossible to add anything more to the knowledge which you have already got on this question. Why do you want to attempt an impossibility and say " Send this Bill for eliciting public opinion ? " As my Honourable friend, Mr. Acharya has said, it is very difficult to get a non-official measure through the Legislature. Do we not know that Bills, of which notice was given three years and even four years ago, have not yet reached the Select Committee stage ?

I do not think that if you delay the passage of this Bill, if you send it out for the purpose of eliciting public opinion, you will be able to pass this Bill during the life time of this Assembly. Now, tell us once for all whether you want this measure or you do not want it. If really the Hindus do not want it, if they are really against the raising of the marriageable age, then let them drop the matter altogether. It is not for me to say that you should either accept or reject this measure, but if you really think that it would be a beneficial measure and that it must be put on the Statute-book, then, Sir, it would be futile to say that the Bill should be sent out for eliciting public opinion. Let us hurry it up, and let us pass this Bill as soon as we can. With these words, I support the motion.

Mr. Amar Nath Dutt : Sir, I had no intention of wasting the time of this House by speaking on this Bill and expressing my views whether it should be circulated for eliciting public opinion or whether it should be committed to a Select Committee, firstly, because I get so little an opportunity of speaking here that I thought I had better not open my lips ; secondly, because I have already earned an unenviable reputation in Trans-Atlantic countries for my views upon legislation of this type ; and, thirdly, because there were so many important Bills to come after this, that I was naturally anxious that this Bill should be disposed of quickly in order that we may have some amount of non-official legislation at least in the present Assembly. As my friend, Maulvi Muhammad Yakub, has pointed out, it is not possible for any non-official Bill to be enacted into law in this House if the Government chooses to oppose it. In fact, I do not know if up till now after the reformed constitution has been at work during the last seven years, any non-official Bill has become law, firstly because it is very difficult to get it passed here, and, secondly.

if we can at all pass it here, there is the House of our Elders where the members of the bureaucracy are in a majority and so it is impossible to have it passed there ; and even if we succeed in getting it passed there, there is the certifying power of His Excellency the Governor General. Therefore, Sir, I do not think that either my friend Rai Sahib Harbilas Sarda or those friends who are so eager to have such legislation would at all regret that it is proposed that this Bill should be circulated for public opinion. I can well understand the reason of the Government for making such a proposal, and it is this. In measures of this character, the Government does not want to irritate—if I may use that expression—a certain section of our community whom my friend Mr. Jayakar has characterised as the unenlightened portion of our community ; and evidently my friend Mr. Jayakar thinks that people of enlightened views like ourselves, should thrust our views upon the unenlightened masses. That is not exactly my view, Sir. I have said this more than once in this House, that social matters should not be made the subject of legislation. That is my view, and it was unfortunate that my friend Mr. Harbilas Sarda, a life-long official, should have taken pains to draft a Bill of this character, because he cannot forget that he has ceased to be an official now and that he is sitting here as a representative of the people. Clauses 5 and 6 of the Bill would require me, Amar Nath Dutt, to go with folded hands to the Magistrate, (Laughter), to my friend over there, Mr. Donovan, and take his permission to allow me to marry my daughter—of course I have no daughter now to be married as I have already married her (Laughter)—but I have a grand-daughter, and I shall have to take his permission. (Laughter.) That is the thing ; that is the official mind. Sir, I object that any such legislation should at all be considered in this House. (*An Honourable Member* : "Quite so".) The Bill should be thrown out. But when I find that at least a dilatory motion has been brought forward which in due course of time will kill this Bill, I should like to side with the members of the bureaucracy and support the motion that has been brought forward by the Honourable the Home Member, because, as you know, Sir, adversity makes strange bed fellows. Sir, I regret that the House has wasted a whole day on such a simple question like this, namely, whether this Bill should be circulated for public opinion or whether it should go to a Select Committee, because as Honourable Members are aware, we had only two non-official days for Bills. As my friend has pointed out, we all know what sort of public opinion the Government elicits in matters of this kind. But when I found that elders whom we have been hearing from our childhood have with the advance of age become more garrulous and taken up the time of the House, I thought that I should also make myself bold to submit my own views before this House, risking my reputation of being a very orthodox Hindu, though I am not one. I do not know whether there is any one in the galleries or elsewhere who may have materials for another book a year or two later and who will do me the honour of quoting me. Be that as it may, Sir, I oppose the motion that the Bill be taken into consideration, and failing that, I support the motion made by the Honourable the Home Member

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : I move, Sir, that the question be now put.

Mr. President : The question is that the question be now put.

The motion was adopted.

Mr. President : The original question was :

"That the Bill to regulate the marriages of children amongst the Hindus be taken into consideration."

Since which two amendments have been moved :

(1) "That the Bill be referred to a Select Committee

and

(2) "That the Bill be circulated for the purpose of eliciting opinions thereon."

The question I have to put is :

"That the last amendment be made, namely, that the Bill be circulated for the purpose of eliciting opinions thereon."

The Assembly divided.

AYES—51.

Abdul Matin Chaudhury, Maulvi.
Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmad, Khan Bahadur Nasir-ud-din.
Aiyangar, Mr. C. Duraiswamy.
Alexander, Mr. William.
Aney, Mr. M. S.
Ashrafuddin Ahmad, Khan Bhadur Nawabzada Sayid.
Ayangar, Mr. V. K. Aravamudha.
Ayyangar, Mr. K. V. Rangaswami.
Ayyangar, Mr. M. S. Sesha.
Ayyangar, Rao Bahadur Narasimha Gopalaswami.
Bajpai, Mr. G. S.
Belvi, Mr. D. V.
Bhuto, Mr. W. W. Illahibakhsh.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Coatman, Mr. J.
Cosgrave, Mr. W. A.
Courtenay, Mr. R. H.
Crerar, The Honourable Mr. J.
Crofton, Mr. R. M.
Dakhan, Mr. W. M. P. Ghulam Kadir Khan.
Dalal, Mr. A. R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr. J. T.
Dunnett, Mr. J. M.
Ghuznavi, Mr. A. H.
Haigh, Mr. P. B.
Irving, Mr. Miles.
Jowahir Singh, Sarda Bahadur Sardar.
Kabul Singh Bahadur, Captain.
Keane, Mr. M.
Kelkar, Mr. N. C.
Kirk, Mr. R. T. F.
Lahiri Chaudhury, Mr. Dhirendra Kanta.
Malaviya, Pandit Madan Mohan.
Mitra, The Honourable Sir Bhupendra Nath.
Mukherjee, Mr. S. C.
Neogy, Mr. K. C.
Parsons, Mr. A. A. L.
Purshotamdas Thakurdas, Sir.
Rainy, The Honourable Sir George.
Sams, Mr. H. A.
Singh, Mr. Gaya Prasad.
Singh, Rai Bahadur S. N.
Suhrawardy, Dr. A.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Wright, Mr. W. T. M.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

NOES—56.

Abdul Haye, Mr.
Abdullah Haji Kasim, Khan Bahadur Haji.
Acharya, Mr. M. K.
Badi-uz Zaman, Maulvi.
Bhargava, Pandit Thakur Das.
Chalmers, Mr. T. A.
Chaman Lall, Diwan
Chunder, Mr. Nirmal Chunder.
Cocke, Mr. H G.
Crawford, Colonel J. D
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Farookhi, Mr. Abdul Latif Saheb.
Ghazanfar Ali Khan, Raja.
Gidney, Lieut.-Colonel H A J.
Goswami, Mr. T. C.
Gour, Sir Hari Singh.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Nemchand.
Ismail Khan, Mr.
Iswar Saran, Munshi
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jayakar, Mr. M. R.
Jinnah, Mr. M. A.
Jogiah, Mr. Varahagiri Venkata.
Joshi, Mr. N. M.
Kartar Singh, Sardar.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath.
Lajpat Rai, Lala.
Moore, Mr. Arthur.
Muhammad Nawaz Khan, Lieut. Sardar.
Mukhtar Singh, Mr.
Naidu, Mr. B. P.
Pandya, Mr. Vidya Sagar.
Prakasam, Mr. T.
Rajah, Rao Bahadur M. C.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Rang Behari Lal, Lala
Rao, Mr. G. Sarvotham.
Roy, Mr. Bhabendra Chandra.
Ruthnaswamy, Mr. M.
Sarda, Rai Sahib Harbilas.
Shah Nawaz, Mian Mohammad.
Shervani, Mr. T. A. K
Siddiqi, Mr. Abdul Qadir.
Singh, Kumar Rananjaya.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. R. P.
Sinha, Mr. Siddheswar.
Yakub, Maulvi Muhammad.

The motion was negatived.

Mr. President : The question I have to put is :

"That the first amendment be now made, namely, that the Bill be referred to a Select Committee."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Friday, the 16th September, 1927.

LEGISLATIVE ASSEMBLY.

Friday, 16th September, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

SHORT NOTICE QUESTION AND ANSWER.

RESUMPTION OF THROUGH RUNNING IN THE EAST COAST SECTION OF THE BENGAL NAGPUR RAILWAY.

Mr. M. K. Acharya : With your permission, Sir, I wish to ask a short notice question. Can Government say when through running is likely to be possible on the East Coast section of the Bengal Nagpur Railway ?

Mr. A. A. L. Parsons : We have heard from the Agent that further damage has been caused to the line by recent heavy rains, and September the 24th is now the earliest date on which the line is expected to be opened to through running.

Mr. A. Rangaswami Iyengar : You cannot say for certain ?

Mr. A. A. L. Parsons : I am afraid not. It won't be open before the 24th and I cannot be certain that it will be then

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : The following Message has been received from the Secretary, Council of State :

"I am directed to inform you that the Council of State have, at their meeting held on the 15th September, 1927, agreed without any amendments to the following Bills which were passed by the Legislative Assembly on the 8th September, 1927:

A Bill to amend the law relating to the fostering and development of the bamboo paper industry in British India.

A Bill to amend the Indian Securities Act, 1920, for certain purposes."

BILL PASSED BY THE COUNCIL OF STATE LAID ON THE TABLE.

In accordance with Rule 25 of the Indian Legislative Rules I lay on the table the Bill further to amend the Aden Civil and Criminal Justice Act, 1865, in order to make further provision for the jurisdiction thereunder of the High Court of Judicature at Bombay, which was passed by the Council of State at its meeting of the 15th September, 1927.

THE CRIMINAL LAW AMENDMENT BILL.

The Honourable Mr. J. Crerar (Home Member) : Sir I move that the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose, as reported by the Select Committee, be taken into consideration.

[Mr. J. Crerar.]

In moving that motion I do not think that I need detain the House at any length. The general principles and intentions of the Bill were fully discussed in this House at an earlier stage. The Bill, as Honourable Members will see, has undergone very thorough examination before a very large and representative Select Committee and, as it now returns to the House, is in a form considerably restricted. The criticisms which were passed in the House were carefully taken into consideration, more especially those relating to *bona fide* discussion, and, in particular, discussions of religious matters by persons who in good faith desire religious reform. Keeping these considerations carefully in mind, the Committee have redrafted the Bill and introduced restrictions which I think will satisfy those who had apprehensions on that point.

Sir, I move.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, it is with a good deal of reluctance and hesitation that I consider it my duty to oppose the motion of the Honourable the Home Member on principle. In doing so, Sir, I fully realise the fact that the leaders of the principal parties in the House have conceded the need for some measure of this sort at the present juncture. I also realise, Sir, that the Select Committee on which I had the honour to serve have removed from the Bill many of its objectionable features.

Mr. President : Is not the Honourable Member's voice a voice in the wilderness !

Mr. A. Rangaswami Iyengar (raising his voice) : I also realise, Sir, that in the state of atmosphere in which this Bill is being discussed and passed in this House, my voice will be a voice in the wilderness. But, Sir, my voice is raised on behalf of the elementary right of freedom of speech and writing which ought to exist in this country. And I think although to-day the House may not be in a mood to accept what I say, the House will no doubt soon regret that there was any necessity to pass a measure of this kind. I think, Sir, in so far as this Bill is concerned, it is one more addition to the large catalogue of repressive measures in this country. We have been complaining that the law of sedition, that the law under section 153-A in regard to communal hatred, is so wide and so sweeping that the exercise of the rights of legitimate criticism, of freedom of speech and writing in the Press and on the platform, has been very severely restricted ; and that many of the greatest patriots of this country have been sent to jail under the sweeping provisions of the existing law, *i.e.*, sections 124-A and 153-A. Sir, the question is whether in this country, thinking calmly, not under excitement or under the influence of communal or other feeling, we can really seriously afford to add to this catalogue of repressive laws. The whole position, Sir, is this. I do not for a moment desire to be taken as in any sense asking for immunity for scurrilous or defamatory or libellious or even seditious writings. I am as keen as anybody in this House for summary and proper punishment of such offences. But, Sir, to punish scurrilous writings by the ordinary law of the land is one thing ; but to add to the catalogue of repressive laws in this country is quite another thing ; and it is because this constitutes a definite addition to the repressive laws of this land that I, Sir, having to do with this

matter—having to have my being, my bread, my profession, my public duties, having to discharge my public services through newspapers and speeches and writings—that I consider that the perils of the newspaper-man, of the public speaker, are already huge enough in all conscience for the Government now to try to add to them. There may have been occasions when, owing to some accident or owing to a *bona fide* interpretation of laws, the views of particular Judges may or may not have commended themselves to the common sense of the community affected by the judgment. There may have been also a necessity—I do not want to discuss it here—when a particular judgment may have placed the law in such doubt that it may be necessary to make clear the interpretation of the law as it stands. But, Sir, to interpret the law or make clear doubts that may exist on the law is one thing ; to try to create a new offence, to try to add to the repressive laws under which pressmen and publicists may be brought is quite another thing, and so far as I can see the existing law—even if it may require to be properly interpreted by any particular measure of this House—the existing law is, as I say, more than sufficient to deal with transgressions from the ordinary law of libel or the ordinary law by which communal good will may be promoted.

I desire in the next place to point out that so far as this offence is concerned, we in this House can view it from two aspects. Either because of the scurrilous or libellious nature of a particular pamphlet or writing, that pamphlet injures a particular man or a particular group of men, and in that case it is a damage or injury to that man or group. Then that should be taken on the basis of the ordinary law of libel or defamation, because it is injuring the particular rights of a particular man or a particular group of persons. We are not now concerned with this, because the proper course then will be for the Government to come up with the addition of another clause to the law of defamation of the country. I take it the *raison d'etre* of the Bill before the House is the fact that these scurrilous writings have a tendency, a definite tendency, to disturb the public peace and tranquillity, to incite to violence or to other crimes. If that is so, that ought to be made perfectly clear in the section itself. As I have always held, both the law of sedition and the law about incitement to communal hatred can only be justified in this country, not only by the tendency which they may have in producing mere feelings of enmity, hatred or contempt, but the fact that they have a definite tendency to incite to violence or the commission of any crime or the disturbance of public tranquillity or order. That is the basis upon which the law of sedition is administered in England. That is the basis on which the law of sedition has not been administered in India, and that is the reason why the greatest patriots of the land have been sent to jail on the law of sedition of this country. If that is the case in regard to the law of sedition in regard to patriots who have been discharging their public duty, this law which deals with religious feelings and religious prejudices, will lead to the creation of such a sweeping class of offences that it will be very difficult to say what may or may not constitute an offence under this category of offences. I quite agree that the Select Committee have done their best to circumscribe the offence and also to provide safeguards for the manner in which its provisions have to be administered. But I say on principle there is no ground whatever for placing this law on the Statute-book. I speak with all deference to the leaders who have said that this law ought to be enacted

[Mr. A. Rangaswami Iyengar.]

at the present time ; but I think that the real way of putting down these scurrilous writings and these inflammatory pamphlets is to educate public opinion in the country properly. After all, Government must really rely upon public opinion to see that law and order are preserved and that there is no breach of the public peace ; and so long as they cannot get public opinion on their side, it does mean that there is something wrong in the methods which they adopt ; they do not prove on the other hand that there is any necessity for adding to the list of crimes in this country. I therefore say, Sir, that, in so far as this law imposes obligations of a most onerous character on the Press and public of this country, it is a law which is totally uncalled for. It is all right for those who do not have directly to deal with the duties of publication to say what they like ; but we who are eternally concerned with the printing and publishing of news, views and what not—it is for us who have actually to do with it to find out whether this particular law is safe enough to protect us in the discharge of duties which we in our profession have to discharge ; and I say, that however much leaders of public opinion in this country, however much leaders of parties and leaders of communities and leaders in political life might think that these communal disturbances have been going on so long that we ought to take some steps to prevent them, it is not they who can fully realise where the shoe pinches. We, Sir, know where the shoe pinches. It is all right to say that a particular pamphlet is inflammatory and that somebody should be locked up at once for it ; but before that somebody is locked up for it there are innumerable press agencies and innumerable newspapers who would be caught in the net before that single man—who may be a very insignificant individual and may or may not be affected by the proceedings taken against him—is locked up. He will not be affected to the extent that the publisher is affected by this Bill. The whole question is whether there is sufficient protection for the honest publisher and the honest printer who may in the course of his duties have to print and publish these pamphlets. I concede, that so far as the section itself is concerned, the words " maliciously and deliberately " have been introduced, and to that extent it is a safeguard. But, Sir, it is not always that these concessions are made to pressmen ; the pressmen have been put to a great deal of trouble in having to prove their *bona fides* in courts ; and therefore whatever may be the protection that we may get under this Bill—and, as I say, I concede fully that the Bill has gone as far as possible, once it is conceded that a Bill of this kind is necessary—I do not see that there is any necessity for this Bill at all. I cannot see that it is necessary to add to the provisions of the existing Penal Code in this behalf and if the interpretation of particular provisions of the Penal Code has been rendered doubtful by reason of conflicting judgments, all that is necessary to do is to clear that doubt. Beyond that, Sir, I say we cannot go, and no case can be made out for interfering with our fundamental liberties of free speech and writing.

Sir, I oppose the motion.

Mr. N. C. Kelkar (Bombay Central Division : Non-Muhammadan Rural) : Sir, I rise to support the motion that the Bill be taken into consideration, but only in the hope that it will be considerably improved before it is passed. I have got to make my position clear as I was a member of the Select Committee and have also written one or two dissenting

minutes, and therefore I will state my position before the House clearly, though not perhaps very briefly.

In the first place, I must say this—that my mind instinctively rebels against the creation of a new offence. But even conceding that some measure of this nature is necessary to put a restraint upon scurrilous writings, we must at the same time see that this new offence, this new penal legislation, is hedged round with necessary and wholesome qualifications. For after all it stands to reason that the remedy in the case of any disease must not be worse than the disease itself. Now, with regard to the kind of people with whom we have got to deal in a matter like this, I think we can easily put them under three categories. The first category is of those who are willing to wound but afraid to strike ; the second is of those who are willing to wound and also not afraid to strike ; and the third is of those who are willing to strike but unwilling to wound. I think that is a comprehensive list of categories and that will help us clearly to see how we should deal with each category in its order.

Now, with regard to the first category, namely, those who are willing to wound but afraid to strike, I think the law may leave them alone ; the law can not touch them ; after all they are guilty merely of criminal intentions, and they need not be penalised for that. They are impotent malevolents and they may be left safely to stew in their own juice ; and we all know, as Emerson has said, that the best furnace is that which consumes its own smoke, let this smoking chimney consume its own smoke and not come into the public with it. We will leave the impotent malevolent there.

Then I come to the second category—men who are willing to wound and also not afraid to strike malevolently. Here is a clear case in which the law must intervene and punish this class of persons. But the real difficulty in a measure like this is about the third category of people, namely, people who are willing to strike, who honestly think they must strike, but yet are unwilling to wound ; and in my opinion, what the Select Committee has failed to do is to put sufficient hedging round this new penal legislation so that adequate protection may be given to this third category of people.

Now, among these three categories of people you will see, Sir, how easily they can all be disposed of. The malicious coward is his own sentinel ; he keeps guard on his own mind and does not come out with action ; therefore we need not trouble about him. The malicious man of action is his own accuser and he cannot get any protection. But it is the honest and benevolent but frank critic that requires the greatest protection, and we must see in this House that we give it to him. We are all aware that criticism has played a very great part in reform and progress of civilisation in this world ; and even when we sit down to legislate in a panic we must take a very wide view of things and allow this useful agency of criticism to go on doing its work. Law, in comparison with criticism, has a strictly limited purpose. It can and also must tell people in exact and precise terms as to what they may not do. The educative operation of law is after all more negative than positive. The law tells people that certain things may not be done—not that certain things should be or must be done. It leaves man to his own degree of education and refinement and benevolence. I have often fancifully compared in my own mind the law to a

[Mr. N. C. Kelkar.]

toll bar on the road, for it lays down a limit beyond which you shall not go without paying a toll of punishment or penalty. But at the same time, a law, like that toll bar on the road, never undertakes to see what the speed of your car has been until after you approach or pass that turnpike or toll bar. There is a limit to action definitely and inexorably fixed, and the law insists that, if you want to transgress or go beyond that line, you must pay the penalty.

Then, Sir, I have absolutely no doubt in my own mind, and I do hope that this House also will have absolutely no doubt in its own mind, as to the classes of people who require protection ; and therefore we must insist that they shall get that protection. I will put before this House the categories I have got in my own mind, and that list of categories is almost in a gradually descending order of merit. First, I think the law must give protection to the sly sceptic—the doughty doubter. The service he renders to mankind is that he spreads a very wholesome contagion of doubt and unbelief and you often feel that by his magic touch the sands of belief and settled opinion slide and shift away from under your feet as when you stand in a swift current of a river.

Then I claim protection, Sir, also for the diligent sociologist. He has obvious zeal for accurately noting down facts which may serve as data for generalization, and in that task he often has got to note down and expose sometimes even vulgar facts, because without the exposure of such vulgar details of religious or public life no useful generalizations can be drawn.

Then, Sir, I claim protection for the cold rationalist before the blast of whose trumpet of reason the walls of dogma and authority fall like the walls of Jericho.

Then again, I claim protection, Sir, for the absent-minded philosopher whose very wide range of generalisation is in itself a guarantee that he only looks at the wood of society and simply forgets the trees of personalities. For this philosopher I claim protection.

Then I would claim protection even for the mischievous but kindly humourist. We all know that he contributes greatly to the enjoyment of pleasantry in the social world, and yet we know that he sweeps the cobwebs of egotism and superstition from the inner corners of men's minds by the gentle breeze of ridicule.

And lastly, I will go further and claim protection even for the apparently merciless satirist who uses the knife but only in the spirit of a surgeon when performing what may be a necessary operation for the good of society.

For all these classes of people, Sir, I do claim protection from the law and against the law. Sir, it will be remembered that this is not the first time in the history of the world when we are grappling with great controversial issues—social and religious issues. Every age had its own critics, though of course they were endowed with a wide variety of temperaments and a varying degree of culture and refinement, but who succeeded by their criticism in the common purpose of reform and regeneration of society. We all know, Sir, that the crude and blunt Luther actually used the hammer and nailed the interrogatories to the door of the established Church, but we also know that there was Erasmus before him.

who served the same good purpose by taking his readers on an imaginary tour to Heaven and revealed to them the miserable plight in which the saints and the so-called religious men were living there. We know Roussean who was blunt and even vulgar, but there was side by side with him also Voltaire who was sly and mischievous ; but both accomplished the same purpose, each in his own way, and that purpose was the bringing of the body politic and society to a higher level.

Now, even in our own time, what do we see ? We have seen great issues very reasonably discussed from various points of view. And from the religious aspect I may name issues whose greatness will be appreciated by my simply mentioning them. Now, have not people in our own time dealt with the question of the historicity of Christ ? The love affairs of Lord Krishna have also been made the subject of plentiful speculation and argument. The home life of Mahomad, as we have all seen, has been a subject of criticism, and the gluttony of Buddha has been criticised, because we know that some people accuse Lord Buddha of dying on account of over-eating of mutton. Now, touching the social aspect of controversy, I may mention subjects which are quite familiar in our own society and times. For instance, we have in India child marriage, birth control, widowhood. Certainly these questions are not very easy of treatment, and yet we see critics who are endowed with a wider vision and who are animated at heart by real benevolence to society—we have seen these great problems discussed and controverted without harming anybody. But all this of course is done in good faith, and the generation of men who do these things is not yet gone and spent.

My real difficulty, therefore, about the Select Committee's Report is that it does not give adequate protection to people in our own generation who are actuated by benevolence to society and offer criticism instead of facts in pure good faith and honesty of purpose. It is for the purpose of pointing this out prominently to this House that I have stood up to support the motion that the Bill be taken into consideration, but I do hope also that the Bill will be greatly modified.

Sir Zulfiqar Ali Khan (East Central Punjab : Muhammadan) : Sir, I congratulate the Government on their wisdom in introducing this measure in this House to meet the situation which has unfortunately been created outside this Chamber in the wide world of India. Sir, I have listened to the philosophic speech of the Honourable Mr. Kelkar which, I must confess, is not quite comprehensible to an ordinary person like myself but is quite worthy of the ancient philosophers. Sir, I am sorry to see that Honourable Members sitting in the serene atmosphere of this Chamber either forget or do not realise the tragedies which are enacted outside this Chamber. I cannot understand that the responsible representatives of the people should show such utter indifference to what is happening outside.

Now, Sir, speaking about my own province where a great trouble recently happened, I may say that three communities, rather virile communities, exist side by side—Hindus, Muhammadans and Sikhs—and two at any rate of these communities are considered to belong to the martial races. They are very inflammable and I think that all three of them are liable to religious excitement. The atmosphere not only in the Punjab but all over India is surcharged with great excitement and

[Sir Zulfiqar Ali Khan.]

with great religious differences and on the top of this, a man suddenly comes out, rather insignificant and obscure perhaps, not known to many, and he launches a speech or he issues a pamphlet grossly insulting the religion of others and maliciously attributing motives or conduct to the founders of religions which others follow. Now, Sir, this obscure man is the cause of very great unhappiness to the people. He inflames passions which are not easy to control. He excites people to a pitch which inevitably leads to strife and trouble. I know that Honourable Members are aware that the feeling of animosity existing between the different communities has reached that unhappy stage which certainly cannot lead to the peaceful progress of this country. The economic, social and political life of this country is suffering a grievous set-back and I cannot understand how under these circumstances any patriotic individual can condone or allow a man of this type to enjoy any liberty of speech or writing. A man who is guilty of such acts must find the whole nation anxious to suppress him. (*An Honourable Member* : "He becomes a hero.") But unfortunately I see that not only the ordinary man but even the representatives of communities and intellectual lights of this country desire that this man should enjoy the opportunity of speech and freedom. (*An Honourable Member* : "Not this man : deport him.") Describe the man who should enjoy such freedom of speech. (*An Honourable Member* : "The honest citizen.") Now, Sir, the more this man enjoys the freedom, the greater becomes the work of mutual slaughter. Every day in the country reports come from one quarter or another that rioting has taken place there or incendiarism has taken place in another place. Can we ignore all these things ? Can we go on tolerating these acts and can the Government afford to shut their eyes to what is happening in the country ? Are they not responsible to the world outside ? Are they not responsible to the civilised people of this country ? And is it not their duty, as an enlightened and civilised people themselves, to put a stop to this kind of tragedies which are daily on the increase ? Sir, if this thing goes on, I may tell the Honourable Members that the catastrophe which may happen will be appalling and the Honourable Members, indeed all of us, will be responsible to posterity for sowing discord and perpetuating a situation for which we shall be responsible not only to them but also to the world outside, which will surely blame us for showing this apathy and indifference to the tragedies.

Now, Sir, it seems to me from the list of amendments which have appeared on the agenda, and I have a strong impression that a section of the Members of this Honourable Chamber think that this measure which is designed to meet the situation is for the purpose of protecting a certain community, and this impression is very unfortunate. I speak as an Indian—not as a Muhammadan. And I say that, if a Muhammadan insults the religion of others or the founder of the religion of others, I should be the first, if I were a magistrate, to give him the maximum amount of penalty that the law allows and I hope the Hindus or the Sikhs will allow me to say that, if a Hindu or a Sikh grossly or wantonly insults the religion of Islam, they will confess that that man should not be spared if there is to be any progress or any economic life to be allowed in this country. Sir, this Bill I think leans too much

on the side of leniency. It gives only two years to the offender, and that is the maximum. I do not think that, so far, any judge has given the maximum penalty. Sometimes it is six months or even less, on an appeal to the High Court it is frequently reduced very much. Now, Sir, what we want in the interests of the country is that the penalty may be deterrent in its nature, so that the tranquil progress of the country and the peaceful life of the country may not be seriously and gravely disturbed. I think also that Honourable Members will avoid the danger which lurks in the proposal that the offender should enjoy the right of appeal. It is a very serious matter and I think that if his opportunity of movement is not restricted he will become a positive danger to the peace of the country.

Sir, I appeal to my Honourable colleagues, in the name of progress, in the name of civilisation, in the name of enlightenment, not to treat this measure in a spirit of levity and controversy, which ought to be foreign to all patriotic people, but to treat it as a necessary measure for the progress of the country and for repressing that ebullition of feeling which is doing so much harm to the country.

Mr. K. C. Roy (Bengal : Nominated Non-Official) : Sir, I feel it my painful duty to oppose the motion moved by my Honourable friend (Mr. Crerar). I agree with Nawab Sir Zulfiqar Ali Khan when he said that circumstances had arisen in this country, for which I believe our communities are primarily responsible and the Government secondarily responsible, which demanded drastic treatment.

Mr. A. Rangaswami Iyengar : Government are primarily responsible.

Mr. K. C. Roy : I repeat the communities are primarily responsible and Government secondarily responsible—which demanded drastic treatment. But, Sir, what is the Bill before us ? The Bill only proposes to add a new offence to our Indian Penal Code. We have already provided for hatred against class and hatred against Government. We are now going to provide for hatred against religion. This is the exact purpose of the measure. This is neither a Hindu nor a Mussalman Bill. My friend Sir Zulfiqar Ali Khan is absolutely wrong when he assumes that we are passing this Bill because it is a Moslem measure. It is nothing of the kind. We are adding a piece of repressive legislation to our Statute-book. And for what purpose ? It will serve no useful purpose whatever.

I oppose this Bill on four principal grounds, namely, that the Bill is most inopportune, that the Bill will not serve the purpose which Government have in view, that the Bill is inconsistent with the spirit of toleration for which generations of Englishmen and Indians have worked in this country, and lastly, Sir, that this Bill is a stigma on the Indian Press. We are considerably handicapped in the discussion of this Bill by the encomiums which were passed upon this measure by the Party Leaders in this House. (*Mr. D. Belvi* : " Hear, hear ".) I am sorry that I shall have to single out Mr. Srinivasa Iyengar first. He it is who said that the Bill was overdue. He is a great lawyer and an eminent jurist. I grant all that. I am a layman. But I am content to rely upon the judgment of three successive High Courts, the High Court of Calcutta, the High Court of Allahabad and lastly the High Court of Lahore, and also upon

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the other existing laws. We have not needed this Bill for the last 250 years. Why do we need it now ? My friend Mr. Srinivasa Iyengar did not look deeper into the problem. Perhaps he was thinking in terms of the Unity Conference. Now, I come to my Honourable friend Mr. Jayakar. He said that there has been a demand from the country. Might I know where the demand came from ? I claim, Sir, that I am in constant touch with the flow of political events in India. The demand came from whom ? A handful of men in the Punjab, thoughtful perhaps, patriotic perhaps, but really, the inner working came from a set of men who are responsible for the communal disturbances in North India.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : How do you know ?

Mr. K. C. Roy : The proper treatment for that is not this Bill but action under the Deportation Act and the Criminal Law Amendment Act. If these two Acts had been primarily resorted to in the provinces of the Punjab, Delhi and the United Provinces, we should have heard very much less of these communal troubles. (*An Honourable Member* : " Why exclude Bengal ? ") Then, Sir, I come to my Honourable friend Lala Lajpat Rai. Only the other day, speaking on the Volunteer Police Force Bill, he asked whether we were to accept a Bill of this sort from an alien bureaucracy. But he has no hesitation in accepting a far more drastic measure from that bureaucracy. I shall ask him to reconcile his own opinions.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : I will.

Mr. K. C. Roy : And lastly, Sir, I come to my revered friend, Pandit Madan Mohan Malaviya. He is not here just now. He gave us a dissertation on religion. I say this Bill does not deal with religion. It deals with a concrete offence, and that an offence which can literally be dealt with under the existing Acts.

Mr. K. Ahmed : Is there no religion in it ?

Mr. K. C. Roy : No, Sir.

Mr. K. Ahmed : Concrete fact ?

Mr. K. C. Roy : Yes, concrete facts. I say that the Bill is inopportune, and I am very anxious to emphasise this fact. It was only the other day that His Excellency the Viceroy gave us a message that if response was forthcoming, he would convene an All-India Conference to examine the communal troubles. I know what His Excellency meant. His Excellency does not want to treat merely the symptoms of the disease with which this Bill deals. He wants to treat the whole question in its political, in its economic and in its religious and social aspects. (Hear, hear.) We are prejudicing his chance by passing this Bill to-day. Let us examine this case fully : let us examine the religious disabilities of Hindus and Muhammadans : let us examine the economic value of this question, and we can take measures after that. What is the good of having a trumpery legislation which will yield no results ?

Mr. K. Ahmed : Will you fetch a bucket of water after the house is burnt ?

Mr. K. C. Roy : Well, we shall see about it a few minutes later. (*An Honourable Member* : " When it happens ".) Yes, when it happens. There is the deportation law for the time being. Many Members of this House will undoubtedly recollect that there was a discussion of this question in the Punjab Legislative Council. Only the other day I asked my Honourable friend Mr. Crerar whether he would be good enough to lay the opinion of the Punjab Government on the table and he was unable to oblige us. What was the discussion about in the Punjab Legislative Council ? I shall read an extract from the speech of the Honourable Mr. Craik, Chief Secretary to the Local Government. He said :

" More than half the newspapers in the Punjab had dummy editors. In one case the editor was one who had confessed that he had forged currency notes and escaped only by giving away his companions.".....(Laughter.)

(*An Honourable Member* : " Under what provision ? ")

" Another editor had in turn been a barber, a syce, a deserter from the Indian Infantry and an ex-convict."

Do I understand that Mr. Crerar will deal with them under these Acts ? I can tell you, " No, he won't ". But if he brings any proper Bill to deal with this sort of people, he will have the fullest support from every newspaper man in this House. But this Bill will serve no useful purpose. It was only this morning that I was talking to a very distinguished official of the Punjab who had much to do with these troubles. He told me that the Bill as originally drafted provided very little and, after it had come from the Select Committee it is nothing. I shall ask Mr. Crerar to convince me on this point.

Sir, the last point on which I wish to say a few words is that this Bill is not in keeping with the spirit of the British administration in this country. I know generations of British statesmen and Indian reformers, distinguished men of public thought, such as the founder of the Aligarh College, had worked for religions and social reform. But this Bill puts a premium on intolerance and bigotry. I am sorry, Sir, that Lord Irwin's Government should be associated with a measure of this kind. Have a Bill by all means, have a comprehensive Bill after a proper inquiry, to deal with communal questions, but not this Bill which really is not a progressive measure, but which will only hamper the good work done by reformers in this country—European, Hindu and Mussalman.

Mr. D. V. Belvi (Bombay Southern Division : Non-Muhammadan Rural) : Sir, I rise with a twofold object. I wish to say a few words as regards the principle of the Bill inasmuch as I did not say anything on the Bill the other day. My second object is to move the amendment which stands in my name. I believe, Sir, we shall economise our time if I move the amendment for circulation at an early stage of the discussion.

Now, as to the principle of the Bill. It seems to me after careful consideration that this is a Bill which is fraught with very great danger. It appears to be an innocuous measure at the first blush, but it seems to me that though it wears the garb of innocence, it will not only muzzle the Press of the country to a certain extent, but it will also hamper the free expression of opinion on the part of scholars, historians and men of that kind. It is my firm opinion that the law as it stands is sufficient for all practical purposes. Government has slept over its duties

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for a number of years. My firm conviction is that, if the Government had taken measures earlier to repress mischievous writings, mischievous speeches at the proper time, we would not have been in the predicament in which we now stand. Did Government do anything ? Did it lift its little finger to take any repressive measures to put down, the inflammatory speeches that were delivered by members of both communities at Aligarh, in the Punjab, in Bengal and other places ? Are we not aware of the kind of speeches that were delivered at Aligarh about two years ago ? Has the Government done anything in the matter hitherto ? It has done nothing whatever. Now that it sees that there is a great deal of hubbub in the country, it wants to cover its own sins by passing this measure. The law as it stands is enough to vindicate the reasonable liberty of every man in the land. We know that though the accused in the *Rangila Rasul* case was not convicted by the Lahore High Court on some technical ground, the law was fully vindicated in a subsequent case, the *Vartman* case. What does this show ? It shows that there is sufficient safeguard in the existing law, but that the law was not set in motion by the executive for its own purpose, either because the executive was not alive to its duties, or because it had some sinister motive. There is no other explanation possible. It is very unsafe to add to the armoury of the executive another dangerous weapon.

Let us see how the present Bill is framed. It is provided in the Bill that the authority to institute a criminal prosecution is to vest in the Government. It is stated that no prosecution should be instituted without the sanction of the Local Government. I submit that this is not a salutary provision at all. If you really wish that a person who is aggrieved should have his redress, then it should be permissible to him to go to a court of law to vindicate his rights. It is said that if such liberty is given false complaints may be brought before courts. There are provisions in the existing law which provide against complaints of that kind. If A prosecutes B falsely, in the first place, the magistrate has got powers in his hands to award compensation to the accused at the expense of the complainant. That is remedy No. 1. Then there is a second remedy open to the aggrieved person if there be a false prosecution. He can ask the magistrate to grant sanction for the prosecution of the complainant under section 211 or under section 182 of the Indian Penal Code. The complainant will be hauled up for making a false complaint and he will be tried, and if found guilty, he will be convicted and sentenced. There is a third remedy open to the accused. He can bring a suit for damages for false prosecution in a civil court. When there are so many remedies open to the aggrieved person, why should the authority to institute a criminal prosecution under the proposed new law be vested in the Government ? The explanation is that the Government wants perhaps to play off one community against another, sometimes showing partiality to members of one community and sometimes showing partiality to members of another community. My humble opinion is that if you are inclined to pass this measure into law, leave it to the aggrieved parties—let them have the satisfaction of going to the court and vindicating their rights. If you wish to pass this law, then leave the people full liberty to take the course that they may be advised to take.

I submit that freedom of opinion will be much suppressed and I shall give you a concrete instance of what I mean. The instance is very

recent. A small pamphlet came to my notice only the other day. You know that there is a community of Muhammadans in this country known as the Khojas. His Highness the Aga Khan is the religious head of that sect. The sect numbers, I believe, in its fold several millions of people—I do not know the exact number, but I know that the followers of His Highness the Aga Khan are both in India and in Africa (*An Honourable Member* : " And Persia "), and, in Persia also. There is an association in the city of Karachi of the Khojas and the Secretary of the Association there has issued a small pamphlet. I have received a copy of the pamphlet by post, but unfortunately I forgot to bring it here, and I do not know if any other Members of this House have received copies of that pamphlet. You will find there that the writer of the pamphlet says that he is himself a member of the Khoja community, and yet he disputes in the body of that pamphlet the very title of His Highness the Aga Khan to the position of the religious head of the sect. He says that he does not admit the alleged correctness of the pedigree of His Highness and his family. He denies that His Highness the Aga Khan is a descendant of the Holy Prophet of the Mussalmans. He also says that His Highness is altogether wrong in telling people that they should not offer their homage to Allah but to himself. The pamphlet also says that His Highness has openly preached the doctrine that homage should be paid to him personally as Allah. Are we to suppose that an expression of opinion of this kind should be punished ? The man is a member of the Khoja community, and I have no doubt that many Khojas will feel insulted or their religious feelings will be severely wounded by the publication of such a pamphlet. But it seems to me that the writer of the pamphlet is speaking out frankly. Is it right that things of that kind should not be discussed in the public ? What will be the inevitable effect of the law you are making now ? You have not considered the full implications of the Bill that you are passing. It is all very well to say that there are breaches of the peace here, there are houses burning there and murders elsewhere. All that is true, but do you think that all these will be stopped simply because you pass this measure here ? Unfortunately for us, some of the leaders of the two communities went on talking recklessly. They sowed the wind and they are now reaping the whirlwind. It is very easy to set fire, but it is not so easy to control the fire when it is flaming and raging. I do not believe that the mere passing of this measure will allay public feeling in the country. There are other remedies which should be tried. There is one idea which is lurking in our minds and I think I shall not be doing justice to myself if I do not give expression to it. It seems to me that some of my Muhammadan friends believe that the proposed law will do them greater good and they are so anxious as to plead for enhancement of the punishment, and they desire that the law should be made more Draconian. I request them to take my assurance that, if this law be passed, it will be as hard on Mussalmans as it will be on Hindus, and I do not think that if you make this offence non-bailable the Hindus only will suffer. For aught I know, more Muhammadans may suffer than Hindus. It is no use making the law very Draconian. If you wish to pass a law, let it be a reasonable law. There is a punishment of two years provided in the Bill. That is quite enough. It will depend upon the kind of offence that is committed, it will depend upon the kind of magistracy or the Sessions Judges that you get for the trial of the cases. It is no use making the new offence you are creating a non-bailable offence, or increasing the punishment to 7 years.

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It is not only the Prophet of the Mussalmans that will be sometimes attacked, but there will be the prophets, the saints and other holy persons of the other communities that may be insulted. So, it is no use saying, in my humble opinion, that the law should be made more stringent.

12 Noon.

It is very unfortunate that such a law should be passed in the first instance and then it will be still more unfortunate to make the law so very stringent. We know that in ancient times if a man committed a small theft his hands were cut off. Sometimes his ears were chopped off, but it was found in course of time by experience that a severe sentence did not necessarily mean repression of crime. Then, Sir, I do not think that I need say anything more as to the dangerous principle of the Bill. I fully associate myself with all that has been said by my Honourable friend Mr. A. Rangaswami Iyengar. You will find by referring to the Report of the Select Committee that such sane and sober men as my friends Mr. K. C. Roy, Mr. Arthur Moore, Mr. Kelkar, Mr. N. C. Chunder and Mr. A. Rangaswami Iyengar say that the present law is adequate and that they are dead against the Bill that is now proposed to be passed into an Act. All these Honourable gentlemen are connected directly, with the exception perhaps of Mr. Nirmal Chunder, with the Press of the country. (*Honourable Members* : " He is also connected with the Press.") Very well, then, I find that five gentlemen who are connected with the Press in India are positive in their opinion and they all say that this measure is superfluous and that it is not wanted by the country. Are we to set aside the opinions of these men ? I have no doubt that if there had been a representative of the Muhammadan Press on the Select Committee, he would probably have concurred in the opinion of these five gentlemen, but unfortunately I do not find in the names of the members of the Select Committee that there is any Muhammadan publicist (*Mr. K. Ahmed* : " Are you an editor.") If you wish to say anything kindly speak up. I am not an editor myself. I have nothing to do with any newspaper. I was never one and I do not hope to be one in the future. I have never published any pamphlet hitherto and I do not desire to publish any hereafter. I am quite safe. I always keep myself within the bounds of law.

Then, Sir, I come to my amendment. I shall first of all read my amendment. My amendment is that the Bill, as reported by the Select Committee, be circulated for the purpose of eliciting opinion thereon by the 15th January 1928. Honourable Members may perhaps think that I have again moved a dilatory motion. I assure them that my object is not to delay the measure but I repeat that it is necessary to send this Bill to the various provinces for its circulation. The Bill has not yet been translated into the various vernaculars. You are legislating for many crores of people residing in this country. Let them know at least what we the legislators are about to do. Let us not ignore their presence. It is for their benefit that you are legislating. Do not think that simply because you happen to be clad in brief authority and have the privilege to sit within the walls of this Chamber for some time that you can legislate despite the people that have sent you here. (*Mr. K. Ahmed* : " Question ! ") It is very wrong of my friend Mr. Kabirud Din Ahmed to say " Question ". I ask him not to forget his constituency. Next time he may not be sent up. Very often we harp on the slogan that good government cannot be a substitute for government of the people, by the people, and

for the people. That is the slogan that we not infrequently advance. At any rate we on this side call ourselves democrats and we always say that the real political power should be with the masses. That is our shibboleth but how do we behave ? Yesterday we ignored the people of the country altogether. I warn you not to do so again. Do you know what people will think about you if you ignore their presence ? Sir, I wish to read to this House one sentence which has struck me most and which I think is very relevant to this point. I am quoting from my favourite political philosopher, Burke. He says. (Laughter.) My friends here will considerably benefit themselves if they will read Burke, especially his Reflections on the French Revolution. We are on the eve of a revolution in this country and it is necessary to study every sentence of that immortal book. I will read only one sentence. It reads :

"You will smile here at the consistency of those democratists, who, when they are not on their guard, treat the humbler part of the community with the greatest contempt, whilst, at the same time, they pretend to make them the deposiories of all power."

That applies exactly to the conduct of this House yesterday.

Mr. President : The Honourable Member is not in order in criticising the decision of this House.

Mr. D. V. Belvi : I bow to your ruling, Sir, but all the same I maintain that Burke is positively right. You wish to pass this law in haste. I know that if you examine the history of legislative measures in this country you can surely find precedents in which legislation was rushed through in the course of one sitting. You know that the Official Secrets Act was rushed through the Imperial Legislative Council in the course of a few hours. We also know that the Bengal Ordinance was issued in a few minutes. You may do that if you like. You have been empowered by law to do it, but I submit that it would not be right. It would be morally indefensible. Why do you not take the people into your confidence ? The publication of the Bill in the various vernaculars of this vast country will serve as a sort of deterrent. Mischief mongers will come to know that there is trouble brewing for them within the walls of the Legislative Assembly. They will know that it is not safe to insult the religious feelings of other communities. Why should we suppose that there will be peace and good will in the country to-morrow if we pass this measure this evening ? It is a wrong belief altogether. Do you know what the Press of this country has said about the measure ? There is the *Statesman* of Calcutta, there is the *Hindu* of Madras and there is the *Indian National Herald* of Bombay. There are other newspapers in the country which have criticised this measure very severely. They are all opposed to the proposed new legislation. Are we to ignore the opinions of all these newspapers ? Are their opinions to be cast to the winds ? Should no importance be attached to the opinion of people who educate the public ? If you ignore the opinion of such important newspapers, I can only say that the House will be abusing its authority. I hope that the electors will remember the conduct of their present representatives in future elections. You rush to the villages for votes at election times, you coax the villagers in all possible ways but when you are elected to the Assembly or to the Council of State, you clean forget your masters. You say here that they are ignorant people, that they cannot read and write, that you are the custodians of their interests and that you are the really enlightened people. You fancy that you can

[Mr. D. V. Belvi.]

legislate for the whole country at your unfettered and sweet will and pleasure. That seems to be the idea of some of my Honourable friends. I request them very seriously to think over the matter and vote in favour of my amendment. Let this measure be brought up in the Delhi Session of 1928. I have said purposely in my amendment that the opinions should be collected from the various provinces before the 15th January 1928. You will not lose anything whatever. I have consulted some important persons on the subject matter of my amendment, I have the leave of one great man in the country to tell my Honourable colleagues that he thoroughly sympathises with this amendment. He is no less a person than the religious head of the Ahmadiya sect of Mussulmans. I am told that that sect has got a million people as its followers. Fortunately for us the religious head of that great community is at present in Simla. I had the privilege of meeting His Holiness the other day and I have ascertained his opinion to-day. He has sent me word to say that he is not satisfied with the present form of the Bill. He thinks that the Bill has emerged from the Select Committee in a wrong form, and he has sent me word also to say that he thinks it will be much better if this Bill is circulated in order that opinions may be collected upon it from people living in the different parts of the country. It is for Honourable Members of this House to attach importance to the opinion of such a great man or not. But it is my duty to place before you the opinion which I have obtained from him.

Mr. K. Ahmed : The opinion as stated is not correct. His Holiness welcomes the Bill in substance, Sir.

Mr. D. V. Belvi : It is no use contradicting me here. The Secretary of His Holiness is in this building. My Honourable friend Mr. Ahmed may take the trouble of going out a little and consulting him. I consulted him only 20 minutes ago.

Mr. President : The Honourable Member must not make any reference to a visitor in the Gallery

Mr. D. V. Belvi : On these grounds, Sir, I move my amendment and I request my Honourable friends to consider it coolly and to pass it. I am not opposed to the measure if it is brought up in a proper form. But the measure as it now stands appears to me to be most dangerous. I do not think the Prophet of the Muhammadans will be protected by this legislation. I do not think the saints of the Hindus will be protected by it either. It will be still possible for the members of one community, if they are evilminded, to insult the religious feelings of the other community. This is not the way to proceed to root out the evil. With these words, Sir, I oppose the principle of this Bill and I move my amendment.

Mr. Abdul Latif Sahib Farookhi (North Madras : Muhammadan) : Sir, I rise to support the motion moved by the Honourable the Home Member and to oppose the amendment of my Honourable friend Mr. Belvi. Sir, several speakers, including my Honourable friends Mr. A. Rangaswami Iyengar and Mr. K. C. Roy, pointed out that this is a repressive measure. I quite agree with them that this is a repressive measure. But, Sir, there are occasions when we have to strengthen the

hands of the Government to enact such measures so as to enable us to live in an atmosphere of peace. (*An Honourable Member* : " And that from a Swarajist ! ") Swarajists or anti-Swarajists, we have come here to co-operate with the Government. When we entered the Legislature no doubt there was a talk of obstruction. But ever since I came here, I have been seeing that we are helping the Government in several Committees, and I do not see any reason why in a measure like this, which is calculated to bring about peace and harmony between the different communities we should not strengthen the hands of the Government. Sir, I do not understand the reason why we should defer legislation on an important question like this. Sir, it is pointed out that section 153-A. is sufficient, but unfortunately, owing to the famous judgment of Justice Dalip Singh, we have found that several eminent lawyers and people who can be quoted as authorities on law have admitted that there are loopholes in the law, and we have therefore to shut up those loopholes. We have to look to the present state of affairs in the country. I have only yesterday received a Resolution passed by the Mussalmans of Bezwada which runs as follows :—

" The Mussulmans of Bezwada strongly condemn Telugu dramas of ' Roshanara ', ' Jowharibai ', ' Zaibunnisa ', ' Fall of Vizianagar ', and such of their ilk as untrue, defamatory and mischievous, and protest with all the emphasis at their command against their publication and staging in the Andhra Districts and elsewhere, as they are calculated to insult Mussalman religion, Mussalman Emperors, Kings, religious heads, Mussulman Princesses and women in their modesty and chastity.

The meeting brings to the notice of the Government that the dramas are defamatory and provocative, breed hatred and contempt, and promote feelings of enmity between communities. The Mussulmans are greatly exasperated. This meeting declares emphatically that Mussulmans cannot bear such insults. Prays Government to take immediate steps to cancel licenses for the above-named dramas, prohibit staging, proscribe the said dramas and take legal action against authors and publishers of the said publications."

Sir, this only goes to show the state of feeling in the country at large. I cannot agree with my friends who suppose that there is discontent only in the Punjab. After the judgment of Justice Dalip Singh in the *Rangila Rasul* case huge monster meetings were held in several parts of India and the demonstrations only went to show the extent of feeling which prevailed in the country. Sir, I am not advocating the cause of the Mussulmans only. It is possible that some Mussulman writers may write against other religions. (*An Honourable Member* : " We do not agree.") You may not agree, but as an Indian it is my duty to see that peace and harmony is brought about between the different communities ; as a Mussulman, as one whose religion enjoins peace upon him, it is my duty to see that my fellow-countrymen should also live in peace. I do not want that there should be any provocation on the part of the Mussulmans which might incite the religious feelings of the Hindus. Such being the case, it is only necessary that we should enact a law of this kind as soon as possible. My friend Mr. A. Rangaswami Iyengar said there may have been occasions when Judges have with the most *bona fide* intentions interpreted the law in a manner contrary to custom. But the point is that nobody knows whether there may not be similar occasions hereafter. It is possible that in future there may be other Dalip Singhs, who, with the best intentions, may think that there is a loophole in the law and that a particular act does not come within the purview of that law.

Mr. T. A. K. Shervani (Cities of the United Provinces : Muhammadan Urban) : There are Dalals.

Mr. Abdul Latif Sahib Farookhi: My frined, Mr. Shervani, says that there are Dalals also ; but we know, Sir, that if there were only judgments of Dalals, then we need not have come to the House to ask for such legislation. Sir, it is also pointed out that this Bill is very wide and will take a large number of offenders under its purview, but I feel that there is a very strong safeguard, inasmuch as it gives discretion to the Government to decide and sanction a prosecution. (*An Honourable Member* : " That is very dangerous.)" My friend says that it is very dangerous. But sometimes we require such dangerous safeguards (Hear, hear), and Sir, I am quite confident that the Government will always see to it that prosecutions are not sanctioned unless there is a strong reason and ground for sanctioning such prosecutions. (*An Honourable Member* : " There may be merely a strong agitation.) Sir, it is also said that this Bill would put a restraint on scholars, historians and those who are trying to search after the truth. But my submission is, Sir, that in the Report of the Select Committee the word " deliberately " is inserted, and therefore it would go to obviate such dangers. Sir, my friend, Mr. Belvi, referred to the speeches made at Aligarh and said that the Government failed to take steps against those speeches. First of all, Sir, I am not prepared to admit that those speeches were objectionable. Even granting, however, that they were objectionable, and even granting that the Government failed to take action against those speeches, is it necessary, or is it advisable on the part of Government, now, to fail in their duty to enact such a law ? If the Government once failed to do its duty, it is not necessary that it should always fail to perform it. Then, again, Sir, my friend, Mr. Belvi, said that this law will be as hard on Moslems as on Hindus. Well, Sir, I shall not regret it. If any Moslem really and with deliberate intention to wound the religious feelings of Hindus does anything to provoke them, I think that Moslem should be punished, and I wish all the more that a Moslem who really deserves punishment should be punished, and therefore I think the Moslems will not regret that. Let it be as hard on the Moslems as it will be on the Hindus (*An Honourable Member* : " And on the Christians.") Then, Sir, my friend, Mr. Belvi, also said that no Mussalman publicist was included in the Select Committee, and he expressed the confidence that if any Mussalman journalist was there, he would have surely signed the minute of dissent written by several other gentlemen most of whom belong to the class of publicists. Well, Sir, I feel that I have the privilege to belong to that class of people —I am the editor of a daily Urdu paper (Hear, hear)—and if I were on the Select Committee, surely I would only have agreed to differ with those who wrote the minute of dissent. Sir, several papers have pointed out the necessity of such a law. Even the *Statesman,* if I remember correctly, wrote that there are loopholes in the law and those loopholes should be shut, and I can say with some amount of confidence to this House that the whole Mussalman Press, irrespective of the political thought it advocates, is in favour of enacting such a law. In conclusion, Sir, before I sit down, I shall only point out to my friend, Mr. Belvi that to circulate a measure like this which already went to a Select Committee where many eminent lawyers like Mr. Jinnah were present

and where every possible safeguard was included, for eliciting public opinion is unnecessary in my opinion, and it will only be delaying a necessary legislation. Sir, yesterday several arguments were advanced in favour of doing the needful at the proper time. My Honourable friend, Mr. Jayakar, asked the Home Member whether he should not use his own discretion and decide the matter on its own merits. Here then is also a case where the matter should be decided on its own merits : and it is unnecessary, after it has gone through several stages, through the Select Committee also, to circulate this Bill for eliciting public opinion. Sir, in conclusion, perhaps this is the first day that I have had an opportunity to congratulate Honourable Members on the other side (Hear, hear), and I think that I should not be ashamed of doing it if I only think it my duty to do so as a representative of the people, and therefore, Sir, I have to thank the Honourable the Home Member for having done his duty at the proper time and for having taken care not to allow things to drift to such a state as would prove to be disastrous : and therefore, Sir, I thank the Honourable the Home Member and congratulate him on the important steps that he has taken so promptly.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I myself feel ashamed that the conduct of the inhabitants of this country should necessitate the enacting of a measure like this. The freedom of speech and the freedom of the pen are, Sir, the most cherished rights of civilised nations in the world, and if after a century of British rule in India we are not capable of using both our tongues and our pen with care and with decorum, I am afraid we cannot congratulate either ourselves or the Government on bringing the Bill on to the Statute-book. Sir, most of the legal enactments and legal measures are intended to restrict human action and the freedom of mankind to a certain extent. Not only do the laws enacted by human agency bring such restrictions, but also the laws which are considered by different communities as enacted by super-human agency also bring restrictions on the freedom of human action, and therefore we cannot condemn any Act of the Legislature solely on the ground that it is calculated to restrict the freedom of human action. Sir, the laws enacted in a country are the index of the state of civilisation of that country and the Legislature of every country at every time follows the standard of civilisation of that country. The higher the level of civilisation of a country rises, to the same degree the Legislature of that country becomes more liberal and more elastic. As an example, I may point out that in some countries in Europe capital punishment has been abolished ; but if the example of those countries were followed in India, I am afraid the number of murders and assassinations would increase to an alarming degree. (*An Honourable Member* : "Question.") The laws enacted by the Indian Legislature are not unalterable like the laws of the Medes and Persians. When the state of affairs in the country improves and the level of civilization is raised to such a degree that moral force will be able to stop the scurrilous use of pen and tongue, not only this but also many other enactments of this character will disappear from the Statute-book of the country. But now when it is admitted on all sides that scurrilous writings and speeches are becoming more numerous and more provocative than ever, we will be failing in our duty if we do not lend our support to the passing of this Bill. I do not claim that the Bill under discussion is quite perfect and

[Maulvi Muhammad Yakub.]

free from all objections. When it was introduced first in this House, I myself said that it was too wide and too indefinite and, although the Select Committee has amended the Bill in desirable directions, still I must confess that it is not in any way altogether unimpeachable. However, like any other imperfect measures of the Legislature, the necessity for its being brought on the Statute-book is established, and it is with these feelings that I feel constrained to support the motion of the Honourable the Home Member.

Mr. B. P. Naidu (Guntur *cum* Nellore : Non-Muhammadan Rural) : Sir, I am sorry I cannot congratulate the Government, like my Honourable friend Mr. Farookhi, on their bringing forward this Bill. I have listened with great interest and pleasure to the analytical and humourous speech of my Honourable friend Mr. Kelkar. Sir, in my opinion this is a piece of panicky legislation for which there is no real necessity at present. The law, as it stands now, I understand, is enough to cover and meet the prevailing communal antagonism in the country. That being so, why impose upon the people a measure which is capable of doing considerable harm in several directions ? As my friend, Mr. Roy, has put it, it puts a premium on religious intolerance and bigotry. I will go further and say that it will also encouraged gross superstition. At a time when we are desiring progress in all directions, a measure of this type will stifle liberty of thought and expression and, I am afraid, will deal a death below to religious and historical research. Hinduism, which is considered to be a most catholic religion, would not have attained to its present high position but for the free atmosphere in which its votaries lived and died. There are a number of sects in the broad fold of Hinduism and the diversity of their thought is the strength and greatness of Hinduism. I am sure India will not in any way be the poorer for the want of this Act, which, after all, serves no good purpose.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I rise to oppose the consideration of the Report of the Select Committee before us. Sir, last year at this time in the Simla Session, when the Honourable Sir Alexander Muddiman brought forward his amendment to the Criminal Procedure Code, section 153, I had the privilege to oppose it at every stage. Sir, I then said that Government had ample powers in their hands and there was no necessity for further legislation ; and Sir Alexander Muddiman at that time did admit that they had ample power in their hands, but they wanted that particular legislation in order to do away with the communal spirit in the country. I find that the enactment of that piece of legislation has brought more communal discord in the country and to-day we are going to enact another piece of legislation in the name of religious amity. How can an alien Government legislate to set right religious disputes in the country ? I do not think the Government can. The Government have got ample power. Sir, at that time I quoted from the *Statesman* a passage which equally applies on this occasion. Sir, the *Statesman* which was previously known as the "Friend of India" occasionally even now writes certain leading articles in the spirit of a

friend of India, and last year the *Statesman* wrote while protesting against that piece of legislation thus :

" .... but the operation of the new law may well prove an additional incitement. Sir Alexander Muddiman raises a question that goes back further in history than the time of Milton, but which Milton settled for reasoning men in his *Areopagitica* when he uttered his memorable protest against the licensing or prohibiting of books "

The paper further observed :

" In India bad law and bad journalism have for too long gone side by side. Who began it is no longer a matter of importance, but irresponsibility in journalism has evoked oppressive legislation and that in its turn has led to a greater irresponsibility."

If that was the view of the *Statesman* last year, I will enlighten the House about the view of the *Statesman* this year which further confirms the view of many sensible and responsible persons in the country that this piece of legislation is unnecessary. Sir, the *Statesman* in its very able editorial about this Bill says :

" The spirit of the Bill is only to be paralleled in English legislation by reference to the times of Queen Mary and Queen Elizabeth, when the rival religions of Rome and Protestantism were struggling for the mastery. If this Bill becomes law there are classic books which cannot be published in India without danger of prosecution of those who print or circulate them."

In another passage, it further says :

" No real discussion of religious questions, even if they be purely historical, will be permissible. Had a law akin to this been in existence in France, Renan would probably have ended his days in prison after writing ' La Vie de Jesus.' Voltaire would certainly have done so. The fact is that the difficulty of the *Rangila Rasul* case has rushed the Government into a thoroughly bad piece of legislation."

I shall stop here. It may be that there was a flaw in the law. It may be that Justice Dalip Singh pointed out where that flaw was. But it is not a right move to bring forward this piece of legislation. I was surprised the other day although my friend Sir Hari Singh Gour pointed out, in order to bring out certain amendments in the Penal Code in the Select Committee, which sections applied to which kinds of offence and no further legislation was necessary, I find that my Honourable friend Sir Hari Singh Gour, though he was put on the Select Committee has not brought out anything which helps us to understand the law.

Mr. N. C. Kelkar : He did not attend the Select Committee.

Mr. B. Das : Sir, it was due to your kind intercession that the Honourable Member Dr. Gour was put on the Select Committee.

Mr. President : Was the Honourable Member on the Select Committee ?

Mr. B. Das : The Honourable Dr. Gour was put on the Select Committee owing to your intercession, Sir.

Mr. President : Was the Honourable Member himself on the Select Committee ?

Mr. B. Das : I was not on the Select Committee, Sir, nor did I want to be on the Select Committee. I am not a lawyer. I belong to that profession to which my Honourable friend Messrs. Roy and Moore belong. I happen to be a journalist in my leisure hours and I edit the *Young Utkal* for the uplift of Orissa. I am sorry to hear that my Honourable

[Mr. B. Das.]

friend Mr. Farookhi, who is a Mussalman journalist, made the speech that he did supporting this measure. I submit that journalists have additional responsibilities besides making occasional speeches on the floor of this House.

Mr. Abdul Latif Sahib Farookhi : It was because of the additional responsibility as a journalist that I made the speech that I did.

Mr. B. Das : Before proceeding further, I must congratulate my Honourable friend Mr. Farookhi on the speech which he made in support of the Government.

Mr. President : That is not the issue before the House.

Mr. B. Das : Sir, I ask him to join our party as we are responsive co-operators too. I also ask him to oppose this measure because he belongs to the same profession of journalism as I do. When a journalist makes any suggestion, it goes throughout the country. Any opinion that we journalists give on the floor of this House is always read all over the country We, journalists, have great responsibilities, because we always shape public opinion ahead. Before the public can think of a thing, it is the journalist that, by his investigation of the problems, brings out the problems with a view to shape public opinion. When my Honourable friend Mr. Farookhi said that had he been on the Select Committee, he would have differed from my Honourable friends Messrs. Roy, Moore and Chunder, I felt sorry that as a journalist he should have spoken like that. I feel that the responsibilities of a journalist are far greater than of other people. I find, Sir, that the *Englishman* of Calcutta, which is always so unfriendly to India, writing on this Bill says that this will serve no useful purpose.

Mr. T. C. Goswami (Calcutta Suburbs : Non-Muhammadan Urban) : Is there such a paper ?

Mr. B. Das : My Honourable friend Mr. Goswami who comes from Calcutta ought to know the *Englishman*.

Mr. T. C. Goswami : I have not seen it for ages.

Mr. B. Das : In view of the very strong agitation that has been set up by the best class of papers in India and in view of the strong comments that are being made by my Honourable friends Messrs. Moore, Roy and other journalists, I hope every Honourable Member of this House will oppose this piece of legislation. If the Government pass this measure, it will give additional power in the hands of district officers, some of whom are sitting behind the Government benches. But they would find that this additional piece of legislation has set them wool-gathering. If they want to suppress a certain agitation that is going on, or if they want to put down scurrilous writings, they can easily do it. They have got enough weapons in their hands at present and why add additional power to them. As my Honourable friend Mr. Belvi rightly pointed out, this will only lead to further agitation by the followers of the various sects, by the followers of Gurus, bogus Gurus, of bogus Avatars scattered all over India. I feel that this Bill is not going to serve any useful purpose.

With these words, Sir, I oppose the motion for the consideration of the Select Committee's Report.

Mr. A. H. Ghuznavi (Dacca Division : Muhammadan Rural) : Sir, as a signatory to the Report of the Select Committee, I feel that I should speak on this Bill. Sir, this Bill which has been introduced here is the outcome of that unfortunate decision of a learned Judge of the Punjab High Court, I mean the decision of the Honourable Mr. Justice Dalip Singh in the *Rangila Rasul* case. From what I have read in the papers, I think that the learned Judge held that insulting a Prophet was not insulting a religion and that therefore the learned Judge could not convict the accused under section 153-A. He further suggested that legislation might be undertaken to bring these kinds of culprits to book. Sir, that extraordinary judgment gave rise to a considerable amount of discontent, not only in the Punjab but all over India. The agitation went on from one end of the country to the other, and the Muslim feelings became extremely bitter. In various meetings, perhaps including the one at which Sir Abdur Rahim presided, resolutions were passed asking the Government to remove the learned Judge who gave that extraordinary judgment.

Raja Ghazanfar Ali Khan (North Punjab : Muhammadan) : May I ask the Honourable Member to read out that resolution ?

Mr. A. H. Ghuznavi : I am sorry I have not got that resolution here, but I shall show that to the Honourable Member to-morrow. Sir, in the Punjab it brought about a serious state of affairs. Fortunately the destinies of the Punjab were in the hands of His Excellency Sir Malcolm Hailey at that particular time. In reply to a deputation from the Mussalmans, His Excellency, I understand, assured them that he would move the Government of India to undertake legislation of this kind. As a layman, I do not know whether that step was necessary. I thought the best thing for the Government of the Punjab would have been to move against that order of the learned Judge and ask the High Court of Lahore to form a full Bench and give an authoritative decision on the law point. However, I am told that in another decision, that is the *Risala Vartman* case, the acting Chief Justice, Mr. Broadway, and Mr. Justice Kemp practically overruled the judgment of the learned Judge, Mr. Justice Dalip Singh.

Lala Lajpat Rai : They did not overrule the judgment in the *Rangila Rasul* case.

Mr. A. H. Ghuznavi : That was my information. I may be wrong. My further information is that they said that it would be better if the law were to be made clear on the point, and hence the necessity for this Bill.

I will not deal with my Honourable friend Mr. K. C. Roy just at the present moment but I will deal with the Bill first.

Sir, this Bill was considered in the Select Committee with the assistance of the eminent lawyers of India—Mr. Jinnah, Mr. Srinivasa Iyengar, the late Advocate General of Madras, Mr. Jayakar and Pandit Madan Mohan Malaviya. They are all eminent lawyers. (*An Honourable Member* : " Every one of them ? ") Yes, Sir, every one of them. They considered the Bill, and what was their conclusion ? At the outset those of us, members of the Select Committee, who are laymen, must express our

[Mr. A. H. Ghuznavi.]

gratitude to those lawyers for explaining the whole thing to us. Section 295A which was revised now reads as follows :

"Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of His Majesty's subjects, by words, either spoken or written, or by visible representations, insults or attempts to insult the religion or religious beliefs of that class, shall be punished with imprisonment, etc., etc."

These eminent lawyers have explained to us that by adding those words "with deliberate and malicious intention of outraging the religious feelings of any class" we safeguard people making fair comments and expressing their honest views as regards religious beliefs. We thereby safeguard them.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : We safe guard an honest man.

Mr. A. H. Ghuznavi : Thank you, Sir. Then they say by adding "the religious beliefs" of that class we bring those culprits to book who attack on a founder of a religion also and cannot be brought under section 153-A. My Honourable friend Pandit Malaviya and my Honourable friend Nawab Sir Abdul Qaiyum wanted it to be made clear.

Mr. A. Rangaswami Iyengar : On a point of order, Sir. Can the Honourable Member refer to the proceedings in Select Committee ?

Mr. President : Order, order.

Mr. A. H. Ghuznavi : They wanted, Sir, to make it clear by giving illustrations in the Bill, so that there may be no difficulty for a court in coming to a proper finding. We discussed that and afterwards we were unanimous,—after hearing from Mr. Jinnah, that this would cover that and there could be no apprehension that the court would not be able to come to a proper conclusion.

Although, of course, Mr. Jayakar pointed out to us the difficulties that would arise, if examples or illustrations were given.

Mr. A. Rangaswami Iyengar : On a point of order, Sir. Is the House at liberty to discuss what transpired in the Select Committee ?

Mr. President : Is the Honourable Member discussing what happened in the Select Committee beyond what is actually embodied in the Report of the Select Committee ?

(*Some Honourable Members* : Yes.)

Mr. K. C. Roy : It is a misstatement of fact also.

Mr. President : The Honourable Member is not justified in referring to the conversations in the Select Committee if they are not embodied in the Report.

Mr. A. H. Ghuznavi : I am not referring to anything else, Sir. Personally, Sir, I am satisfied that this Bill as amended meets the requirements at the present moment. Furthermore, I am also of opinion that the sentence provided for in the Bill is sufficient for the purpose, and that no increase of sentence should be made. Then, Sir, I am for making the offence "bailable" and not for making it "non-bailable" ; if it is made non-bailable, the poor man will never have an opportunity of defending himself properly. In non-bailable offences it is our experience

that it is very very difficult to get a magistrate to grant bail and it is only men with money and influence, men who can engage counsel like Mr. Jinnah, who can ever think of getting bail.....

Mr. M. A. Jinnah : May I point out to the Honourable Member that the offence is triable by the Court of Session or the Presidency Magistrate and not by " a magistrate ".

Mr. A. H. Ghuznavi : Yes, Sir ; that is so ; but even in such cases he cannot get bail unless he can engage counsel like you. (*Honourable Members* : " Question.") Usually bail is not granted for these non-bailable offences and it is with the greatest difficulty that it can be got. Surely you do not want to put that man in the lock-up and not allow him to go out and prepare his defence by making the offence non-bailable. What does it matter if it is non-bailable ? He will not escape ; you can put the bail as high as you like.....

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : The Committee has made the offence " bailable ". What is your complaint ?

Mr. A. H. Ghuzvani : But the minority want it to be made " non-bailable ".

Mr. M. A. Jinnah : Wait till the amendment comes.

Mr. A. H. Ghuznavi : Then, Sir, I would answer in one word my Honourable friend, Mr. K. C. Roy. Mr. K. C. Roy has said that this Bill, as amended, will not serve the purpose for which it has been brought forward. We shall not take that advice from my Honourable friend Mr. K. C. Roy. We shall take advice from the eminent lawyers who were in that Committee ; and they tell us that this will serve the purpose.

Mr. A. Rangaswami Iyengar : It is not a legal matter.

Mr. A. H. Ghuznavi : With these words, Sir, I support the Bill, and I hope that this House will pass this Bill unanimously and not ask for a division, and thus show to the whole of India that the differences between the Mussalmans and the Hindus are gradually coming to an end.

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province : Nominated Non-Official) : Sir, I just want to say a few words in support of what the last speaker has said. I am surprised to see that so many members of the Select Committee, who had discussed the measure very thoroughly in the Committee Room, should now speak and urge diverse views and opinions on this subject. I thought we had all come to a somewhat unanimous verdict on the subject, but when I saw the minutes of dissents and the majority and minority views and also several notices of amendments, I thought that what I had seen in the Committee Room must have been a mere dream. The Honourable the Home Member gave every opportunity to the members of the Select Committee to find some such solution of the difficulty and to limit the law to such an extent that it may be acceptable to the country, *i.e.*, to minimise the effect of the law and to bring in as few persons within its purview as possible. Sir, if I had only been allowed to go into the details of the discussions we had—and you, Sir, have ruled that we should not go into it—I would have been able to prove that several measures and solutions were suggested to meet the difficulty but that this was found to be the

1 P.M.

[Nawab Sir Sahibzada Abdul Qaiyum.]

simplest of all. Some simple explanation to section 153-A was also suggested in the Select Committee, instead of enacting a new section. Sir, what I have to say is this, that, as far as I could make out, there was no ulterior motive on the part of the Government in bringing in this measure, namely, to put a wider net so as to bring in too many journalists or too many public speakers or social reformers within the clutches of the law. The Home Member was face to face with the difficulty created for him by the Press of both the communities. If the Hindu Press had only said that the existing law containing section 153-A was not open to a different interpretation and that it was only the casual mistake of a certain Judge to interpret it in a certain way, perhaps this difficulty would not have arisen. But, Sir, as far as I can remember, there was not a single Hindu paper in Northern India, which did not in one way or other try to support the Judge who had put a certain interpretation on this section. They were almost unanimous in their opinion that the law was open to a different interpretation, and it was to safeguard against that and to make the position quite clear, that most of the Muslims wanted to bring in some sort of legislation on this subject. Well, Sir, I am not going to say more on the subject. But what I should like to say is this, that if the law is not made clear now, a similar interpretation may be put on the section in future and the difficulty will always exist. Sir, I do not know how we can make it safer for the country to interpret section 153-A as covering all these offences except by some modification of that very section or by bringing in some new section of the sort as is proposed in this Bill. The difficulty is there and the future possibility too is there! Sir, I see from the speeches of some of the Members and also from the amendments put down by some that the blame is generally attached to the Mussalmans for having raised a hue and cry for bringing in a new law. Well, I for one will accept that responsibility or blame, Sir, and my reason for that is simple. Sir, a new religion has of late sprung up in this country, which is spreading very fast. Whether it is a new religion or the revival of an old religion, I am not sure, but a new movement in the name of Arya Samaj has sprung up in this country and has been carrying on a regular campaign of Shuddhism and various other activities. As far as I have seen the literature of that movement, it is chiefly confined to abusing and criticising other religions and beliefs, as against exposing something good in itself. Well, Sir, there may be other religions and sects of religions in this country, who may be able to tolerate that, Sir, but my religion, Islam, teaches me, Sir, not to criticise or vilify the founders of religions or any sacred persons of any religion in the world and here is my difficulty. (*An Honourable Member* : "It teaches peace.") If I had only been able to return tit for tat or to give some suitable reply to the abusers of my religion I should not have minded it, Sir ; but our difficulty arises in that we cannot abuse or utter any bad words against any saint, and this is why the Mussalmans seem to be more anxious to secure immunity for their Prophet and also for the Prophets and saints of others, Sir. That is all I have to say, Sir.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I want to make my position clear before I say a few words why I oppose this Bill. There are certain amendments that stand in my

name which give my Muhammadan fellow subjects the right to prosecute and have those punished who insult their religion and who insult their religious belief, because a demand has come from the Muhammadans for a legislation like this. But for myself and for members of other communities, I make bold to assert that we do not require any such protection and we have not asked for it.

Mr. K. Ahmed : What about the poor judge ?

Mr. Amar Nath Dutt : Sir, I am sorry that more than one speaker has made flings at the Honourable Judge who gave judgment in that famous *Rangila Rasul* case. His judicial wisdom has also been questioned and his knowledge of law has also been questioned by laymen. (*Mr K. C. Neogy* : " Shame.") Sir, I was sorry that even such a sober friend of mine, as Mr. Farookhi went the length of saying something against Mr. Justice Dalip Singh, and I think it were better if he had been silent on this point. But when worse passions are aroused, probably we lose the balance of our mind. At the same time I shall be failing in my duty if I do not give in plain words the genesis for this legislation, the reason why Government have taken so much pains to undertake a legislation like this. It has been said that there was a demand for the removal of the Judge. I do not know whether any aggrieved litigant has a right to demand the removal of a Judge. If any litigant had that right, I think no Judge would be safe to deliver any judgment in this land. I was going to submit the genesis of this legislation. Many of us in this House, especially my Honourable friend Mr. Ghuznavi—I do not find him here now—are aware of the favourite wife policy of the Government, and my Honourable friend Mr. Ghuznavi—of course as he is not here, I do not know whether it is proper for me to make any reference to him ; I am not referring to him in any personal capacity—presided over one of those anti-partition meetings and he was at that time considered by the Government as the wrong Ghuznavi and the right Ghuznavi was for some time Minister, but be that as it may, he may remember those days and my Honourable friend the Law Member also may remember those days, and the favourite wife policy of the Government. I do not know that even at this late hour, when we are on the threshold of fresh constitutional reforms, we should be faced with such retrograde measures which smack of the favourite wife policy on the part of the Government. We are aware how the Government found it hopeless to wean away the best men among the Hindus to their side and make them accept the reforms. They saw that their only hope lay in pandering to the worst instincts of other communities, and this legislation is one other instance of that. For some time, Sir, I regret to observe, some of our leaders took to that policy of the Government, imitated that policy of the Government, which resulted in such regrettable things as pacts, etc., in Bengal and elsewhere. I beg to submit that two wrongs do not make a right and that things which have no righteousness and honesty behind them will never succeed. That was the reason for the failure of many of our political agitations. I hope the same fate will await the Government so long as they pursue the policy of setting one community against another. I believe, and thoroughly believe, that this agitation against the *Rangila Rasul* case was wholly artificial. It was got up by certain individuals (*Mr. Abdul Haye* : " Question "), for their own interest. I also believe that this Government know this, and they have brought forward this legislation to pursue that favourite wife

[Mr. Amar Nath Dutt.]

policy. My reasons for charging the Government with this policy behind it are these. There have been woeful tales of murders of Hindus and leaders of the Arya Samaj. The Government have a ready weapon in their hands to deport gentlemen like Mr. S. C. Mitra and men of his type, but they did not move to put an end to murderous conspiracies by deporting men connected with conspiracies against the lives of Hindu leaders. The Arya Samajists were ready with evidence of conspiracy behind these murders, and the Government did not move an inch although they had that handy weapon, Regulation III. All these things go to show that the Government were pursuing the favourite wife policy and I charge the Government with a deplorable lack of statesmanship.

Nawab Sir Sahibzada Abdul Qaiyum : Go to the frontier and you will see which is the favourite wife policy.

Mr. Amar Nath Dutt : I am not going to hear you. I heard just now from you of the springing up of a new religion in India. I do not know many centuries ago the ancestors of my Honourable friend, who characterised the religion of the Arya Samajists as a new religion, came here, but the Aryans came here, according to Lokamanya Tilak and other scholars, from their " Aretic Home ", some 5,000 years ago. (Laughter.) There is nothing to be laughed at. It shows a deplorable want of knowledge of history. (*Some Honourable Members* : " Go on ".) The members of the Arya Samaj have been called the followers of a new religion. I challenge any one in this House to prove that the Arya Samajists are the followers of a religion which has come into existence only recently and not 5,000 years ago. They are the followers of our ancient Vedas and other scriptures during the compilation of which there was no other religion in this world. To characterise that religion in the way it has been done, is certainly provocative, and had it not been directed against a very peaceful community, namely, the Hindus, I think there would have been more agitation that there has been in this particular case.

Sir, I would like to submit one or two points as to why I oppose the Bill being taken into consideration at all. I am clearly of opinion that the existing law is adequate to deter people from scurrilous attacks upon religion or vulgar calumnies upon sacred characters. The outstanding feature of the psychological hesitancy that is apparent on the face of the Report of the Select Committee and the amendments proposed and adopted, leads to the only inference that every member of the Select Committee was attempting how best to make an egregious measure acceptable to the public. The result has been a texture of maudlin spider's web, in which the warp of intolerance has been crossed by the woof of fatuous reasoning. I think it is insulting to the intelligence and dignity of a Legislature, to go out of its way for protecting religious beliefs and feelings which may be deliberately, maliciously and intentionally outraged. Paragraph after paragraph has been incorporated in the Report of the Select Committee to fence round the object of legislation, but the final emergence has been an evanescent fantasy, which the whole range of psycho-physicists including the Superintendents of Mental Hospitals of Ranchi and elsewhere will find it difficult to touch. But, as everywhere else, the initiative has been left in the repository of all powers in India, to avoid " factitious or vindictive proceedings ". This provision means that the Government will

judge for themselves the religious belief of a particular class who may have to apply for initiation of proceedings under the present legislation. Sir, I, as a Bengali Hindu, cannot support this delegation of functions of our own conscience, which is after all the bedrock of religious feelings and beliefs. Nor am I willing that our Hindu feelings and beliefs should be discussed by Magistrates and Judges in the atmosphere of litigation and outwitting, and in the factories of affidavits and statements. I have not forgotten that one of the modern prophets of up to date Philistinism, Miss Catherine Mayo, has wired across the seas that there are plenty of saints among the medical missionaries and civil servants in this country. But I am still unwilling as a Hindu to substitute them, even in our mental horizon in the place of Rishis and other authorities of our religious hierarchy. So far as I am aware of the views of my own people, I must characterise this piece of legislation as an impudent trespass, and I feel it my duty to speak out that Bengali Hindus do not need any protection of the kind. For nearly a century the Hindus have passed through the grossest abuse and vituperative attacks on their sacred beliefs and convictions by Christian missionaries and communal fanatics. Kali, the mother, Sri Krishna, the soul of India, have been their targets of attack. The Hindu community has survived all that and will survive till the eternity of time, all such ebullitions of prattling ignorance and aggressive bigotry. Our faith has remained unshaken in spite of the effervescence of the boiling pot of India, where it is laid down in our Shastras that all these trials and ordeals will bring out in brighter relief the immutable and eternal gold, the faith of Aryavarta. It needs no utilitarian and opportunistic class baiting of the Legislature to protect itself. The Honourable Mr. Crerar has let the cat out of the bag, by agreeing with Mr. Jinnah, that the offence contemplated should be non-bailable. Surely, the yielding to clamour cannot be complete without this, and I shall not be surprised if this is carried. Sir, I shall be failing in my duty as a member of the premier community of India if I do not bring before you the lessons of an episode of Sri Krishna. When he was dancing on the hood of Kalya, the serpent king was vomitting poison on the feet of the boy-god. Sri Krishna asked him why he was spitting poison. The serpent king replied "My Lord, you have created me with poison in my mouth ; do you think I shall emit anything better." Brothers and sisters who inhabit India to-day ought to learn that the rancour, hatred, spite, venom that are surging in the thought current of India to-day are the only offerings we are making to the God of India. Think of God as the lover and solace, as the protector and preserver, as the fountain head of all that is good, noble and peaceful, raise the level of culture, education, good will and trust. Then and then only you will not feel outraged either with Chauvinism of a foreign people or the intolerance of your own people. You will not then have to requisition the powers of initiative of self-appointed and self-anointed peace makers to defend your faith. I cannot conceive of a greater depth of degradation for Indians than this, and I trust and hope that this House will not succumb to the unscrupulous forces around us but will stubbornly rise against a measure which is calculated to foment disunion amongst Indians for the benefit of the foreigners and is subversive of the liberty of speech and the Press. With these observations, Sir, I beg to oppose the consideration of this Bill.

Mr. T. A. K. Shervani : I do congratulate the Select Committee on limiting the scope of the Bill, but I feel the Bill, as it stands, is still

[Mr. T. A. K. Shervani.]

more capable of mischief than of protection. I would have liked the Bill limited in its scope to the protection of the founders of religion only from scurrilous attacks and would not have indulged in importing into it certain undefined terms which are imported into these sections. Sir, personally, as I said in the beginning, when the principle of the Bill was being discussed, I do not want any enactment like the present measure. I feel that enactments like this, instead of stopping fanaticism will encourage fanaticism. I do not know why this demand has come from Muhammadans. I would simply say to my Muhammadan friends that my Prophet is a historical personage ; he has got a living history behind him. Do I require to protect my Prophet through a Legislature like that of India ? My friends say that certain people do write things which injure our feelings. But if a man chooses to go to hell to find out certain defects in Islam, let him go to hell. Why should I get enraged ? If anybody calls my Rasul rangila, I would say that he is a personage who transformed a race, ferocious, barbarous and vicious, into the conquerors of the world in 23 years. Well, if Rasuls like that are rangila, I would pray God to bless every community with Rangilas like that. I am really surprised that my co-religionists are so very excited over the affair. I come here in the capacity of a representative. Unfortunately, four cities out of seven who have returned me have passed resolutions in favour of the enactment. Therefore, although personally I am against this enactment, I cannot oppose it. My friend Mr. Farookhi thinks that there are certain loopholes in the existing law and in order to fill those loopholes he says we require this law. Let me assure my learned friend that there will always be as many loopholes as there are members of my honourable profession. (Laughter.) If you cover one loophole, ten more will be created. We live by creating loopholes. So by this enactment you will neither protect our Prophet nor will you cover the loopholes ; the probability is that you will create more loopholes. As regards the complaints about certain dramas and things like that, I laugh at them. The writer of the play " Roshanara " does not know that Aurangzeb had no daughter of that name. If people pervert historical facts, let them do it. It does not harm me. History is history, let them learn and realize that wrong facts lead to absurdity. But if you will insist upon their stopping such dramas, the dramas will become more popular and excite the curiosity of the people to see it. Man after all likes sensation. I therefore submit that it is the biggest folly to attempt to protect by legislation religious personages or religions. These acts are done by fanatics. But a fanatic, when he does a thing like that, thinks that by insulting, killing or doing some other things like that, he will go straight to Heaven. What does he care for legislation ? (*An Honourable Member* : " He thinks he will go to Heaven ".) So, as a matter of fact, by this kind of legislation you cannot prevent fanatics from doing such things ; while sane men will never commit acts like that even when there is no legislation. (*Mr. K. Ahmed* : " Send him to jail, and he will not do a thing like that.") And thus this whole piece of legislation is rather futile.

Nawab Sir Sahibzada Abdul Qaiyum : A good sermon from the pulpit ! (Laughter.)

Mr. T. A. K. Shervani : Well, I am not in the habit of delivering sermons, I have been all through listening to the sermons, I am presenting

only a common sense view before the Honourable gentleman over there. Can you stop a mad man from displaying his madness ? Just consider your own fanaticism, look how we are being led to it. There is a member of a community who abused a religion, and a judge delivered a judgment. The members of a particular community are abusing the judge. Why should you abuse him ? He may have committed an honest mistake. There is the other community, more cultured, more literate, which is making a hero of that judge. Are these mentalities to be encouraged ? I deplore these tendencies ; whether it may be on the part of my own co-religionists to abuse a particular judge, or whether it may be the sister community to make a hero of him. (Laughter.)

Sir, I have one more remark to make about co-operation ; all of us should take a lesson from it. We have to co-operate with the Government when religious and communal fanaticism are rampant, it is the curse of our country and a stronghold of co-operation ; I should not congratulate myself on co-operating with the Government when I have to protect my religion. Do I need co-operation with the Government to protect my Prophet from the attacks of certain fanatics when I believe that my Prophet is protected already by divine laws and history from scurrilous attacks of all kinds ? Neither does the great religion of Islam require any protection whether it be obtained by means of co-operation or non-co-operation.

Mr. K. Ahmed : But you have taken up practice again, haven't you ? After coming out of the jail, you are co-operating with the Government now. (Loud Laughter.)

Mr. T. A. K. Shervani : That is beside the point. Sir, as regards the mode and manner of the speech of the Honourable gentleman who spoke, just before me I would like to say one word. I would rather use his own words that " two wrongs do not make one right ", and therefore I must leave his speech out of consideration. (*An Honourable Member* : " Is he also a fanatic ? ") Sir, as regards the delaying of the measure, I would submit that the sooner this business is finished, the better. It has already done a lot of mischief, and we should not relish the mischief any longer ; so we should finish it as soon as possible. Sir, with these ideas of mine I support the measure.

The Assembly then adjourned for Lunch till Twenty-Five Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty-Five Minutes to Three of the Clock, Mr. President in the Chair.

Mr. W. T. M. Wright (Secretary : Legislative Department) : Sir, I move that the question be now put.

Mr. President : Is it the general desire of the House that the Chair should accept closure ?

Mr. S. Srinivasa Iyengar (Madras City : Non-Muhammadan Urban) : Sir, I want to say a few words, having regard to the fact that some members of the Party have spoken differently.

Mr. President : Raja Ghazanfar Ali Khan.

Raja Ghazanfar Ali Khan : Sir, I thank you very much for giving me this opportunity to say a few words in connection with this question which is now before the House for consideration. There seems to be a lot of confusion of thought so far as the object of this Bill, which we are discussing to-day, is concerned. It has been remarked by some of the speakers that this Bill is desired by Mussalmans more than by anybody else Some people have gone to such an extent as to say that the object of Government in bringing forward this Bill is to show a sort of favouritism to the Muslim community. I do not agree with those remarks. I think this Bill, whether it is good or bad, affects both communities equally. Besides, it is absolutely wrong to say that the demand for such legislation came from Muslim quarters. On the other hand, it is the Punjab High Court which probably recommended to the Government to bring forward such a measure. The Honourable Judge, who tried the Rajpal case said that, although he was convinced that the book was worded in very uncivilised language and the author of that book deserved to be punished, as the law stood he could not punish him under section 153A. He strongly recommended that the law should be amended so that all such cases may be covered by the law, and I think it was chiefly on the recommendation of the Judge, and the flaw in the law pointed out by him, that the Government found it necessary to bring forward this measure.

There also seems to be some misunderstanding regarding the Vartman case and the Rajpal case. If the Judges who tried the Vartman case had definitely said in their judgment that by convicting the author, publisher and writer of the pamphlet Vartman, they overruled the judgment which was delivered by the Judge in the Rajpal case, I think we might have felt that it was not so necessary to have this measure. Although I know that while delivering that judgment in the Vartman case the learned Judges considered some of the reasons which led the Judge who tried the Rajpal case to acquit the accused and they did not agree with some of the remarks of the Judge, still, I think it is wrong to say that both the cases were absolutely similar. In the Vartman case the prosecution has definitely proved and established that the author of Vartman had the definite object of creating hatred between different classes of His Majesty's subjects or at least Muhammadans had the genuine feeling of hatred not against the author of this pamphlet alone but against the Hindu community as a whole. I do not know whether the prosecution had succeeded in establishing this fact in the *Rangila Rasul* case. Therefore it is wrong to say that the judgment in the *Rangila Rasul* case has been overruled by the Vartman case, and therefore this law is not necessary. I take exception to another remark which was made by Mr. Amar Nath Dutt who said that this agitation about the Rajpal case was artificial. I say it is entirely wrong. The agitation was genuine and all the Muhammadans all over India very keenly felt that a man who had insulted the Prophet in such a scurrilous language had been acquitted. There may be some forms of this agitation to which some people may take exception. But so far as the resentment of the Muhammadans against the judgment was concerned, leaving aside the personality of the Judge who delivered that judgment, it was genuine. In other words, the Muhammadans all over India strongly resented the fact that the writer of Rajpal case was acquitted.

I only wish to say a word about my Honourable friend Mr. Shervani. I want to make it perfectly clear that the object of the Bill is not to protect the Prophet. The object of the Bill is not to protect other prophets or founders of the various religions. I entirely agree with him that however scurrilously these esteemed personalities may be attacked, still the world has got admiration for their deeds and it will not matter much so far as their reputation or personality is concerned. The object of the Bill is to stop the spreading of feeling of ill-will and enmity between the different classes of His Majesty's subjects. Under section 153A., the prosecution has to prove that the pamphlet or the writing has actually promoted enmity between the different classes of His Majesty's subjects. In some cases the prosecution may fail to prove that such writings did create feelings of enmity between the different classes of His Majesty's subjects, but the fact may still be there that enmity has been created whenever, in present circumstances, a man belonging to one community attacks the religious feelings of another community.

The chief objection to this Bill comes from those people who are interested in the Press. I am one of those persons who have got great admiration for the liberty of the Press. I am one of those persons who would like to place no restriction upon the freedom which the Press enjoys. But let us see what the object of the Press is. The chief object of the Press is to educate the masses and give them a real training for some high ideals. If the Press forget its proper duty and if it takes upon itself to be responsible for all the feelings of hatred and enmity which are now present among the different communities in India, I think the Press has got no right to expect any sympathy from us. If you ask any member of any community, if you ask any sensible man of any community, he will tell you, " God save us from the Press ". (Laughter.) Some say even the Associated Press. So far as the Press is concerned, every one of them agrees that the only thing which is now responsible for the present disgraceful state of affairs which exists in this country is the Press. It may be the vernacular Press, it may be the Lahore Press, it may be the United Provinces Press, or it may be the Nagpur Press, or it may be the Calcutta Press, but all the same, it is the Press. We want to press upon those who are interested in the Press to realise once for all that if they want to abuse their right and the liberty that is enjoyed by them, we shall always be prepared to co-operate with the Government in bringing forward any measure which would be a restriction upon the Press taking undue advantage of the liberty that it now enjoys.

The arguments which these gentleman who oppose the consideration of this Bill have advanced so far are not about the merits of the Bill which is before us, but are based on a serious suspicion that this legislation or this law may be improperly applied. I think we should keep the issues very clear on this point. I submit that every law in the Indian Penal Code can be misapplied by the executive if they choose to do so. Now, would you say that those laws which can be misapplied should be removed from the Statute-book ? I do not agree with my Honourable friend Mr. Belvi that every man may be allowed to start a prosecution under this section. It should be entirely left to the Government to see that, wherever there is a reasonable case and wherever a man has done such mischief to the interests of Indian nationalism that there is no peace

[Raja Ghazanfar Ali Khan.]

possible between the two communities, the Government will start prosecutions only in grave circumstances. To leave it to private individuals is to overflood the courts which I think nobody would like.

Therefore, Sir, with these few observations I very strongly support the motion that the Bill be taken into consideration and hope that no time will be lost in putting it on the Statute-book.

An Honourable Member : I move that the question be now put.

Mr. S. Srinivasa Iyengar : Sir, some members of my party have spoken opposing this motion, as the party has given itself freedom on this question, and I have also the freedom to express my own opinion. It is I think a matter for some regret that there should be any strong opposition to this measure severely restricted as it has been in Select Committee. Is it the case that you want, is it the case that any Member of this Assembly wants that a person " with deliberate and malicious intention of outraging the religious feelings of any class " should " insult or attempt to insult the religion or the religious beliefs of that class "? I put that question nakedly, and I think there can be only one answer. You cannot say that it should be allowed.

Then the next question is this. Under the law as it at present stands without this Bill, is this an offence ? I say, Sir, that this is not an offence under the existing law specifically and substantively. What is an offence under the existing law is if you promote class hatred and fulfil the requirements of section 153-A, then you may bring a person who promotes class hatred within that section. I do not know that if you simply insult the religion or the religious beliefs of a class you can say in every case that you promote class hatred. There can be difference of opinion—I have nothing to do with recent judgments—there can be reasonable difference of opinion and it cannot be said that to insult the religion or religious beliefs of a class must necessarily promote class hatred in every case. In the one case, the gist of the offence is direct promotion of class hatred. In the case of the present Bill the gist of the offence is the deliberate and malicious intention of outraging the religious feelings of any class in insulting or attempting to insult the religion or the religious beliefs of that class. Therefore, the two offences are distinct and I do not think that this offence, which is sought to be provided for, is really an offence under the law as it stands.

Now it may be that those who were responsible for the drafting of the Penal Code thought that there was no necessity for a law of blasphemy in India, and I quite agree that it would have been an ideal state of things if we still had not that necessity. I myself prefer, like my master and the master of better men—Mahatma Gandhi—that there should be no laws at all punishing anybody and if it were possible by adopting the *satyagrahic* attitude to keep all people in order, that would be an ideal state of things. I have got very much sympathy with the sentiments which have been so eloquently and so feelingly expressed by my Honourable friend Mr. Shervani. But at the same time as practical men looking at the state of society as it exists, is it to be said that Hinduism and Muhammadanism are either defunct religions or are getting rapidly moribund ? I think, Sir, that both these religions are powerful religions, full of vitality yet, and however much of a rationalist one may be, I cannot imagine the time when

these two religions will cease to exist or those peoples who profess them will die out. Sir, we are not valetudinarian Hindus ; we are not valetudinarian Muhammadans. I am afraid we are robust Hindus and robust Muhammadans, and therefore it is idle to say that there can be that freedom to insult the religion or the religious beliefs of a class with deliberate and malicious intention of outraging the religious feelings of that class. I do not know what the religious feelings of English society may be. I presume there too there are people who feel deeply for religion ; and the law of England does recognise blasphemy as an offence, which the Indian law does not recognise. According to the judgment of the House of Lords in Boman *v.* Secular Society, 1917 Appeal Cases, " blasphemous matter " means " words spoken, written or printed, whereby it is sought to bring the Christian religion into contempt by means of ribald, contumelious or scurrilous language ". The present Bill is much narrower in scope than the law of blasphemy in England. It is not merely by any scurrilous, ribald, contumelious language that the intention is presumed : you go further and you want here malicious and deliberate intention. I cannot understand how the liberty of the Press—I am using the word " liberty " advisedly—is restricted by means of this language. I yield to none in my love of the Press and in my appreciation of its liberties. But the Press has its duties also ; and when I see that it is said to be a repressive law I must, with all deference to my friend, Mr. Rangaswami Iyengar and to my friend, Mr. K. C. Roy, say that, it is not a repressive law at all in my judgment. It will certainly be a repressive law if we pass a law which will strengthen the hands of the bureaucracy or which will prevent us from fighting as much as we can fight against the Government for the purpose of getting Swaraj or freedom of Speech or Assembly. Of course I do not want any law of sedition ; I wish it were blotted out of the Penal Code. Similarly, I am against section 153A and I wish it were blotted out of the Penal Code ; but this is an enactment for the protection of the religions of India and to say, as Mr. Roy said, that this puts a premium upon intolerance and bigotry is far too strong a proposition and I could not at all appreciate the logical steps by which he arrived at that, to him, convincing conclusion. All that I can say for myself is that it is a just law which is necessary to educate people into tolerance. It is the spirit of tolerance that is sought to be created. People must be educated in their homes not to insult the religion or religious feelings of other people. The Press must also educate the people in this ; but if the Press does not educate the people in this respect, or the education by means of the Press is defective, if sometimes the Legislature has to step in for the purpose of educating the community not to go beyond a certain stage in attacking the religion or religious beliefs of a particular community, to say that this is putting a premium upon intolerance and bigotry is, I submit, not right at all. What is happening to-day is that we are really face to face with religious intolerance and fanaticism. Till quite recently, in India, tolerance of each other's religion was an accepted fact and there was no necessity for having in India this mediæval law of blasphemy which disfigures the common law of England. But unfortunately to-day communal conditions are not such as to enable us to continue to enjoy that spirit of tolerance, and I would appeal both to the Hindu Members of the Assembly and to the Muslim Members to look at this question in a calm and dispassionate spirit. I do not think the accident of the *Risala Vartman* or *Rangila Rasul* case should make us imagine that it is a Muhammadan demand we are yielding to or that this legislation is

[Mr. S. Srinivasa Iyengar.]

for the benefit of Muhammadans. I consider, Sir, this is as much a law for the protection of my religion, Hinduism, as it is for the protection of Muhammadanism, and a Hindu who wants Swaraj is as much bound to protect the Muhammadan religion as his own religion, and a Muhammadan who wants Swaraj must protect Hinduism from the defamers of the Hindu religion as much as he must protect his own religion. I do not consider in these matters that we should say that simply because we differ in our religious beliefs we have not got the mutual duty of seeing that the religion of each community is respected and is not insulted beyond limits. I do not think, as the Bill is worded, that any fair criticism or even any vehement and unfair criticism or even criticism couched in insulting language, would come within it whether the language is used by a social reformer or merely by a critic opponent of the religion concerned or a sceptic. Even if the language of contempt is employed, it may not bring him by itself within the clutches of this measure if it becomes law though it may in some cases be some evidence of malice. What will bring him within the clutches of this Bill is only speeches and writings with deliberate and malicious intention to outrage feelings ; that is to say, if he seeks to outrage the religious feelings of a particular class, and insults the religion or religious beliefs of that class. I submit, therefore, Sir, that the Bill contains sufficient safeguards, to protect the liberty of the Press or the liberty of the individual critic, historian or reformer in the amplest manner possible. Before coming into the House just now, Sir, I saw the decision in the case Chakravarty *vs.* Emperor in the Calcutta High Court under section 153-A, where the explanation of the word " malicious " is given. We have got that decision of the Calcutta High Court which says that the republication of inflammatory matter intended to promote communal or class hatred will not by itself make the publisher or printer of a newspaper liable. I cannot imagine how the newspapers are going to be penalised by this legislation by mere innocent publication or republication. If an editorial is written in a journal with the deliberate and malicious object of outraging the religious feelings of a particular class, undoubtedly that newspaper will become amenable to the pains and penalties imposed by the Bill, and I do not suppose any editor or proprietor of a newspaper will say that that should not be the case. Therefore, Sir, I consider that this is a very just piece of legislation.

My friend Mr. K. C. Roy said that he was surprised that I should support a Bill of this description, and he thought that it was in terms of the Unity Conference I was thinking when I, the other day, supported this measure. Well, Sir, if that was so, I think I was justified in it, and I take it as a compliment, and I only wish that all of us proceeded to enact legislation in that spirit. I think that is the spirit that should pervade this Assembly. But there is no question of weakness ; there is no question of surrender of Hindu rights or Muslim rights ; nor is there any question of partiality to one community or the other. If you find that the administration of this legislation by this Government to be such as unduly to protect one community more than another, there is certainly this Assembly, and there will be plenty of other opportunities when you can agitate on that matter and see that the Government and the administrators and those who sanction prosecutions are compelled to remain impartial. But simply because the administration of the law may be bad in particular areas or in particular hands, that is no reason why we should not

seek to protect each other's religion. I am not here to protect or strengthen the Government to any extent. I am not here to add to the law of sedition or to section 153-A or to the armoury of repressive laws. I am here to protect the Hindu religion from the grievous onslaughts that may be made by malicious persons ; I am here to protect the Muhammadan religion from the grievous onslaughts that may be made by malicious people. I am here for the protection of these two great religions and these two great communities and for the purpose of promoting peace and goodwill between these two communities. It was only for these reasons that I was a party to the Report of the Select Committee, and I heartily support the motion that the Bill be taken into consideration.

(Several Honourable Members moved that the question be put.)

Mr. President : The question is that the puestion be now put.

The motion was adopted.

Mr. President : The original question was :

" That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose, as reported by the Select Committee, be taken into consideration."

Since which the following amendment has been moved

" That the Bill, as reported by the Select Committe, be circulated for the purpose of eliciting opinions thereon by the 15th January, 1928."

The question I have to put is that that amendment be made.

The motion was negatived.

Mr. President : The question is :

" That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. President : The question is :

" That clause 2 do stand part of the Bill."

Pandit Nilakantha Das (Orissa Division : Non-Muhammadan) : Sir, I beg to move :

" That in clause 2 of the Bill for the words ' religious feelings ' the word ' feelings ' be substituted and consequential changes be made in the other clauses of the Bill."

The section says :

" Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of His Majesty's subjects, by words, either spoken or written, or by visible representations, insults or attempts to insult the religion or the religious beliefs of that class."

When we are here clearly stating " religion or religious beliefs " which will be insulted there is no meaning in saying, I think, that " religious feelings " also are outraged. There is no need of putting the word religious " before " feelings ". It is perhaps enough if feelings only are outraged by the insult of religion or religious beliefs. Moreover you cannot characterise the feeling outraged as religious, for no religion contemplates want of peace and ruffled feeling on any account. The feeling thus outraged is, I may say so, rather irreligious. Therefore, this is not simply superfluous or redundant. But it means nothing but blasphemy to religion

[Pandit Nilakantha Das.]

and here serves no useful purpose. It may also give a handle to my lawyer friends in court to make a distinction whether religious feeling was outraged or any other feeling was outraged and this frustrates the safeguard contemplated in the Bill. Therefore this being only something like a formal amendment, correcting probably a mistake of the draftsman, I move it and hope that the Mover of the Bill will accept it.

The motion was negatived.

Mr. Amar Nath Dutt : Sir, I move :

" That in clause 2, for the words ' any class of His Majesty's subjects ' the words ' Muhammadan subjects of His Majesty ' be substituted."

Sir, after the vote which has befallen my friend, I do not know what will be the fate of this amendment, but still I deem it my duty to move the amendment standing in my name which I have just read out.

The majority verdict of this House has been that the words " religious feelings " should be there, but I want to have the following words substituted, namely, instead of the word " any class of His Majesty's subjects " I want to have the words " Muhammadan subjects of His Majesty ". And my reasons are these. No other class has demanded a legislation like this and we in this House find that our Muhammadan brethren are very keen about it, and out of deference to their opinion I think we should yield to their desire by having this legislation. Therefore, Sir, I beg to submit that in clause 2 a change like this should be made, namely, for the words " any class of His Majesty's subjects " the words Muhammadan subjects of His Majesty " should be substituted.

The motion was negatived.

***Mr. C. Duraiswamy Aiyangar** (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, I move :

" That in clause 2 after the words ' spoken or written ' insert the words ' or by acts '."

Sir, I find that in this debate which has taken place for a long time, many Members have been complaining that there are many loopholes in this Bill, and if this is one of the loopholes, I wish that it should be rectified now by the insertion of the words " or acts ". Sir, it is possible for a man deliberately and maliciously to insult or wound the religious feelings of any other community not only by words spoken or written, or by words published in newspapers or by visible representations, but also by some acts which will not involve either words or representations. For instance, Sir, a religious procession of the Hindus is taking place. Supposing some Muhammadan brother—probably I should not call him a brother if he is engaged in such an act of insult—supposing some Muhammadan comes in and wants to kill a cow in the midst of that procession. It is neither a word nor a representation nor a visible sign, but yet an act which may wound the religious feelings of the Hindu community.

Mr. K. Ahmed : There is another section for that in the Indian Penal Code.

* Speech not corrected by the Honourable Member.

Mr. C. Duraiswamy Aiyangar : Similarly, when a Muhammadan procession is taking place during the Mohurrum, supposing some Hindus deliberately go there in order to have their own music and their own religious prayers mingled with those of the Muhammadans, that will wound the religious feelings of our Muhammadan brethren. Therefore, I think it is absolutely necessary that we must have these words also added to clause 2, because that is also a manner in which some fanatics may deliberately and maliciously wound the religious feelings of another community. Of course we have got a journalistic doctrine enunciated in the Select Committee—I call it a journalistic doctrine because journalists have combined to establish a new doctrine—that the moment an offence is provided against in an Act, such offences will become more numerous. This is the first time I have heard that doctrine. I never heard of it before—if murder is provided against, murders will become more numerous, if dacoity is provided against, dacoities will become more numerous. But as these journalists have been telling us that these offences will become more numerous, for my part I wish to provide against the contingency of religious feelings being wounded not only by words and representations but also by acts. This is my reason for suggesting that this amendment should be made.

The Honourable Mr. J. Crerar : Sir, I must oppose this amendment. It will be apparent to the House that this amendment would entail a very large and dangerous extension of the Act. During the course of the discussion, as is apparent from the Report of the Select Committee, much of our attention was devoted to making the Act so restricted as not to include cases which by common consent ought not to come within its ambit, at the same time leaving it operative for the strictly limited purpose in view. The Honourable Member's amendment would open the door to consequences which none of us who supported this Bill would ever think of dealing with. Many of the cases which the Honourable Member has in mind would probably be covered by the specific provisions of some of the sections of Chapter XV and other sections of the Code which deal with specific acts. I oppose the amendment.

(*Some Honourable Members* : " Let the question be now put.)

(Mr. A. Rangaswami Iyengar rose in his seat.)

Mr. President : What the Honourable Member from Madras wishes to say has already been stated by Mr. Crerar.

Mr. A. Rangaswami Iyengar : I only want to say a word because the Press has been mentioned.

Mr. President : The Press has lost.

Mr. A. Rangaswami Iyengar : The Press will never lose its case. The only point that I wished to bring out was that the matter mentioned by my Honourable friend, Mr. Duraiswamy Aiyangar, is already covered by sections 295 and 298 of the Indian Penal Code.

Mr. C. Duraiswamy Aiyangar : It is not provided for.

Mr. A. Ragaswami Iyengar : Section 298 runs as follows

" Whoever, with deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes

[Mr. A. Rangaswami Iyengar.]

any gesture in the sight of that person, or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."

Mr. President : The Honourable the Home Member had taken this very point.

Mr. A. Rangaswami Iyengar : My Honourable friend contended that it is necessary to extend the scope of this section to further offences than was contemplated by the Select Committee, on the ground that he does not agree with the view embodied in the minute of the press men on the Select Committee, that because you constitute new offences, that would, by itself, be a means of encouraging the commission of these offences. I only wish in support of this to cite the opinion of a very high authority—that of Lord Haldane when he was Lord Chancellor. He said :

"Public opinion is very important in this connection. You may make as many laws as you like, but unless public opinion backs you up you will not succeed —nay, more, you will make things worse, because you convert what was possibly a very flagitious act into something of quite a different character, because of the restriction on liberty which you seek to impose."

Mr. President : That has nothing to do with the present motion.

Mr. A. Rangaswami Iyengar : It has a good deal to do with what my friend said.

Mr. Amar Nath Dutt : The cat is now let out of the bag. As I have remarked previously, it is only to pander to a certain community and not with a desire to promote nationalism that this Bill has been introduced by the Government. You see, Sir, as soon as my Honourable friend, Mr. Duraiswamy Aiyangar, wants to give the Hindus some protection, the Honourable the Home Member rises at once and says "No". It was not meant for that, and it is the favourate wife policy. I was surprised that a shrewd lawyer like my Honourable friend, Mr. Rangaswami Iyengar, should quote the authority of Lord Haldane in support of the Honourable the Home Member. Sir, on this matter we are so much divided in this House that we have very little hope of succeeding. Still, I hope that the good sense of the Hindu Members in this House will prevail and that Mr. Duraiswamy Aiyangar's amendment will be accepted.

Mr. A. Rangaswami Iyengar : To extend the law ?

Mr. Amar Nath Dutt : Yes.

Mr. President : The question is :

"That in clause 2, after the words 'spoken or written' the words 'or by acts' be inserted."

The Assembly divided :

AYES—10.

Aiyangar, Mr. C. Duraiswamy.	Kelkar, Mr. N. C.
Aney, Mr. M. S.	Moonje, Dr. B. S.
Belvi, Mr. D. V.	Mukhtar Singh, Mr.
Dutt, Mr. Amar Nath.	Prakasam, Mr. T.
Gulab Singh, Sardar.	Sinha, Mr. Siddheswar.

NOES—69.

Abdul Haye, Mr.
Abdul Matin Chaudhury, Maulvi.
Abdul Qaiyum, Nawab Sir Sahibzada.
Abdullah Haji Kasim, Khan Bahadur Haji.
Ahmad, Khan Bahadur Nasir-ud-din.
Ahmed, Mr. K.
Alexander, Mr. William.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.
Ayangar, Mr. V. K. Aravamudha.
Ayyangar, Rao Bahadur Narasimha Gopalaswami.
Badi-uz-Zaman, Maulvi.
Bajpai, Mr. G. S.
Bhuto, Mr. W. W. Illahibakhsh.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Chunder, Mr. Nirmal Chunder.
Coatman, Mr. J.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Courtenay, Mr. R. H.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Crofton, Mr. R. M.
Dakhan, Mr. W. M. P. Ghulam Kadir Khan.
Dalal, Mr. A. R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr. J. T.
Dunnett, Mr. J. M.
Farookhi, Mr. Abdul Latif Saheb.
Ghazanfar Ali Khan, Raja.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Goswami, Mr. T. C.
Haigh, Mr. P. B.
Irving, Mr. Miles.
Ismail Khan, Mr.
Iyengar, Mr. A. Rangaswami.
Jayakar, Mr. M. R.
Jinnah, Mr. M. A.
Jowahir Singh, Sardar Bahadur Sardar.
Keane, Mr. M.
Khin Maung, U.
Kidwai, Mr. Rafi Ahmad.
Kirk, Mr. R. T. F.
Lamb, Mr. W. S.
Mitra, The Honourable Sir Bhupendra Nath.
Moore, Mr. Arthur.
Muhammad Nawaz Khan, Lieut. Sardar.
Mukherjee, Mr. S. C.
Parsons, Mr. A. A. L.
Purshotamdas Thakurdas, Sir.
Rainy, The Honourable Sir George.
Ruthnaswamy, Mr. M.
Sams, Mr. H. A.
Shah Nawaz, Mian Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Gaya Prasad.
Singh, Rai Bahadur S. N.
Sinha, Mr. R. P.
Suhrawardy, Dr. A.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Wright, Mr. W. T. M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir.

The motion was negatived.

Mr. D. V. Belvi : Sir, the amendment which stands in my name runs as follows :

"That in clause 2 of the Bill after the word 'written' the words 'or by signs' be inserted."

I do not think this amendment stands in need of a long speech. If you refer to the Bill as originally presented to this House, you will find that

[Mr. D. V. Belvi.]

there was this expression " or by signs " in it. That is one reason in support of my amendment. The second reason is that we find the same expression in section 499 of the Indian Penal Code. That is the section which deals with the offence of defamation. And just as it is possible to defame a man by signs, so it is equally possible to commit by signs the offence for which we are now providing. I shall give you two illustrations. Before I do so, I may say that I am not well acquainted with the conditions in Northern India, but I know well the conditions in Southern India and my illustrations should be taken as applicable to the conditions prevalent in Southern India only. Now, suppose there is a Ganpati procession in a big city like Poona. Fortunately for me the District Magistrate of Poona is present in this House and he will bear me out when I give you this illustration. (*An Honourable Member* : "Who is he ?") He is Mr. Haigh, the Chief Whip of the Government Party. Now suppose there is a big procession going along a public road with or without music. Suppose a mischievous man of some other religion comes and makes signs. You know that Ganpati is a god who has a big round belly and you know that he has also the trunk of an elephant. Now to insult the Hindus the mischievous man of another religion comes and makes signs like this. (The Honourable Member held his hands in front of him to denote a big belly, and curled his hand in front of his nose to represent a trunk.) (Laughter). That is quite enough to upset the Hindus in the procession who will at once jump to the conclusion that their god has been insulted. Take another instance applicable to a Muhammadan procession. We know that in Southern India the *Tajias*—I do not know what they are called in this part of the country—are immersed in water. A good many Muslims follow these *Tajias*. I believe they have some religious ceremony to perform when they go to a tank or to a river, for immersing their *Tajias*, and when they come back, it is their custom, at least in Southern India, to come back as if they are mourning, as if they are crying. Suppose some mischievous man who does not belong to the Mussalman faith comes in front of the people who are returning, and he wants to ridicule them by doing this (the Honourable Member illustrated the gesture) and saying " Oong, oong ". (Loud laughter.)

Mr. President : Order, order. The Honourable Member must use language which the reporters can understand or follow.

Mr. D. V. Belvi : If they cannot follow me, it is not my fault. I am pointing out to the House the manner in which the Muhammadans may feel insulted and I may say that they would be justified in feeling so, and that might lead to rioting and perhaps to assaults. So such contingencies should be provided for. They were rightly provided for in the original Bill, but I do not know what happened in the Select Committee where all at once this expression " or by signs " was taken out. I submit to the House on these grounds that the expression " or by signs " should be inserted now in the proposed new section.

The Honourable Mr. J. Crerar : Sir, I oppose the amendment. I submit that on general grounds it is open to the same objections on which the previous amendment was rejected by the House, and I may further point out that precisely the kind of offences which the Honourable Member has instanced are specifically covered by section 296, which

relates to voluntarily causing disturbance to any assembly engaged in religious ceremonies, or, in the alternative, by section 298 which also deals specifically with this class of offence.

The motion was negatived.

Mr. M. S. Sesha Ayyangar (Madras and Ramnad *cum* Tinnevelly : Non-Muhammadan Rural) : Sir, I move :

"That in clause 2 of the Bill, the words ' or by visible representations ' be omitted."

The House may be aware that the words "by signs or by visible representations or otherwise" did occur in the original Bill, but the words "or by signs" and "or otherwise" were scored out by the Select Committee, and that this one phrase was retained. My reason for moving this amendment is this. The reasons given by the Select Committee for deleting the words "or by signs" and "or otherwise" are these :

"We have limited the scope of the original section by the omission of the words "or by signs" and the words "or otherwise". Indeed, we find difficulty in imagining causes to which the latter words would be applicable, and we think the words "or by signs" are not necessary for the purpose of the particular class of offences with which it is intended to deal."

I do not follow the reasoning of the Select Committee in retaining the phrase " or by visible representations ". If this is the reasoning which appealed to them to delete the other two phrases " or by signs " and " or otherwise ", then I submit " or by visible representations " must also have been omitted. Further, section 298 of the Indian Penal Code does cover such a case. Section 298 runs thus :

"Whoever, with deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person any gesture in the sight of that person or places any object in the sight of that person shall be punished....".

Therefore, I submit that this phrase in section 298 covers such a case. I appeal to the Home Member to read section 298 and see if such a case does not come under that section. If that is so, then I would ask him to accept my amendment. The third reason I would urge is this. With the phrase " visible representation " it is possible to fabricate a large number of cases ; at least that would make the door wide for fabrication. For these reasons, Sir, I commend my amendment.

The Honourable Mr. J. Crerar : Sir, I think I have explained to the satisfaction of the House why the Select Committee decided to retain those words. I should point out in the first instance that the section quoted by the Honourable Member, 298, is not really in point. It refers only to the placing of bodies, etc., in the sight of any particular person. What the Select Committee had in mind was offensive cartoons or the like which might appear in letterpress and point to or make clear an offence of a malicious and deliberate intention. That is the reason for retaining these words, and I think the House will agree that they should be retained.

Mr. President : The question is :

"That in clause 2 of the Bill, the words ' or by visible representations ' be omitted."

The motion was negatived.

Pandit Thakur Das Bhargava (Ambala Division : Non-Muhammadan) : Sir, I move :

" That in clause 2, for the words ' insults or attempts to insult ' the words ' scurrilously attacks in offensive and improper language or by offensive and improper visible representation or attempts to scurrilously attack in offensive and improper language or by offensive and improper visible representation ' be substituted."

In moving this amendment, Sir, I would respectfully beg the House to consider and to be clear in their minds as to what the scope of the clause in the Bill is. Unless and until you are quite clear about the limitations and the safeguards which ought to be provided in this Bill, you will not be able to appreciate the exact significance of the words that appear in the Bill. The Bill penalises insults which are actuated by a deliberate and malicious intention. In the first place, before coming to the actual wording of the clause, I would submit two observations for the consideration of the House, so that it may be clear to the House why I have sought to make this amendment. That this amendment really limits the scope of the Bill and seeks to make a very necessary change, there can be no doubt. At present in the Bill you will find that the word " insult " is used. Now, Sir, this word " insult " has been used in some places in the Penal Code. But this word has not been defined so far by the Legislature. The question arises what is the exact significance of the word " insult ". My humble submission is that the word is too vague. It is illusory and it has not special significance in law. My submission is that insult is always a temperamental affair. What would be regarded as an insult by a particular man may not be regarded as an insult by a more calm and dispassionate man. Moreover this word " insult " is objectionable from another standpoint, namely, that insult has greater regard to the result of the act rather than to the act itself. It does not rivet the attention of the judge to the fact of the person. It rather has reference in a greater measure than is necessary to the consequences which flow from such act.

Mr. K. Ahmed : That would be for the assessors and jurors to decide.

Pandit Thakur Das Bhargava : I shall come to that also. My friend is suggesting that this offence is triable by a Sessions Court where there will be assessors. It makes it all the more obligatory upon us to see that the words used are quite specific and have the significance that we want to attach to them. Since assessors also will be the persons who will judge the meaning of this expression, it is all the more necessary that the expression should have that meaning which we desire to convey. Now, Sir, it has been pointed out in the course of the discussion that the words " deliberate " and " malicious " provide necessary safeguards and therefore there is no necessity for substituting these words. To start with, let me clear the ground by submitting before you that the word " deliberate ", if it only indicates premeditation, cannot be a great safeguard so far as this Bill is concerned. So far as the question of malice is concerned, " malice " also is nowhere defined in the Penal Code. I know the word " malice " is used in section 153-A. Even there we do not get good help from the authorities. After all, the word " malice " is taken from the civil law and in its soft connotation the word " malice " may imply only an improper motive. Supposing that is the accepted connotation of the word " malice ", may I enquire if an act outraging the feelings of any community will not be malicious by itself ? I contend that this argument that an act calculated

to outrage the feelings of a community is malicious by itself will be advanced by many lawyers and will be accepted by the judges so that the words " deliberate " and " malicious " do not provide in my humble opinion those safeguards which are necessary to be provided in the Act. Then, the question arises as to how that intent is to be judged. Sir Hari Singh Gour pointed out, on the previous day of the discussion of this Bill, that if it is taken that a man is presumed to know the natural consequences of his act, it will be rather difficult, it will be a point of nicety whether that very act to which a deliberate and malicious intention is sought to be attributed will not itself damn the accused. My humble submission is that the word " insult " does not connote the specific meaning which we seek to convey and import into the operation part of the clause. The words " deliberate and malicious " also convey a very soft connotation and meaning and it is absolutely necessary that we should make our meaning very clear in the Bill. Now, Sir, as you know, the language used in any document and the exact words used therein are the materials on which a judge comes to the conclusion whether a person was animated by this or that intention. I do not at the same time eliminate from my consideration that in many cases it happens that the judge may come to the conclusion that a certain person is actuated by malicious intention in spite of the fact that plain language was used. Nevertheless it would not be fair to assume that words spoken or written will not be the main guide for a judge to come to the conclusion whether these words import the intention which is covered by this Bill. My humble submission is that if that is so, then it is absolutely necessary that we should make it absolutely clear that it will be improper and offensive language of a particular speech or writing which will be the test whether that intention was expressed in that way or not. I have used the words " scurrilous attack " and want that to be substituted for the word " insult ". Now " scurrilous attack " is an act which everybody will agree must be penalised. As I have already submitted, the word " insult " will denote different meanings to different people, but the words " scurrilous attack " can only have one meaning. Moreover, the word " attack " by itself denotes that there is a disposition to injure in the mind of the accused and, unless the prosecution established *mens rea*, the present principles of the criminal law declare that a person not possessing *mens rea* is not guilty. So that my humble submission is that if this clause is passed in its present shape, there is a likelihood that such persons who have more zeal than discretion will come into the meshes of the law and this Bill may prove very injurious so far as certain public interests are concerned.

Sir, as regards limitations and safeguards, I will request you to consider that, so far as religion and religious views are concerned, it is not, as one Honourable Member said, a Moslem measure only, it is an all-India measure ; and it will happen that different interests will come into conflict. There are social reformers among Hindus who would like to criticise their own religion with the best of motives. There are Muhammadan reformers who would like to criticise their own religion in the same way with the best of motives. The question therefore is not that we should look at it from that standpoint from which a Hindu would look at a Muhammadan measure or that standpoint from which a Muhammadan would look at a Hindu measure. My humble submission is that we should all look at it from the standpoint of Indians and

[Pandit Thakur Das Bhargava.]

looking at the measure from that standpoint, let me be quite clear before you when I say that, as long as there are so many religions in India which compete for supremacy and reformers are allowed to have their way in the way in which we now see them going on, all the prophets, seers and *rishis* are bound to be criticised very freely. And they ought to be criticised very freely. I am against religious attacks as a rule, but if an attack is honest though scurrilous and is only designed to make a deep cut into a certain fungus growth which has been hardened by usage or by custom, I think I for one would stand for such a cut being made.

Mr. K. Ahmed : Why don't you give your verdict then ?

Pandit Thakur Das Bhargava : I am not a judge unfortunately !

Mr. K. Ahmed : An assessor ?

Pandit Thakur Das Bhargava : I am not an assessor either. There is a section in the Criminal Procedure Code by virtue of which a lawyer cannot be an assessor.

Sir, judging from the history of fanaticism I sometimes doubt if religion did not take its birth to make people irreligious ! In the name of religion, Sir, such sufferings, executions and assassinations have taken place !

Mr. President : Order, order. The Honourable Member is going on as if he were speaking on the motion that the Bill be taken into consideration. He must restrict himself to the amendment now before the House.

Pandit Thakur Das Bhargava : My humble submission is that, so far as the question of the substitution of these words is concerned, they have got a specific meaning and that is, that the scope of the Bill should not be enlarged beyond its proper due. In making this submission that the scope should not be enlarged, I am bound to submit why it should not be enlarged, and therefore, when I speak of religion in that strain, it is in no mood of blaspheming any religion. My submission before the House is that so far as religion is concerned it needs democratisation. There are, I submit, religious strongholds. There is such a thing as religious vested rights and those rights must be pulled down by rationalism.

The second thing I want to submit before you is that the scope of this law should be rather hedged down to a very narrow compass, the reason being this. This present situation which has necessitated this measure is not the result of the acts of the common multitude. The present situation has resulted from the acts of the Government.....

Mr. President : I very much regret to interrupt the Honourable Member again, but he is making general observations on the Bill itself instead of confining himself to the amendment which he has moved. I quite realise his difficulty. He had prepared a speech for the consideration stage of the Bill which he was unable to deliver. But that is no reason why he should take this opportunity of delivering himself !

Pandit Thakur Das Bhargava : I must admit, Sir, that the observations you have been pleased to make are perfectly correct and that I really

wished to speak on the main motion also, and it is my misfortune that I have not been able to catch your eye. But at the same time I do not want to avail myself of this occasion to inflict a speech on the House. At the same time I am desirous, I am most solicitous to make my meaning absolutely clear to the House and that meaning is this. I do not want to read out a speech : I only want to submit that I should be allowed to make my meaning clear. I have already submitted before you how I feel in this matter and that it is in the public interests that we should see that the Bill does not catch in its meshes those who are really working for the good of the country and for the reform of religion.....

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : That is exactly what you are trying to do.

Pandit Thakur Das Bhargava : I was therefore submitting that these words " insults or attempts to insult " should be substituted by the words which I have submitted in my amendment, because these words which I wish to substitute are more specific in meaning and, while calculated to catch hold of the actual culprit, will leave room for those who, according to my estimate of things, should not be caught in the meshes of the law. Sir, I move the amendment.

The Honourable Mr. J. Crerar : Sir, I hope that the Honourable Member who moved this amendment will not think me in any way discourteous if I reply with very much more brevity than he has moved. There are three principal objections to his amendment and I shall make them very briefly. The possibility of including such words as " scurrilous " and so forth was carefully considered in Select Committee and was, I think, for very good and sufficient reasons discarded as impracticable. The Honourable Member suggested, I think, that the word " insult " which is used in the Bill does not already occur in the Code. As a matter of fact it occurs already in several places in the Code. That is the second point. My third point is simply this, that the language of the amendment is so cumbrous and involved that if it were added to the clause, which is already not entirely simple, it would result in an exceedingly unmanageable piece of legislation and one extremely difficult to interpret.

Sir Hari Singh Gour : Sir,.....

(Several Honourable Members moved that the question be put.)

Mr. President : I hope the Honourable Member will realise the sense of the House and not insist upon his right to speak.

Sir Hari Singh Gour : Sir, the observations I have to make are very few ; but I hope the House will indulge me when I say that I oppose not only the amendment but the Bill ; and I am sure that the Honourable the Home Member will realise that it is not yet too late to reconsider his verdict. I have not the slightest doubt that the Government of India are pledged to religious autonomy. We have in this country such a thing as caste autonomy, religious autonomy, sectarian autonomy. Has the Honourable the Home Member considered the effect of his Bill upon these various religious autonomous institutions and how is he going to deal with inter-sectarian conflict and inter-caste conflicts which arise and arouse religious animosities and which give rise to deliberate and, let me add, technically malicious attacks upon rival sects ? Let me give you an example. A Brahmin has crossed the seas and comes back to this country and the caste

[Sir Hari Singh Gour.]

hold a *panchayat* and outcaste him and also publish in their caste newspaper that this man has become a *Mlechh* and is not a Brahmin and, consequently, nobody should dine with him. His religious feelings are really aroused and if you read the section, as it stands, that man has a just cause for complaint. But are you going to prosecute the whole Brahmin community because they have outcasted either him or his family or a few of his friends who sympathised with him ? Take the case of the Shias, and the regular annual fights that take place between the Shias and the Sunnis. The press telegrams only a few days ago gave us a vivid description of the feuds that take place between the various sub-sections of the same caste. Let me also remind the Honourable the Home Member that when this Bill becomes law it will.....

Mr. President : The Honourable Member must confine himself to the amendment which has been moved.

Sir Hari Singh Gour : Now, I am arguing, Sir, *a fortiori*. I am pointing out that if the Bill is bad, the amendment is worse....

Mr. President : The Honourable Member is not in order in speaking on the merits or demerits of the Bill as a whole.

Sir Hari Singh Gour : Now, Sir, there is another point to which I should like to draw the attention of the House. The Honourable the author of the amendment complains of ambiguity in the phraseology of this Bill. First of all, he deals with the question of malice, and he wants to know whether the malice within the contemplation of the Bill is malice prepense or constructive malice. He wants further to know whether the meaning of the word " deliberate " is something.....

Mr President : All this is not relevant to the amendment now before the House.

Sir Hari Singh Gour : Sir, I am recapitulating the arguments of the author of the amendment.....

Mr. President : That the author of the amendment was irrelevant, is no ground for the Honourable Member to be irrelevant.

Sir Hari Singh Gour : Now, Sir, so far as the amendment itself is concerned it substitutes words which are more ambiguous and more capable of a wider meaning than the language used in the Bill itself. As you, Sir, would not allow me to recapitulate the arguments of the author of the amendment or to deal with him but leave me within the narrow door of this amendment, I can only say that I reserve my right, should I be so fortunate as to catch your eye, to make general observations upon the Bill at a later stage when it comes for the third reading.

Mr. President : The question is :

" That in clause 2, for the words ' insults or attempts to insult ' the words ' scurrilously attacks in offensive and improper language or by offensive and improper visible representation or attempts to scurrilously attack in offensive and improper language or by offensive and improper visible representation ' be substituted."

The motion was negatived.

Mr. Amar Nath Dutt : (The Honourable Member on rising was greeted with cries of " Withdraw, withdraw.") I am not going to withdraw ; I shall move my amendment.

(*Cries of* " Withdraw, withdraw ".)

Mr. President : Order, order.

Mr. Amar Nath Dutt : Sir, it would have been much better if the two previous amendments had been accepted by the House, and although they have not been accepted, I still rely on the good sense of this House and beg to move the amendment that stands in my name. Seeing that much mischief has been done by the introduction of religion in this Bill, I want to do away at least with the last portion of clause 2 which deals with religion, namely, " insults or attempts to insult the religion or the religious beliefs of that class ". Instead of that I ask the House to substitute the words " the Prophet of the Muhammadans ", because, Sir, there were certain scurrilous writings against the Prophet of Islam which have wounded the religious feelings of our Muhammadan fellow subjects, and I think it is but right and proper that they should have some protection in this matter. But I do not say that protection is offered to them by the words " insults or attempts to insult the religion or the religious beliefs of that class ". Now, Sir, here no mention is made of avatars, gurus, prophets, and such like things. In fact, we want.....

Maulvi Muhammad Yakub : Sir, on a point of order. The amendment which my Honourable friend is moving now is altogether consequential to amendment No. 7 which he has already lost.

Mr. President : The amendment is not consequential, but the acceptance of it will make the whole clause absurd. (*Cries of* " Withdraw ".)

Mr. Amar Nath Dutt : Sir, I am not going to withdraw. It may give a certain absurdity but it will not be more absurd than the one which is in the clause itself. And this is a very unhappy specimen of legislative craftsmanship, because " insults or attempts to insult a religion " is meaningless. I do not know how a religion can be insulted. In fact, religion is above all insult, if it is really a religion at all. I am not going to discourse on religion, neither am I competent to discourse on religion, but what little I know of religions that are practised in this world by the followers of various religions is that they consider religion to be something sacred and which does not come within the purview of human legislation, but it is something divine whether it be revealed religion or inspired religion. Be that as it may, Sir, I still press my amendment and I hope the House will accept it.

The motion was negatived.

Pandit Nilakantha Das : Sir, I move :

" That in clause 2 of the Bill for the words ' the religion or religious beliefs of ' substitute the words ' any one held in religious esteem or reverence by ' and make the necessary consequential changes in the clauses and Schedule which follow."

Sir, at the outset I must confess that through oversight there have been some unfortunate mistakes in drafting this amendment. I have put " any one ", but I mean " any one, or anything, including relics, gods, and goddesses ", and I shall crave your indulgence to permit me to add those words, so that I should be definite in restricting the scope of the Bill exactly to that for which this legislation is demanded.

Mr. President : The Honourable Member has got other amendments. He can move them when the time comes. I cannot allow the Honourable Member to make any alteration in this amendment.

Mr. B. Das : Sir, I beg to move the amendment standing in my name :

"That in clause 2 for the words 'or the religious beliefs of that class' the words 'of that class, or the founder, prophet or avatar or such religion' be substituted."

Sir, I do not know where I stand and where this legislation is going to make me stand in future. There are so many saints, so many avatars, so many prophets, I want to have a limit, to know how far this is going to apply. By founder I mean Guru Nanak, Raja Ram Mohan Roy, Sree Chaitanya, etc. ; by prophet I mean, Buddha, Jesus, Mulhammad and Zoroaster ; by avatar, I mean certain avatars of the Hindu religion. I do not like this particular clause to humbug us in our ordinary daily transactions and we will be faced with sedition against many modern gurus and saints. For the edification of the House I will just quote a line describing Gurus from the Census Report of 1901, by Sir Edward Gait, who happened to be afterwards Governor of my Province. Talking about Gurus he says :

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"This adoration of the Guru is one of the most characteristic features of the Vaishnava revival in Bengal. The Vaishnavas say :

'When Hari—(Hari means God)—is angry, the Guru is our protector, but when the Guru is angry we have no one to protect us.' This service veneration of the Guru is called Gurupádásraya."

Sir, when I find that there are such opinions prevalent I want to protect myself so that I will not come under this Act either in this House or outside this House. Sir, as a Hindu I knew I had 33 crores of gods but looking into this particular Census Report I find that in the Hindu religion there are so many gods and godlings.

Mr. Amar Nath Dutt : Godlings ? I object to that, Sir.

Mr. B. Das : Sir Edward Gait, in this Census Report, says that there are godlings of nature, godlings of disease, deified heroes, ghosts and evil spirits, Gramya Devatas, and Gurus and bogus Gurus whom I have mentioned already this morning. How do we stand ? How are you going to protect the public from the operation of this particular enactment ? I also find from the same Census Report that even among the Muhammadans of Bengal there are many Saints and Pirs. (*An Honourable Member* : "Never mind".) I will enlighten you a little.

Mr. K. Ahmed : The clause is quite explicit. Don't be under a misapprehension.

Mr. B. Das : There are many Pirs. Some of the Pirs and Saints died only 20 or 30 years ago. Some of us unwittingly might utter words that might go against any of these, that might hurt the religious feelings of the followers of any of these saints. There is a quotation given here which is very apt. I will read it to the House.

Mr. K Ahmed : That does not touch the clause of the Bill.

Mr. B. Das : It will give some sense to my Honourable friend Mr. K. Ahmed. It is :

"Barâ to Mir,
Ghâtâ to Fakir,
Marâ to Pir."

which, if translated, means,

"If he grew rich, he became a chief, if poor, a beggar, and if he died, he blossomed into a saint."

Mr. K. Ahmed : There is no relevancy in it whatever.

Mr. B. Das : I cannot understand how I stand. I do not think Members of this House would be so irreligious—I will not say irreligious—would be so ungentlemanly as to offer any insult to any great religious teacher or any Prophet or *Avatar*. But I want the law to be so framed that it is understood by the millions of the lay public. I belong to the lay public. I might offend the Guru of somebody even in this House. There are so many bogus Gurus, as we find in Bengal, Dibrugarh and Orissa. It is so easy, Sir, to become a Guru and earn lakhs and lakhs of rupees. I know many Hindus even convicts, who have become Gurus like that. It is so easy to grow a beard like my friends Mr. Acharya or Pandit Nilakantha Das and pose as a Guru. I wish I could become a Guru and make it the chief source of my livelihood ! I say that the law should be so framed that it protects the innocent and does not suppress free thinking and rational school of thought. With these few words I commend my amendment to the acceptance of the House.

The motion was negatived.

Pandit Nilakantha Das : I beg to move :

"That in clause 2 for the words 'imprisonment of either description' substitute the words 'simple imprisonment' and make consequential changes in the Schedule."

Sir, we have widened the scope of the Bill so much that I am afraid it will mostly imprison cultured men. Religion or religious belief—this expression is very, very wide. For instance, as my Burmese friend remarked the other day, I do not know whether rationalists, agnostics, positivists and others like them can be said to have any religion in the sense in which the term "religion" is generally applied. But it is their duty to deliberately run down any religion having a God. When they deliberately do it, it will be easy, when feeling is inflamed among the masses—to find malice in that deliberate running down. (*An Honourable Member* : Free thinker.) Yes, I speak of free thinkers, and if you have care for such free thinkers having no God or Prophet to protect them against any outrage, then mind how under the wide net you spread under the provision of this Act you will be always sending such men to jail. They deliberately insult our so called religions, as they feel it their duty to do so, to them your God is, so to say, a creation of chicken-hearted foolishness and I am afraid that it will be very easy to explain such statements as malicious insults to religion, and those highly cultured men will be undoubtedly consigned to prison. On the other hand, I do not think the rationalists are so very wild that they should be inflamed, but if they be, and speak or write some sentences in legitimate excitement, what follows ? No lawyers, like those on the Select Committee, will even be required to prove their offence. They will have to walk simply from court to

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prison. I do not know whether I shall be allowed to refer here to the amendment of mine which has not been allowed, where I wanted to restrict, but unfortunately I was not allowed to make some formal correction....

Mr. President : Had the Honourable Member any hope to carry the House with him on that amendment ?

Pandit Nilakantha Das : Hope springeth eternal in the human breast. (*Mr. K. Ahmed* : " Not, here ".) Therefore, I think that simple imprisonment will be enough for that class of people, who on account of their culture are under this Bill liable to go to jail.

There is another class. There are fanatics, rustics, ruffians and others like them, and they are also contemplated in this Bill. I know that many of them, if they get rigorous imprisonment, will be engaged in labour from morning to evening in jail, and they will not have time to mend themselves or to think of their past offences or guilt. I should therefore like to say that in simple imprisonment you may provide for some religious instruction or religious study or some other means by which the man may be reformed. There is no need for sentencing a man to rigorous imprisonment for some utterances which he felt entitled to make on account of his culture, belief or even fanaticism. My Honourable friend Mr. Jayakar remarked very aptly the other day that fanatics should be considered so many lunatics. To prescribe rigorous punishment for them is useless.

Mr. President : I think the House is now convinced.

Pandit Nilakantha Das : I thank you for the conviction that the House has got through you. I move my amendment.

Mr. President : The question is :

" That in clause 2 for the words ' imprisonment of either description ' the words ' simple imprisonment ' be substituted and consequential changes made in the Schedule."

The motion was negatived.

Mr. T. Prakasam (East Godavari and West Godavari *cum* Kistna : Non-Muhammadan Rural) : I move :

" That in clause 2 of the Bill for the words ' two years ' the words ' one year ' be substituted."

Mr. K. Ahmed : Make it three years.

Mr. T. Prakasam : My friend, Mr. K. Ahmed, says, make it three years. Perhaps it would be better in his opinion if it is made 20 years penal servitude. I am anxious not to say anything in this House which would embarrass any of my Mussalman friends who are anxious to bring about Hindu-Muslim unity at this juncture. My reason for this amendment is that it is not the severity of the sentence that will deter the crime. Severity of sentence might instil fear in the minds of those who are inclined towards crime. Those who are killing themselves now in Nagpur and other places, those who are guilty of setting houses on fire, are not the men who would be deterred by a sentence of two years. Fanaticism knows no limits. They do not care for their lives. This

provision is intended to prevent attacks on founders of religions. It is only men who have worked themselves into a frenzy that would indulge in the sort of attacks which the propounders of this Bill have in view. As my Honourable friend Mr. Jayakar has said, the sentence must be lenient in the case of these people who get their minds unhinged temporarily for the sake of their religion. So I submit the sentence must be reduced to one year. It will be in the wisdom of this House to make the sentence more lenient.

The Honourable Mr. J. Crerar : I regret that I have to oppose the amendment, but the particular considerations in the mind of the Honourable Member were given very careful weight to in the Select Committee, and the Committee came to the conclusion embodied in the Bill. I think the House will support that conclusion

Mr. President : The question is :

" That in clause 2 of the Bill for the words ' two years ' the words ' one year ' be substituted."

The motion was negatived.

Pandit Thakur Das Bhargava : I move :

" That to clause 2 the following proviso be added:

' Provided that writings, speeches, visible representations or discussions for the *bona fide* purpose of research, comparative study, reform or revival of religion or religious beliefs shall not be deemed to be insults or attempts to insult the religion or religious beliefs of any class of His Majesty's subjects '."

In moving this amendment, Sir, I would respectfully submit that this amendment in a way provides for those safeguards which are necessary in the interests of historical research and comparative study of religion. As all research and historical study is for the benefit of society in general and for the genuine improvement of knowledge, I would submit that such an exception must necessarily be made. Avatars and prophets, as I have submitted already, are bound to be criticised by the students of the comparative study of religions and not necessarily with that intention which is penal. But, Sir, it is always a matter of doubt in cases of this kind whether a person who writes a book comes within the meshes of the law. Therefore, I think that it should be made absolutely clear that any person who makes a speech or writes a book actuated by a desire for historical research or the comparative study of religions or the revival of any religion, should be protected. As anatomical dissection qualifies the doctor for the acquisition of healing qualities, research of religion qualifies humanity for future right action. I submit, Sir, that it is often true that the original lustre of a religion is encrusted with such fungus growths that we require the scapula of the surgeon to take it away before that religion can appear in its pristine lustre and be of use to the community at large. If this provision is not made in the Bill, it may happen that many a social reformer will hesitate to work in the spirit in which they ought to work considering the enormity of the social and religious evils rampant in India.

With your permission, Sir, I would say a word about the other amendments appearing on the paper, because my amendment comes into conflict with the other amendments. So far as the other amendments are concerned, the one appearing as No. 20, Explanation 2, and the one appearing as No. 21, are practically, though in a smaller measure, just like the one I

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have proposed. Mine is the more comprehensive and seeks to protect those who ought to be protected by the law. As regards the amendment Number 19, the House will be pleased to observe that it involves a scrutiny of very abstruse matters and it will be difficult for any judge to come to a decision whether a particular notion of religion is false or whether a particular custom is pernicious or superstitious or what is the true view of religion. Similarly, it will be difficult for any judge to find out whether a particular conduct of any founder of a religion is in its nature, public or private. This is a matter which will be difficult to be found out by the best genius, and I submit that if in amendment No. 20 expression (1) is enacted or No. 19 is enacted, we will be introducing such a complexity into the law that it would be difficult for a judge to unravel it. If the House considers that a provision of this nature is necessary in the Bill, I would propose that the amendment which I have moved is the one which ought to be put in the Bill.

The Honourable Mr. J. Crerar : Sir, I wish to say only a few words in opposing this amendment. I submit to the House that the phrase " with deliberate and malicious intention of outraging the religious feelings of any class of His Majesty's subjects " is perfectly clear. It governs the whole clause, and the proviso which has been moved is unnecessary; also, it contains so many ambiguities that its interpretation would be a very difficult and doubtful matter.

The motion was negatived.

Mr. President : Does the Honourable Member wish to move the alternative amendment ?

Pandit Thakur Das Bhargava : No, Sir.

Mr. T. Prakasam : Sir, the amendment which I rise to move runs thus:

" That to clause 2 the following Explanation be added :

' *Explanation* : It does not amount to an offence within the meaning of this section, if the criticism offered by anybody on any religion or religious beliefs of a particular class is *bona fide* with a view to remove false notions based on superstitious or pernicious customs which are foreign to the true religion or with a view to prevent forcible conversions or re-conversions from one religion or faith or belief to another ?''

Sir, the Honourable Mover of the Bill in his speech admitted that the present legislation is not intended to exclude *bona fide* criticism on matters I have tried to indicate in this amendment, and I do not think the Members of the Select Committee or anybody in this House would dispute that *bona fide* criticism on any religious belief is intended to be brought within the meaning of new section 295-A. I do not agree with the opinion of our leader, Mr. Srinivasa Iyengar, that there is no provision in the criminal law for an offence against religion, or beliefs. No doubt the learned Judge of the Lahore Court pointed out what in his opinion was a defect, and it is only proper that the Government should consider it their legitimate duty to remove that defect by asking for certain amendments in the existing law. But in attempting to do so, they have enacted a provision which instead of removing the trouble in view is likely to create more troubles not only as between the Hindus and the Mussalmans, but as between several sub-sections of the same community and individuals. Hindus and Mussalmans are fighting to-day and some

of them have lost their heads. Some of them have been attacking ruthlessly not only individuals but also the founders of religions. These things will not last for a long time ; they will soon come to an end, because the leadership that has failed hitherto both among the Mussalmans and the Hindus and also the leadership of the Government that has failed hitherto, all have recognised their error and all are agreed now upon putting a stop to this by devising ways and means. This legislation is considered one of the remedies. I am sorry, Sir, that this is beginning at the wrong end. However, if this could be really of any help to us in regard to the particular situation, it will be a matter of great satisfaction to the country and to everybody concerned. But my submission is that the clause as it is is so general and the net can be spread for everything that one can possibly imagine. Here is my friend sitting behind me, my friend Mr. Belvi, who was fighting yesterday hard in this House not to have that legislation against child marriages. It was said that a child below one year can be married and that the Hindu law, or the Shastras, or the religion, says that it is a sacrament, and that a marriage tie, which creates a status, cannot be declared invalid. It was asked, how a status once created by tying a *thali* even on the neck of a child of 9 or 8 months, could be divested by a court of law. Our imagination goes to that length, our intelligence takes us to such height. We have to stop this evil in society. In my opinion, to marry a little child of one year is as bad as infanticide. One who tries to stop it comes under this clause. What is it that will not come under this clause ? Anything can come under this clause. It was contended that all aspects had been considered by the Select Committee and all have been provided for. I say they have not been stated or provided for. Courts of law will only look into a section of the Act. My Honourable friend Mr. Srinivasa Iyengar, if he should argue a case in a court of law, will say that the debates of the Assembly are not to be looked into.

Mr. D. V. Belvi : Cannot be looked into.

Mr. T. Prakasam : My Honourable friend Mr. Belvi says that they cannot be looked into. That is the law. If the debates cannot be looked into and if the object of the Legislature is not to be traced, what is it that is left but the bare section ? General expressions or attacks on religion or attacks against beliefs or attacks upon founders cannot and are not intended to constitute an offence if *bona fide*. What is to happen to persons who have rebelled against a spiritual Guru, such as one Sri Sankaracharya, who declared at one time that whoever crossed the sea, whoever went to England had forfeited his caste. I should not refer to any incident in my own life. It is more than twenty years since I was called upon by Sri Sankaracharya of a Mutt who said that he had jurisdiction over me, to explain why I had crossed the seas and to show cause why I should not go through a penance. I declined to submit myself to his jurisdiction. There was a bull of excommunication read against me publicly on the banks of a river. We challenged the order and we got over the whole trouble and made that Guru accept our view. I am sorry we have been reduced to such a pass to-day that we have to ask the Government to pass legislation like this. These matters ought to have been settled by ourselves. We have outgrown most of our original bad customs. It is not only the enlightened public that have so outgrown them, but also the masses to a great extent. But there are certain impediments in our

[Mr. T. Prakasam.]

way and if only those impediments are removed—we hope they would be removed soon—there would be legislation on a broader basis. I am anxious that this House should be convinced of the necessity of these amendments—I do not care a bit whether the whole House is convinced. So often it refuses to be convinced when once it makes up its mind—I am anxious that this House should keep its mind open on this matter. I am not making any extravagant demand. I am just asking the addition of an Explanation to the clause so that what you did not intend and what you do not intend to come within the mischief of this section would be at least made clear. That is what I am asking the House. I am anxious the more that this amendment should go in now, because in these days I am realising that the non-co-operators, or at any rate some of the non-co-operators of 1921, are fast becoming co-operators (Laughter) and they may soon become worse tyrants who would abuse this very section against their own countrymen as judges. I therefore submit, Sir, that in enacting any piece of law, you had better make your intention quite clear. It is the duty of the legislators to make the intention absolutely clear by adding an Explanation like this to the clause. If the House fails to do it now, they would realise later what mischief is in store, which you do not intend and which you may not be able to prevent at that time.

Mr. President : The question is :

"That to clause 2 the following Explanation be added :

'*Explanation*:—It does not amount to an offence within the meaning of this section, if the criticism offered by anybody on any religion or religious beliefs of a particular class is *bona fide* with a view to remove false notions based on superstitious or pernicious customs which are foreign to the true religion or with a view to prevent forcible conversions or re-conversions from one religion or faith or belief to another '."

The Assembly divided :

AYES—40.

Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswamy.
Aney, Mr. M. S.
Ayyangar, Mr. K. V. Rangaswami.
Ayyangar, Mr. M. S. Sesha.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Chunder, Mr. Nirmal Chunder.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Gulab Singh, Sardar.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jogiah, Mr. Varahagiri Venkata.
Joshi, Mr. N. M.
Kartar Singh, Sardar.
Kelkar, Mr. N. C.
Khin Maung, U.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath.
Lahiri Chaudhury, Mr. Dhirendra Kanta.
Lajpat Rai, Lala.
Malaviya, Pandit Madan Mohan.
Mitra, Mr. Satyendra Chandra.
Moonje, Dr. B. S.
Moore, Mr. Arthur.
Mukhtar Singh, Mr.
Naidu, Mr. B. P.
Neogy, Mr. K. C.
Prakasam, Mr. T.
Rang Behari Lal, Lala.
Rao, Mr. G. Sarvotham.
Sarda, Rai Sahib Harbilas.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. R. P.
Sinha, Mr. Siddheswar.

NOES—57.

Abdul Haye, Mr.
Abdul Matin Chaudhury, Maulvi.
Abdul Qaiyum, Nawab Sir Sahibzada.
Abdullah Haji Kasim, Khan Bahadur Haji.
Ahmad, Khan Bahadur Nasir-ud-din.
Ahmed, Mr. K.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.
Ayangar, Mr. V. K. Aravamudha.
Ayyangar, Rao Bahadur Narasimha Gopalaswami.
Badi-uz-Zaman, Maulvi.
Bajpai, Mr. G. S.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Coatman, Mr. J.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Courtenay, Mr. R. H.
Crerar, The Honourable Mr. J.
Crofton, Mr. R. M.
Dalal, Mr. A. R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr. J. T.
Dunnett, Mr. J. M.
Farookhi, Mr. Abdul Latif Saheb.
Ghazanfar Ali Khan, Raja.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Goswami, Mr. T. C.
Haigh, Mr. P. B.
Irving, Mr. Miles.
Ismail Khan, Mr.
Jayakar, Mr. M. R.
Jowahir Singh, Sardar Bahadur Sardar.
Kabul Singh Bahadur, Captain.
Keane, Mr. M.
Kirk, Mr. R. T. F.
Mitra, The Honourable Sir Bhupendra Nath.
Muhammad Nawaz Khan, Lieut. Sardar.
Mukherjee, Mr. S. C.
Parsons, Mr. A. A. L.
Purshotamdas Thakurdas, Sir.
Rainy, The Honourable Sir George.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Ruthnaswamy, Mr. M.
Sams, Mr. H. A.
Shah Nawaz, Mian Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Rai Bahadur S. N.
Suhrawardy, Dr. A.
Tonkinson, Mr. H.
Wright, Mr. W. T. M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir.

[The Motion was negatived.]

Mr. N. C. Kelkar : Sir, in the present temper of the House I am not going to help in the massacre of the innocents. I will try and save the victim ! I do not move the amendment* standing in my name.

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* To clause 2 of the Bill the following Explanations be added :—

"*Explanation 1.*—It is not an offence under this section to set out facts and offer criticism based on such facts, pertaining to the public conduct of founders or saints or representative-men or protagonists of any religion or any sect of any religion, provided that such setting out of facts and such criticism is not malicious.

Explanation 2.—It is not an offence under this section to set out facts, and to offer criticism based on such facts, pertaining to the principles, doctrines or tenets or observances of any religion or any sect of any religion, in the course of a historical or philosophical or sociological diquisition, and with a view to promote social or religious reform."

Mr. M. K. Acharya : Sir, I have a very, very innocent amendment tabled against my name and I trust that even if it be massacred there will be some who feel that they will be doing their duty in voting for it. For

"They are slaves who dare not be
In the right with two or three."

The amendment reads thus :

"That the following be added to clause 2 and necessary additions be made to clause 3:—

'295-B. All books, pamphlets or other publications containing words or visible representations calculated to insult the religious feelings of any class of His Majesty's subjects, if published outside India, shall be proscribed'

the word prosecuted as printed is a printer's mistake :

"and if published within India, be seized and destroyed by order of the magistrate within whose jurisdiction the publication takes place'."

If I am not mistaken, Sir, the supporters of this legislation are for inaugurating an era of peace and good will. But the clause 295A, which I suppose is going to be passed, is, as has already been doubted, not only by back benchers like me but by those who were on the Select Committee, likely to be almost a dead letter ; because the amendment made in the Select Committee that the offender must, with the *deliberate and malicious intention* of outraging the religious feelings of any class of His Majesty's subjects, have done something which may bring him within the purview of that section—that amendment practically makes it impossible to bring anyone to book at all ; since as the Select Committee itself puts it, the burden of proof is going to be on the prosecution. And I am perfectly sure that when an offender is prosecuted under this section, and when any of my clever lawyer friends are engaged for the defence, like, my revered leader on my right side or my friend Mr. Jinnah on the left side, Mr. Iyengar or Jinnah will indulge in all his perplexing arguments or rapier thrusts against the poor prosecution witnesses, and will call upon them to prove what the malicious intention was. I am yet to know, Sir, how anybody is going to go deep into the heart of an individual and bring out the malice from there and place it before the assessors or the jurors or the lawyers and the judge. Therefore, Sir, in my humble layman's opinion, whatever the learned legislators may say here is subject always to the other things that they may say elsewhere, and in my humble layman's opinion it would be almost humanly impossible to prove that a man has said anything deliberately and maliciously to outrage the feelings of any class. Everybody will always take shelter and say that he has written only by way of honest criticism, that he wanted only to expose what he considered to be certain defects, and so on.

Mr. A. Rangaswami Iyengar : On a point of order, Sir. I consider that this amendment goes beyond the scope of the Bill. It tries to create another offence far graver and far more comprehensive than that contained in the original Bill. It also seeks to put power into the hands of the executive without any judicial cognisance. The amendment seeks to create, Sir, an altogether new offence which was not contemplated by the original Bill, and it goes beyond the scope of the Bill. Therefore, Sir, I beg your ruling on the point.

Mr. M. K. Acharya : I thought, Sir, that the Honourable Member was opposing it.

Mr. A. Rangaswami Iyengar : This is an amendment which goes beyond the scope of the Bill.

Mr. M. K. Acharya : Sir, I am explaining why I want this amendment to be made ; because I thought that, as there is some legislation here which seeks to prevent any ill-feeling spreading to any very large extent through scurrilous writings, the most innocent way of putting a stop to the spreading of this very, very strong agitation in these matters was to seize the publications which may be really offensive and stop any further mischief in the country. I am absolutely unable to comprehend how this attempt to prevent the mischief spreading is outside the scope of this legislation. But I dare say that the larger genius of the front benchers will have their play very soon.....

Mr. A. Rangaswami Iyenger : It is an addition to the procedure.

Mr. M. K. Acharya : But so far as I can see, what we are trying to do is—that is what has been said, and it is supposed to be the very purpose of this legislation—we are trying to inaugurate an era of intercommunal peace and good will, and of preventing unnecessary attacks being made upon the religious feelings of any large section of His Majesty's subjects. And I beg to submit, Sir, that it is perfectly right, nay it is our duty to see, that not only that the man is punished—for that is after all a very, very small matter, or that may be probably vindictive or whatever else it is—but we must put such publications out of harm's way. If, therefore, Sir, there is going to be any legislation, any really honest *bona fide* legislation that will help people, especially in the circumstances that obtain at present in the country, namely, circumstances causing great excitement, where even dramas and historical romances and things of that kind are taken exception to, then very necessarily it follows that, if there is any very large agitation in the country, in the interests of law and peace and order, which I suppose the executive are said to be keen to protect, certainly such publications as have caused such great agitation in the country ought to be brought under some form of restraint ; and the very least that we can do is to take hold of such publications and see that they do not go about fast circulating. Unfortunately, from the beginning of the world's creation, forbidden fruit has always tasted sweet ; and somehow those things, which have this stinging attack upon people, go about circulating like hot chestnuts, as my friend here remarked. I have never been to England, but apparently hot chestnuts are sold abundantly in the streets of England. Anyhow people like to have hot things, to warm their cold blood up ; and that is what has happened. Everybody who has got any self-respect in this House was talking vigorously about Miss Mayo's book. How are you going to deal with the book ? What would the jurors say if Miss Mayo were placed in the dock ? I suppose she would have a European jury. What would they say ? No malice ! They would say that from the innermost motherly abundance of her heart, of her great good will and her love and apostolic charity for Mother India it was that this book was written. That is the book that has caused the greatest annoyance to everyone with any self-respect in India. Take Mr. Pilcher's words the other day, my friend knows that the *Statesman* was prosecuted for merely reproducing that. I contend that it is the duty of the Government to see that these things do not go about circulating. It is a very small matter. I thought, from the way in which many people took my humble comments the other day, we were all agreed that these publica-

[Mr. M. K. Acharya.]

tions ought not to be allowed. What is the use of punishing one man and sending him to jail, when the book goes on circulating, when the publication is passed from hand to hand ? Your object is absolutely defeated. One stupid fanatical man in jail does not solve the problem. My Muhammadan friends will reply emotionally. I sometimes wish my Hindu friends were emotional also. The publication will go on circulating like hot chestnuts as has been said. Therefore, Sir, I think my amendment is very much more effective, because punishing the man is going to be very troublesome. It will be very difficult to prove his malice, as I said. Of course the lawyers will have plenty of work. I am not going into that, that is for the other section : but if the Government be so pleased as to order a prosecution, which is very doubtful, I say it will be very, very paying to some of my able criminal lawyers. But how is the real malady to be treated ? Where is the real physic to be administered ? Where is the prevention after all ? And therefore I submit, Sir, that with regard to books written in this vein, and whether they are deliberately malicious or not, the writer ought to take ample precaution to see that his book has not the result of offending the feelings of large communities. He must calculate all the effects of his book. It will not do to say : " Well, I am only interested in academic or philosophical discussion In the other section it may be very difficult to deal with him where it will have to be proved directly that he had deliberate malicious intention to hurt their feelings. And even if there is not that deliberate intention, the speech or publication must be proscribed, if the words are reasonably calculated, in the opinion of reasonable people, to create feelings of great annoyance—strong feelings are sometimes roused up very much. Even in a very, very old philosopher like me, feelings are stirred up when my women or religion is insulted ; it does not matter if I am myself insulted ; but when my God is insulted, when my religion is insulted, and the womanhood of India is insulted when things of that kind happen, when our religion is made responsible for all these silly things, I ask, what great harm is done to anybody if these books are taken out of the market and kept out of harm's way ? Somebody has said, " Love laughs at locksmiths ". I may say " Knavery laughs at legislators ! " The clever criminal knows how to defy the law. I know there will be some people who will clandestinely get these books, put them under their beds and read them But no great harm can come out of that. They will not be able to circulate these books and openly and defiantly say " I am doing this and I am not going to be afraid of the law or the consequences of the pronouncements of judges ". Therefore, I thought that this is the very least thing that we can do, if really we are serious. Of course Government may not be serious, but it is their lookout, but I assume that the Government are serious, or at least my friends believe that this is a very serious legislation which is going to help them. I do not myself believe it. I think this legislation is not going to help us very much. But if it is going to be of any use, let us see that such publications as really create all this great agitation in the minds of people, are brought within the purview of this Bill, so that we may prevent—we cannot, perhaps, altogether remedy—the spreading of any class of literature which is calculated to wound the religious feelings of people. There have been many instances in the recent history of our country—I am not going to refer to them here—how we poor Hindus have

been for centuries, many centuries, countless centuries, made to suffer patiently, uncomplainingly—I am not sorry for it—how we have been made to suffer on account of attacks made upon our religion, our religious habits and customs by people who do not know the A B C of spirituality or religion. Everybody of course cannot be expected to take the same sapient view of things, to laugh at these things and go away. Already we have got instances of people, of so-called enlightened people, even among comrades of mine in this House, feeling very greatly agitated, and wanting to pull down the High Court of Lahore or of other places. If that be the feeling in the country even among educated people, and if that feeling cannot be prevented from spreading, let us prevent at least the causes that will bring about such agitation. That is the purpose of my amendment. I do not believe that any good press or any good newspaper will come within the purview of this provision ; I do not believe that any press or any newspaper or any reasonable writer will go about using language calculated to wound the religious feelings of any large section of the community. If they do, then the least thing that we can do is to ask Government to put away those few copies of any paper or pamphlet out of harm's way. This is a very necessary thing, Sir ; and I submit, therefore, that if really this legislation is intended to be of any use and is going to prevent the spreading of writings which will infuriate people and lead them -somebody up here said—to snatch at each other's throats, then this is the very least thing that we can do. I appeal to the self-respect of both the Hindus and the Mussalmans to see that they do not complacently allow the circulation of books, publications and pamphlets that are calculated to hurt the religious feelings of any class of His Majesty's subjects.

Sir, I move my amendment.

Mr. K. Ahmed : There is a provision already in the law.

Mr. M. K. Acharya : What ? Has this been already provided for foreign publications also ?

The Honourable Mr. J. Crerar : I think I can offer an explanation which will persuade the Honourable Member that his amendment is not necessary. Perhaps the Honourable Member has overlooked sub-clause (*i*) of clause 3 of the Bill. It empowers the Local Government to declare forfeited to His Majesty copies of any literature offending against the Bill ; that is to say, any publication which constitutes an offence under clause 295A is *ipso facto* liable to forfeiture and copies thereof can be seized and forfeited in any part of India where it is found. I would only add that what is suggested in the Honourable Member's amendment certainly goes beyond the intentions of this House in referring the original Bill to the Select Committee ; it certainly goes beyond the scope of the commission which we imagined ourselves to have. I would also point out to the Honourable Member that his amendment could not in any case form part of clause 295A which is a penal clause and creates an offence.

5 P.M.

Mr. President : The question is :

" That the following be added to clause 2 and necessary additions be made to clause 3 :

' 259-B. All books, pamphlets or other publications containing words or visible representations calculated to insult the religious feelings of any class of

[Mr. President.]

His Majesty's subjects, if published outside India, shall be proscribed and if published within India be seized and destroyed by order of, the magistrate within whose jurisdiction the publication takes place '.''

The motion was negatived.

Mr. President : The question is :

'' That clause 2 do stand part of the Bill.''

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President : The question is :

'' That clause 3 do stand part of the Bill.''

(At this stage some Honourable Members rose in their places including Mr. Abdul Haye.)

Mr. President : We have so far not made any change in the recommendations of the Select Committee. I wonder whether the Honourable Member from the Punjab wishes to press his amendment.

Mr. Abdul Haye : I wish to move my amendment. It runs as follows :.....

Mr. M. S. Sesha Ayyangar : I have got No. 32.

(Some other Honourable Members also said they had their amendments).

Mr. President : Amendments Nos. 23, 24 and 25 are consequential amendments. Amendment No. 26 Pandit Thakur Das Bhargava.

Mr. Amar Nath Dutt : May I say one thing in respect of my amendments ?

Mr. President : The Honourable Member's amendments are merely consequential.

Pandit Thakur Das Bhargava : I beg to move :

'' Delete sub-clause (*i*) of clause 3 and renumber sub-clauses (*ii*) and (*iii*) as (*i*) and (*ii*), respectively.''

A perusal of section 295 of the Indian Penal Code will establish that it deals with offences which are more heinous in their nature than the one which the present Bill seeks to penalise. Chapter No. XV deals with offences relating to religion.....

Mr. President : Order, order. The House now stands adjourned till 11 A.M. on Monday, the 19th instant.

The Assembly then adjourned till Eleven of the Clock on Monday, the 19th September, 1927.

LEGISLATIVE ASSEMBLY.

Monday, 19th September, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock. Mr. President in the Chair.

QUESTIONS AND ANSWERS.

Resolution regarding the Prohibition of Liquor.

1062. ***Maulvi Badi-uz-Zaman** : (*a*) Will the Government be pleased to state whether they have taken any steps to give effect to the Resolution passed in the Assembly regarding the prohibition of liquor ?

(*b*) If not, will the Government please state the reason for not giving effect to the Resolution ?

(*c*) Are the Government prepared to give effect to it without any delay ?

The Honourable Sir Basil Blackett : With your permission I propose to answer questions Nos. 1062 and 1126 together.

As stated last year on the 19th August in reply to question No. 134, Government have decided not to take any action on the Resolution in question for the reasons given by me in my speech on the 2nd September 1925.

Mr. K. Ahmed : How long will Government take to consider the question and give effect to the Resolution ?

Mr. President : The Honourable Member has not heard the reply. The reply was that the Government had decided not to take any action.

Mr. K. Ahmed : Declined to take any action ? Are Government aware that it is an insult to the Members of this House not to give effect to the wishes of the country.....

Mr. President : The Honourable Member knows that Resolutions passed by this House are recommendatory and not binding on the Government.

The Honourable Sir Basil Blackett : The answer is in the negative.

New Pension Rules.

1063. ***Maulvi Badi-uz-Zaman** : (*a*) Have any new pension rules been sanctioned recently by the Secretary of State for India for Government servants ?

(*b*) If so, will the Government be pleased to lay them on the table ?

The Honourable Sir Basil Blackett : I would refer the Honourable Member to the reply which I gave on the 30th August, 1927, to part (*a*) of question No. 86, asked by Mr. Amar Nath Dutt.

TOTAL NUMBER OF ASSISTANTS AND CLERKS IN THE NEW BRANCH OF THE HOME DEPARTMENT CREATED IN CONNECTION WITH THE STATUTORY COMMISSION.

1064. ***Maulvi Muhammad Yakub** : (*a*) What is the total number of assistants and clerks in the new branch of the Home Department created in connection with the Statutory Commission ?

(*b*) Is it a fact that no Muslim has been taken in this section ?

The Honourable Mr. J. Crerar : (*a*) One assistant, a clerk, a typist and a stenographer have so far been appointed.

(*b*) Yes.

PROPORTION OF MUSSALMANS IN THE OFFICE OF THE CENTRAL BOARD OF REVENUE.

1065. ***Maulvi Muhammad Yakub** : (*a*) What is the total number of office establishment in the office of Central Board of Revenue ? Is it a fact that within this year 4 or 5 Mussalmans who were employed in this office have been transferred to other offices and their place has been taken by non-Muslims ?

(*b*) What is the present proportion of Mussalmans in this office at present as compared to the proportion of last year ?

The Honourable Sir Basil Blackett : (*a*) The answer to the first part of the question is 42, and to the second part, in the negative.

(*b*) 19 per cent. in both the years.

NUMBER OF MUSLIM GAZETTED OFFICERS IN THE RAILWAY BOARD.

1066. ***Mr. Abdul Haye** : (*a*) Will the Government be pleased to state the number of gazetted officers including gazetted Superintendents employed in the Railway Board at present ?

(*b*) How many of these officers are Muslims and how many are Hindus ?

(*c*) Are Government taking any action to increase the number of Muslims ?

Mr. A. A. L. Parsons : (*a*) 23.

(*b*) Hindus 5 ; Muslim 1.

(*c*) No special steps have been taken.

Mr. K. Ahmed : In view of the fact that the Muhammadans are below the proper proportion in service, do Government propose to take steps to give a due share to them ?

Mr. A. A. L. Parsons : I did not catch the Honourable Member's question.

Mr. K. Ahmed : In view of the fact that the Muhammadans are entitled to a fixed proportion, do Government propose to take steps to give effect to their promise ?

Mr. A. A. L. Parsons : I do not accept the statement made by the Honourable Member.

NUMBER OF MUSLIM ASSISTANTS IN THE RAILWAY BOARD.

1067. *Mr. Abdul Haye : (*a*) Will the Government be pleased to state the total number of assistants excluding stenographers employed at present in the Railway Board ?

(*b*) Is it a fact that there is not a single Muslim permanent assistant in the Railway Board ?

(*c*) If the answer to (*b*) above is in the affirmative will Government please state what action is being taken to increase the number of Muslims ?

Mr. A. A. L. Parsons : 30.

(*b*) Yes.

(*c*) 4 Muslim clerks have been appointed to officiate as assistants.

Mr. K. Ahmed : In view of the fact that it has become absolutely necessary to act according to the promise of the Government, do Government propose for their own prestige and dignity to give effect to the promise of 33 per cent. which should be acted upon ?

Mr. A. A. L. Parsons : I think my reply shows that it has been doing so.

NUMBER OF MUSLIM GAZETTED OFFICERS IN CERTAIN SPECIFIED ACCOUNTS OFFICES.

1068. *Mr. Abdul Haye : (*a*) Will the Government please state the total number of gazetted officers in the following offices ?

I. Office of the Auditor General.

II. Office of the Military Accountant General.

III. Office of the Accountant General, Railways.

IV. Office of the Audit Officer, Indian Stores Department.

V. Office of the Accountant General, Central Revenues.

(*b*) How many of these officers are Hindus and how many are Muslims ?

(*c*) Is it a fact that in some of these offices not a single Muslim officer has been posted ever since the offices came into existence, and if so, may such offices please be specified ?

(*d*) What is the number of appointments made in the ministerial establishments in these offices during the last two years ?

(*e*) How many of the men appointed were Muslims and how many of the Muslims appointed are at present in service ?

(*f*) Are Government taking any action to ensure an increase of Muslims in these offices by recruiting more Muslims in future ?

The Honourable Sir Basil Blackett : I propose to reply to questions Nos. 1068, 1070, 1072, 1074 and 1075 together.

I would refer the Honourable Member to the Honourable Sir Charles Innes' reply to Maulvi Muhammad Yakub's unstarred question No. 3 on the 27th January 1927. That reply still holds good in the case of the offices referred to in these questions.

Mr. K. Ahmed : In view of the fact that Government have not suitably answered this question, do Government propose now for the benefit

of the country to answer the question in full and give satisfaction to the Members of this Assembly by adhering to the promise given by them ?

The Honourable Sir Basil Blackett : Government always give effect to their promises.

Mr. K. Ahmed : Is it not a fact that Government Members say that things are right when they are not right ?

INCREASE OF MUSLIM OFFICERS OF THE INDIAN AUDIT AND ACCOUNTS SERVICE EMPLOYED ON THE STATE RAILWAYS.

†1070 ***Mr. Abdul Haye** : (*a*) Will Government please state the total number of officers of the Indian Audit and Accounts Service at present employed on the four State Railways ?

(*b*) How many of these officers are Hindus and how many are Muslims ?

(*c*) Are Government taking action to increase the number of Muslims in the Railway Department ?

NUMBER OF MUSLIMS IN THE AUDIT OFFICE, INDIAN STORES DEPARTMENT.

†1072. ***Mr. Abdul Haye** : (*a*) How many ministerial appointments both temporary and permanent were made from 1st January to 31st August, 1927, in the Audit Office, Indian Stores Department, and how many of these were given to Muslims ?

(*b*) If no Muslim was appointed, what action do Government propose to take to ensure that Muslims are appointed ?

MUSLIMS IN TEMPORARY AND PERMANENT APPOINTMENTS IN MINISTERIAL ESTABLISHMENT OF THE OFFICE OF THE ACCOUNTANT GENERAL, RAILWAYS.

†1074. ***Mr. Abdul Haye** : (*a*) Will Government please state how many vacancies both temporary and permanent were filled up in the ministerial establishment of the Office of the Accountant General, Railways, from 1st December, 1926 to 31st August, 1927 ?

(*b*) Is it a fact that not a single Muslim was appointed to any of these posts ?

(*c*) Were these posts advertised for ? If not, why ?

(*d*) Did any Muslim graduate apply for these posts ? If so, why were Muslim graduates not employed ?

(*e*) Were any non-Muslim clerks appointed by the Accountant General, Railways, in his office in preference to Muslim candidates ? If so, what were the educational qualifications of these non-Muslim clerks ?

APPOINTMENT OF MUSLIMS AS DIVISIONAL ACCOUNTANTS IN THE OFFICE OF THE ACCOUNTANT GENERAL, RAILWAYS.

†1075. ***Mr. Abdul Haye** : (*a*) Is it a fact that 15 Divisional Accountants in lieu of clerks have recently been appointed by the Accountant General, Railways ?

† For answer to this question, see answer to question No. 1068.

(*b*) If so, how many of these are Muslims ?

(*c*) How many Muslims applied for these posts of Divisional Accountants-in-lieu of clerks and what were their educational and professional qualifications and length of service ?

(*d*) What were the educational and professional qualifications and length of service of the non-Muslim Divisional Accountants appointed by the Accountant General, Railways in the above posts ?

(*e*) Why were the claims of Muslims ignored by the Accountant General, Railways, in making the above appointments, and did he know that out of a total number of 150 Accountants serving under him, only 3 were Muslims ?

(*f*) When will the Accountant General, Railway, take necessary steps in pursuance of the Government policy, to recruit Muslims in his Department, which is overwhelmingly manned by non-Muslims ?

MUSLIM GAZETTED OFFICERS EMPLOYED ON THE FOUR STATE RAILWAYS.

1069. ***Mr. Abdul Haye** : (*a*) Will Government please state the total number of gazetted officers employed on the four State Railways ?

(*b*) How many of these officers are Hindus and how many are Muslims ?

Mr. A. A. L. Parsons : (*a*) and (*b*). The information may be obtained from the Railway Board's Classified list a copy of which is in the Library.

NUMBER OF MUSLIMS IN THE MINISTERIAL ESTABLISHMENT OF THE RAILWAY CLEARING HOUSE.

1071 ***Mr. Abdul Haye** : (*a*) Will Government please state the total number of appointments made in the ministerial establishment in connexion with Railway Clearing House ?

(*b*) How many of the men appointed were Muslims and how many of the Muslims appointed are now in service ?

Mr. A. A. L. Parsons : (*a*) The present sanctioned cadre for subordinate establishment for the Clearing Accounts Office is 830. Most of the appointments were filled by the transfer of men from other accounts offices.

(*b*) The information is not available and Government do not think it desirable to call for it.

NUMBER OF MUSLIM CLERKS APPOINTED IN THE RAILWAY BOARD FROM 1ST JANUARY TO 31ST AUGUST 1927.

1073. ***Mr. Abdul Haye** : How many clerks both temporary and permanent were appointed from 1st January to 31st August 1927 in the office of the Railway Board and how many of these were Muslims ?

Mr. A. A. L. Parsons : Nine ; out of these 3 were Muslims.

SPEECH OF SIR EDWARD GRIGG IN THE LEGISLATIVE COUNCIL OF KENYA.

1076. ***Mr. B. Das** : (*a*) Has the attention of the Government been drawn to the speech of His Excellency Sir Edward Grigg in the Kenya Legislature ?

(*b*) In reference to the definite announcement curtailing the liberties of Indians in Kenya Colony, will Government be pleased to make a statement to the House as to what action they have taken or propose to take in the matter ?

Mr. G. S. Bajpai : (*a*) and (*b*). The Honourable Member's attention is invited to the answer given by me on the 6th September 1927 to Mr. Shanmukham Chetty's short notice questions on the same subject. I regret that I am unable to make any statement as the Government of India have not yet received either a text of Sir Edward Grigg's speech or a summary of the recommendations made by the Feetham Commission on Local Government in Kenya.

†1077*—1079*.

CONDITIONS OF RELEASE OF BENGAL STATE PRISONERS AND DETENUS.

1080. ***Mr. S. C. Mitra** : (*a*) Are Government aware that certain conditions are shown to State prisoners in jail and they are asked if they agree to sign those conditions their cases will be favourably considered but no assurance is given of their release on subscribing to those conditions ?

(*b*) Will Government please explain why they do not make a list of those State prisoners whom they are willing to release if they are agreeable to the terms proposed ?

(*c*) Is it the object of showing the terms to all to tempt State prisoners to make incriminating statements implicating other persons ? If not, will Government please state fully their reasons for this system or procedure ?

The Honourable Mr. J. Crerar : (*a*) If the Honourable Member will read the debate which took place in this House on the 3rd February last, he will see that a declaration by a State prisoner or detenu as to his intentions for the future is an element which would be taken into consideration by Government in dealing with the question of release, though it is not the determining factor. An opportunity is accordingly given to State prisoners and detenus to give an undertaking as to their future conduct if they so desire, but obviously no assurance of release in consequence of any such undertaking could be given.

(*b*) It is not the case, as the Honourable Member assumes, that Government are not prepared to release a detenu unless he gives an undertaking.

(*c*) The Honourable Member will see that in the debate to which I have just referred my predecessor explicitly stated that a declaration

† Not put at the meeting, but the questions and answers thereto will be found at pages 4563—64 of these proceedings.

would not amount to a confession of having taken part in such activities in the past. The answer to the first part of this paragraph of the Honourable Member's question is therefore in the negative. The declaration refers to the future, not to the past. I have explained in my answer to (*a*) what is the object of this procedure.

Mr. Satyendra Chandra Mitra : Is the Honourable the Home Member aware that the terms are enforceable under clause (*c*) of section 11 by serving notice on those persons ?

The Honourable Mr. J. Crerar : Will the Honourable Member be good enough to repeat the question ?

Mr. Satyendra Chandra Mitra : The terms which are shown to these persons are enforceable under clause (*c*) of section 11 of the Bengal Criminal Law Amendment Act, and in fact, on some of these persons these terms were served as notice and they are enforceable.

The Honourable Mr. J. Crerar : If an infringement of the terms takes place, the Government can take consequential action– is that the Honourable Member's question ?

HUNGER STRIKES AMONGST THE BENGAL STATE PRISONERS AND DETENUS.

1081. ***Mr. S. C. Mitra** : Will the Government be pleased to supply a list of hunger-strikes that have taken place amongst the Bengal State prisoners and detenus during the last four years ?

The Honourable Mr. J. Crerar : I regret I am not prepared to supply such a list.

TRANSFER OF BENGAL STATE PRISONERS AND DETENUS TO JAILS OUTSIDE BENGAL.

1082. ***Mr. S. C. Mitra** : (*a*) Will Government kindly explain the principle and reasons why Bengal State prisoners and detenus are transferred to jails outside their Province ?

(*b*) Are not Government aware that there is a good deal of difference in the nature and preparation of food in different Provinces and that detenus suffer greatly from the language difficulty and want of facilities for interviews with their relatives ?

The Honourable Mr. J. Crerar : (*a*) There are difficulties in keeping more than a limited number of State prisoners and detenus in any one jail, and the number of jails in Bengal in which they can be accommodated at all is limited.

(*b*) Government have realised that transfer to a jail outside Bengal may mean certain differences of diet and fewer opportunities of interviews, but do not consider that any avoidable hardship is involved.

†1083*—1084*.

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† Not put at the meeting, but the questions and answers thereto will be found at pages 4564—65 of these proceedings.

EYE-SIGHT TESTS OF GAZETTED OFFICERS AND SUBORDINATE STAFF OF STATE RAILWAYS.

1085. ***Lieutenant-Colonel H. A. J. Gidney** : 1. Will the Honourable Member please inform this House if it is a fact that :

(*a*) Railway officials who are recruited in England for employment in all superior Railway Departments are accepted as physically fit with defective vision up to a maximum error of 3.5 Diopters, corrected with suitable glasses to 6|6 in one eye and 6|9 in the other ?

(*b*) this visual test is based on the Board of Trade Rules and accepted by the Medical Board of the India Office ?

2. If the answer to (1) is in the affirmative, will the Honourable Member please state if it is a fact that Medical Officers of all Indian State Railways demand from railway officials on first appointment a visual acuity equal to that of the Royal Navy, *i.e.*, 6|6 in each eye without glasses ? Is it a fact that this is an unheard of visual requirement in any Department of Railways in the Empire ?

3. Will Government be prepared to remedy this anomaly ?

4. Is it a fact that a Committee of Railway Medical Officers recently met and drew up a report correcting this visual anomaly, and that this report was submitted for the approval of the Railway Board ?

5. If so, will the Honourable Member please state if he has examined this report and when orders will be issued on it ?

Mr. A. A. L. Parsons : As my reply is both long and technical, I should like, with your permission, and if the Honourable Member has no objection, to lay it on the table.

1. (*a*) The rule referred to by the Honourable Member was in existence, but has since been modified. Government have no information as to the standards of visual acuity now adopted for gazetted railway officers recruited in England, but in the case of subordinates such as guards, engine drivers, etc., a candidate is disqualified unless both eyes are emmetropic and acuteness of vision and range of accommodation perfect.

(*b*) In view of the answer given above, this question does not arise.

2. The statement made by the Honourable Member is not correct. Standards have recently been laid down for gazetted officers appointed on Railways which in no case require 6|6 acuity of vision in each eye without glasses. As regards subordinates the information at Government's disposal shows that only a certain class, *viz.*, foot-plate staff, are required on recruitment to have 6|6 acuity of vision, in each eye without glasses, and that this class, on re-examination while in service, are permitted a lower standard.

3, 4 and 5. Government have received the Report of the Standing Advisory Committee of Medical Officers on the standards of physical fitness—including acuity of vision. Rules regarding gazetted officers have been issued along with the Regulations for recruitment in the Gazette of India of the 9th July 1927, and the Secretary of State has been requested to adopt the standards for candidates to be recruited in England. The Committee's report on the standards for subordinates is under the consideration of the Government.

SPECIAL COURSE IN OPHTHALMIC SURGERY FOR RAILWAY MEDICAL OFFICERS OF STATE RAILWAYS.

1086. ***Lieutenant-Colonel H. A. J. Gidney** : (*a*) Will the Honourable Member be pleased to state if all Railway Medical Officers recruited both in India and England undergo a special course in ophthalmic surgery, with special reference to their official professional work of which visual tests and opinions form an important part ?

(*b*) If not, are Government prepared to issue orders that this course of study do form a part of every Railway Medical Officer's training and that none who have not undergone a special ophthalmic training be employed as Medical Officers on State Railways ?

Mr. A. A. L. Parsons : (*a*) No. But candidates who have undergone a special course in ophthalmic surgery are given special consideration, other qualifications being also taken into account.

(*b*) Government do not propose to issue such orders.

INDIANS APPOINTED AS KING'S COMMISSIONED OFFICERS, ETC.

1087. ***Mr. Mukhtar Singh** : Will the Government be pleased to state in regard to the following appearing in the Indian Sandhurst Committee Report, page 11, paragraph 9, sub-paragraphs 2 and 3 :

> " of the 44 Indian boys who have passed successfully out of Sandhurst, 42 now remain in the Indian Army. The other two have for different reasons resigned their commission,
>
> of the 83 boys who passed the Sandhurst entrance examination, 35 were residents of the Punjab, 12 belong to Bombay, 9 each to the United Provinces and Bengal, 5 to the North-West Frontier Province, 3 each to Rajputana and Hyderabad, 2 each to Burma and Coorg and one each to Bihar, Assam and the Central India Agency."

(*a*) How many of these 44 and 83 boys are Moslems, Hindus including Sikhs and others ?

(*b*) How many of these 44 boys are from each of the different Provinces of India and how many of these are Maratha Brahmins and Maratha non-Brahmins ?

(*c*) How many of the Provincial quotas forming these 83 boys, are Moslems, Hindus including Sikhs and others ?

(*d*) How many of the 12 boys forming the quota of Bombay are Maratha Brahmins and Maratha non-Brahmins and others ?

Mr. G. M. Young : (*a*) —(*d*). As much as possible of the information desired by the Honourable Member will be obtained and communicated to him in due course.

STOPPAGE OF THE RECRUITMENT OF HINDUS TO THE MINISTERIAL OR TECHNICAL ESTABLISHMENT OF THE FOREST RESEARCH INSTITUTE AT DEHRA DUN.

1088. ***Mr. Mukhtar Singh** : (*a*) Will the Government be pleased to state if it is a fact that Mr. C. G. Trevor, acting for the President, Forest Research Institute and College, has issued an order to the following effect ?

> With a view to stop the preponderance of Hindus on the staff of the Forest Research Institute and College it is hereby laid down

that until further orders no Hindu will be appointed on the ministerial or technical establishment whether permanent or temporary unless the candidates of the following communities who come forward are to be forced to be unqualified or unsuitable :

Moslems, Anglo-Indians, Christians and other communities.

(*b*) Was this action of Mr. Trevor in accordance with the orders or policy of Government ?

(*c*) If not, what action do the Government propose to take in the matter ?

(*d*) Will the Government be pleased to state if it is the policy of the Government to introduce communalism even in Institutions which are of a highly technical nature ?

Mr. A. R. Dalal : (*a*) Yes.

(*b*) The order does not correctly carry out the intentions of Government.

(*c*) Instructions are being issued to withdraw the order.

(*d*) If by " communalism " the Honourable Member means the securing of adequate representation of minority communities, the principle will be applied with special caution in the case of services in which high technical qualifications are the most important requirement.

Mr. B. Das : Are Government officials in high positions allowed to foster communal discord between the different sections of the people of India ?

(At this stage Mr. K. Ahmed rose in his place.)

Mr. President : Order, order. Mr. Ram Narayan Singh.

Mr. K. Ahmed : Am I not entitled according to the Rules and Standing Orders of this Assembly to put questions ?

Mr. President : Order, order. Mr. Ram Narayan Singh.

Mr. Ram Narayan Singh : Question No. 1089.

RESOLUTION REGARDING THE BACKWARD TRACTS IN BIHAR AND ORISSA.

1089. ***Mr. Ram Narayan Singh** : With reference to the Government's reply to Mr. Gaya Prasad Singh's question No. 102 on Monday, 22nd August 1927, will the Government be pleased to state whether in submitting to the Secretary of State for India a copy of the resolution on " Backward Tracts " in the province of Bihar and Orissa, they made any remarks thereon and if so, what ?

The Honourable Mr. J. Crerar : The Honourable Member is referred to the reply which I gave to part (*a*) of his question No. 554 on the 29th August, 1927 and the earlier answer referred to therein.

GOVERNMENT POLICY IN REGARD TO THE KHADI MOVEMENT.

1090. ***Mr. Ram Narayan Singh** : Will the Government be pleased to state their policy about and attitude towards the Khadi (hand woven and hand spun cloth) movement in this country ?

The Honourable Sir Bhupendra Nath Mitra : The Honourable Member's question will be fully answered when his Resolution on a somewhat similar subject comes up for discussion to-morrow.

†1091*—1092*.

ABOLITION OF TOLLS ON THE RAILWAY BRIDGE OVER THE RIVER GANDAK.

1093. ***Maulvi Muhammad Shafee** : (*a*) What principle do the Government recognize for permitting the levy of tolls on bridges constructed and maintained either by Government or Railway Companies for crossing rivers or waterways ?

(*b*) Are Government aware that the bridge on the river Gandak between Sonepore and Hajipore within the jurisdiction of the Saran and Muzaffarpur Districts in the province of Bihar and Orissa for the Bengal and North Western Railway was constructed some time in 1885 and that a footpath was attached to the bridge for the convenience of foot passengers ?

(*c*) Are Government aware that the cost of attaching the footpath to the bridge as related by the Railway Company amounts to no more than two lakhs of rupees ?

(*d*) Are Government aware that the heaviest rate of toll which is one anna per passenger has been realized from those who cross the bridge since the year 1885 ?

(*e*) Are Government aware that the sum realized as toll up to the last financial year amounted to about 5 lakhs of rupees ?

(*f*) Are Government aware that there is a very strong feeling in the country against the levy of tolls on that bridge ?

(*g*) Are Government aware that the Bihar and Orissa Legislative Council has recently passed a Resolution recommending the abolition of the tolls on the said bridge ?

(*h*) Will the Government be pleased to state what steps the Government are going to take in the matter ?

Mr. A. A. L. Parsons : (*a*) Railways are entitled to levy tolls on footpaths of bridges constructed at their expense, but if a Local Government compensates a railway for the loss in net receipts which would follow the abolition of such tolls, the railway administration ceases to charge the tolls.

(*b*) Yes, the bridge was constructed in 1887.

(*c*) The cost was Rs. 2,10,000.

(*d*) Yes, the tolls have been levied at the rate of 1 anna per passenger since 1887.

(*e*) No. Records do not exist to show the sum.

(*f*) No.

(*g*) No.

† Not put at the meeting, but the questions and answers thereto will be found at page 4565 of these proceedings.

(*h*) There has been correspondence between the Government of India and the Government of Bihar and Orissa on the question of the abolition of these tolls and the Local Government decided last year not at present to press for their abolition. It is for the Local Government to reopen the question and the Government of India propose to take no further action unless this is done.

Mr. Gaya Prasad Singh : Are Government aware that the Bengal and North Western Railway has been more than compensated for the expense which it incurred in making that footpath by the levy of tolls for a long number of years ?

Mr. A. A. L. Parsons : If the figure which the Honourable the questioner mentioned, namely, 5 lakhs, is correct, it seems likely that this footpath has been kept open at a continuous loss to the Bengal and North Western Railway from the beginning.

CANCELLATION OF THE PASSPORT GRANTED TO MR. SAKLATWALA, M.P.

1094. ***Mr. Gaya Prasad Singh** : (*a*) Has the attention of the Government been drawn to a London telegram published in the *Pioneer*, dated the 5th September 1927 (page 3), in which it is stated that the validity of the passport granted to Mr. Saklatwala, M.P., in December 1926, has been cancelled " at the desire of the Indian authorities ", and that he will not be allowed to enter India ?

(*b*) Is this correct ; and if so, why have the Indian authorities recommended the cancellation of the passport ?

(*c*) What objection have the Government to lay the correspondence in this connection on the table ?

The Honourable Mr. J. Crerar : (*a*) Yes.

(*b*) It is the case that the validity of Mr. Saklatwala's passport for India has been cancelled, mainly on the ground of his conduct in India during his last visit. The Government of India and the Secretary of State were in complete agreement that this action should be taken.

(*c*) I do not consider that it would be in the public interest.

Mr. Gaya Prasad Singh : What is the conduct of Mr. Saklatwala referred to which justifies the Government of India in recommending the cancellation of the passport ?

The Honourable Mr. J. Crerar : The conduct of Mr. Saklatwala is that which the Government of India and the Secretary of State regarded as likely to be prejudicial to the public interest.

Mr. Gaya Prasad Singh : Will the Honourable Member be more specific on this point ?

The Honourable Mr. J. Crerar : No, Sir.

Mr. A. Rangaswami Iyengar : Have the Government of India considered the desirability of taking other action instead of this improper one of cancelling the passport ?

The Honourable Mr. J. Crerar : That question has occupied the attention of Government.

Mr. A. Rangaswami Iyengar : Did they consider the question of prosecuting him or taking any other action under the ordinary law of the country instead of this administrative action ?

The Honourable Mr. J. Crerar : I have already replied on that point

Mr. N. M. Joshi : May I ask what made the Government of India think that the presence of Mr. Saklatwala would lead to a disturbance of tranquillity ?

The Honourable Mr. J. Crerar : I have already answered that question.

Mr. B. Das : May I inquire if Mr. Saklatwala's visit to India last year and his public conduct was in any way harmful to the public interest in India ?

The Honourable Mr. J. Crerar : My answer refers to Mr. Saklatwala's last visit to India.

Mr. A. Rangaswami Iyengar : May I know if the Government definitely decided that this was the suitable action to take by way of punishing Mr. Saklatwala's conduct in India ?

The Honourable Mr. J. Crerar : No, Sir. It is not punishment.

Mr A. Rangaswami Iyengar : What is the object of this action, Sir ?

The Honourable Mr. J. Crerar : Prevention.

Mr. A. Rangaswami Iyengar : May I know if there has been any disturbance of public tranquillity in consequence of Mr. Saklatwala's visit ?

The Honourable Mr. J. Crerar : As I pointed out, the object was to prevent any breach of public tranquillity.

Mr. A. Rangaswami Iyengar : May I know whether Government had any reason, on account of Mr. Saklatwala's action in the past, to justify the action ?

The Honourable Mr. J. Crerar : They had reason to apprehend the possibility of a breach of tranquillity.

REJECTION OF THE APPLICATION OF AN INDIAN STUDENT TO BE ALLOWED TO ASSIST IN THE WATER DEPARTMENT OF THE NEW MILLS COUNCIL.

1095. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that an Indian student in England studying at the Manchester College of Technology made an application to the New Mills Council to be allowed to assist in the Water Department of the Council during his long vacation, but his application was rejected after discussion on the ground that he was an " outsider " ?

(*b*) Do Government propose to ascertain the facts of this case from the High Commissioner for India, and indicate what steps are proposed to be taken in the matter ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) and (*b*). The Government of India have no information but have addressed the High Commissioner in the matter.

Mr. Gaya Prasad Singh : Will the information be communicated to me or to the House ?

The Honourable Sir Bhupendra Nath Mitra : It will be communicated to the Honourable Member.

RESTRICTION OF THE EMPLOYMENT OF GURKHAS TO THE ARMY AND REGULAR MILITARY POLICE BATTALIONS.

1096. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that an order has been issued by Government that no Gurkhas of Nepalese nationality should be given any employment except in the Army, and in regular military police battalions, and then only up to the existing sanctioned strength ?

(*b*) What is the existing sanctioned strength of the Gurkhas of Nepalese nationality in the Army, and in the regular military police battalions ?

Sir Denys Bray : (*a*) Yes, Sir, in deference to wishes expressed by the Nepal Government.

(*b*) *Army* 21,166 (including 2,000 reserve). *Military Police* 3,478.

VALUATION OF GOVERNMENT HOUSE PROPERTIES IN SIMLA.

1097. ***Mr. Gaya Prasad Singh** : Will the Government be pleased to give an approximate valuation of Government house properties in Simla ; and also indicate if additional quarters will be required to be built in New Delhi for office and residential purposes, in connection with the proposed longer stay of the Government in New Delhi ?

The Honourable Sir Bhupendra Nath Mitra : The book value of residential and non-residential buildings of the Central Government in Simla is roughly estimated at Rs. 2,20,00,000, but the actual value is probably slightly higher. The above figure does not include the value of Railway properties in Simla.

A longer stay in Delhi by itself is not likely to involve the construction of additional accommodation for office and residential purposes.

PRESERVATION OF THE MOSQUES OF THE SHARQI KINGS AT JAUNPUR.

1098. ***Maulvi Muhammad Yakub** : Are Government aware that the mosques of the Sharqi kings at Jaunpur, *viz.*, the Jami Masjid, the Atala Masjid, and the Lal Darwaza Masjid, which have been declared protected under the Ancient Monuments Preservation Act, VII of 1904, are in a dilapidated condition requiring repairs, and the Archæological Department is unable to maintain them for the reason that their *Mutawallis* refuse to enter into an agreement with the Government in respect of their maintenance ? If so, what action do the Government propose to take for the preservation of these mosques ?

Mr. A. R. Dalal : Yes. Government are enquiring into the matter.

EMPLOYMENT BY MEMBERS OF THE INDIAN LEGISLATURE OF RETAINERS FOR THEIR FIRE-ARMS.

1099 ***Maulvi Muhammad Shafee** : (*a*) Will the Government be pleased to state whether the exemptees under clause (1) (*a*) of Schedule

I of the Indian Arms Rules, 1924, are allowed to keep retainers for their arms ?

(*b*) If the answer be in the affirmative, will the Government be pleased to state whether the Members of the Indian Legislature are included in that category and thus permitted to keep retainers ?

(*c*) Has the attention of the Government been drawn to the fact that the provisions with regard to keeping retainers in the Indian Arms Rules, 1924, have been differently interpreted by several Local Governments and that thus there are different and often contradictory procedures adopted in the several provinces with regard to giving permission for keeping retainers ?

(*d*) Are Government prepared to take steps to make uniform provisions to be followed in all the provinces in regard to keeping retainers by the Members of the Indian Legislature ?

The Honourable Mr. J. Crerar : (*a*) The exemption granted to those named in clause 1 (*a*) of the Schedule is personal, and does not extend to retainers or servants.

(*b*) Does not arise.

(*c*) and (*d*). Government are not aware that a different procedure is followed by different Local Governments, but they will enquire.

†1100*—1103*.

RECRUITMENT FOR THE AUDIT AND ACCOUNTS DEPARTMENT.

1104. ***Mr. Sarabhai Nemchand Haji** : (*a*) Is it a fact that in pursuance of Resolution No. 1279-F.E. of the Government of India, Finance Department, the Government of India have stopped recruiting non-Indians for their Audit and Accounts Department ?

(*b*) Is an English qualification insisted upon in the case of appointments in the Audit and Accounts Department ?

The Honourable Sir Basil Blackett : The reply to part (*a*) of the question is in the affirmative and to part (*b*) in the negative.

RESOLUTION REGARDING INDIANISATION OF THE HIGHER GRADES OF PORT TRUST SERVICES.

1105. ***Mr. Sarabhai Nemchand Haji** : What action has been taken by Government in connection with the Resolution of the Honourable Sir P. C. Sethna in the Council of State on 26th January 1922, recommending Indianisation of the higher posts in the services of the Port Trusts ?

The Honourable Sir George Rainy : Under the various Port Acts, the Boards of Trustees exercise statutory power to appoint their own officers, except in the case of the highest appointments. In the debate in the Council of State, to which the Honourable Member refers, it was recognised that the most practical step that the Government could take to increase the number of Indians in the higher grades of the Port services, would be the amendment of the Port Acts so as to increase the number

† Not put at the meeting, but the questions and answers thereto will be found at pages 4565—67 of these proceedings.

of Indians on the Boards, in which the power of appointment is vested. The Port Acts of the principal ports were accordingly amended for this purpose, and I am informed that the number of Indians appointed by the Board is now increasing.

APPOINTMENT OF ASSISTANT ACCOUNTANT UNDER THE PORT COMMISSIONERS, CALCUTTA.

1106. ***Mr. Sarabhai Nemchand Haji** : (*a*) Has the attention of the Government been drawn to an advertisement in the Calcutta papers inviting applications for the post of Assistant Accountant under the Port Commissioners, Calcutta, the post being open to "fully qualified Chartered Accountants European or Indian" ?

(*b*) Is there any reason why the members of the Society of Incorporated Accountants should thus be excluded from applying ?

The Honourable Sir George Rainy : (*a*) Yes.

(*b*) Government have no information, but have made enquiries in the matter and will communicate the result to the Honourable Member.

Mr. Sarabhai Nemchand Haji : Will the Government take the action necessary in order that this particular post may go to an Indian ?

The Honourable Sir George Rainy : I am not aware that it is in the power of the Government of India to take any direct action in the matter.

Mr. B. Das : Will the Honourable Member communicate the result of the inquiry to the Indian Chamber of Commerce about the appointment of accountants in the Port Trust ?

The Honourable Sir George Rainy : I am afraid I did not catch the Honourable Member's question.

Mr. K. Ahmed : Is it not in the power of the Government of India to Indianise this Port Trust ? Do Government propose to take steps and move the authorities in England, so that what is needful may be done ?

The Honourable Sir George Rainy : The Government of India do not propose to undertake legislation to amend the various Ports Acts at present.

Mr. Sarabhai Nemchand Haji : Will they be good enough to communicate this question and their reply to the authorities of the Port Trust ?

The Honourable Sir George Rainy : Yes, Sir.

REPRESENTATION FROM THE INDIAN CHAMBER OF COMMERCE IN CONNECTION WITH THE APPOINTMENT OF ASSISTANT ACCOUNTANT UNDER THE PORT COMMISSIONERS, CALCUTTA.

1107. ***Mr. Sarabhai Nemchand Haji** : Have Government of India received any representation from the Indian Chamber of Commerce, Calcutta, in connection with the appointment of an Assistant Accountant to the office of the Port Commissioners of Calcutta ? If so, will they be pleased to lay it on the table ?

The Honourable Sir George Rainy : The Government of India have received a representation from the Indian Chamber of Commerce on the subject and a copy has been placed in the Library.

TRANSFER OF THE RAILWAY CLEARING HOUSE TO DELHI.

1108. ***Maulvi Muhammad Yakub** : (*a*) Will the Government be pleased to state if it is a fact that the Government have finally decided to locate the Railway Clearing House at Delhi ?

(*b*) If the answer to the above be in affirmative, will the Government be pleased to state in which building or buildings it is going to be accommodated and also when it is going to be transferred from Lahore to Delhi ?

(*c*) Is it a fact that notwithstanding the statement made by Mr. A. A. L. Parsons in the Legislative Assembly on the 25th March last, the Clearing House is not going to be located in any of the old Government buildings but a new building is going to be hired or purchased for the same ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) and (*c*). The staff are to be accommodated in a building which has been purchased for the purpose and in an existing vacant building of the North Western Railway. The transfer of the office from Lahore to Delhi is to take place at the end of this month.

RAILWAYS ON WHICH THE CLEARING ACCOUNTS SYSTEM OF WORKING HAS BEEN ESTABLISHED.

1109. ***Maulvi Muhammad Yakub** : (*a*) Will the Government be pleased to state in which Railways is the Clearing House system being worked and also in which others its working is likely to be extended in the course of the next ten years ?

(*b*) Will the Government be pleased to state the total number of stations on the different railways on which the Clearing House system is being worked and also how many of these stations are nearer to Lucknow than Delhi ?

(*c*) What is the total number of stations on the different railways in India and how many of these stations are nearer to Lucknow than Delhi ?

Mr. A. A. L. Parsons : (*a*) The four State-managed Railways have been brought under the Clearing Accounts system of working and a portion of the traffic of the Bombay, Baroda and Central India Railway is being working experimentally under this system. I hope that eventually other Company-managed Railways will come in.

(*b*) and (*c*). The compilation of the information will involve a great deal of labour which Government do not think it desirable to impose on the authorities concerned.

Maulvi Muhammad Yakub : Is it a fact that more stations dealing with this Clearing Office are nearer to Lucknow than to Delhi, and is it for this reason that the Government do not give the information required ?

Mr. A. A. L. Parsons : No, Sir. Mere proximity is not really the consideration. It is a question which is the more convenient centre of the train services on the Railways as a whole. There is no doubt that from that point of view Delhi is a better station for the four State Railways I have mentioned and for the Bombay, Baroda and Central India Railway than Lucknow.

Maulvi Muhammad Yakub : For how long did this Clearing Office remain in Lucknow ?

Mr. A. A. L. Parsons : It was never in Lucknow.

ESTABLISHMENT OF THE RAILWAY CLEARING HOUSE AT LAHORE, ETC.

1110. ***Maulvi Muhammad Yakub** : (*a*) How many men (excluding menial staff) are at present employed in the Lahore Clearing House ?

(*b*) Is it proposed to increase the number of such employees when the Clearing House is transferred to Delhi ? If so, how many ?

(*c*) How many of these employees have been recruited from the North Western Railway and how many from the East Indian Railway ?

(*d*) Will the Government be pleased to state if any extra allowance will be given to the employees on their transfer from Calcutta and Lahore to Delhi ? If so, what will be the total amount of such allowance per month ?

Mr. A. A. L. Parsons : (*a*) The present sanctioned cadre is 830 men.

(*b*) An increase may become necessary if the Bombay, Baroda and Central India Railway decide to come in permanently into the Clearing House system of working.

(*c*) The information required will be obtained and supplied to the Honourable Member.

(*d*) An allowance of 10 per cent. of pay, subject to a minimum of Rs. 10 per mensem has been sanctioned for employees who hold permanent posts in other offices and who elect the new scales of pay sanctioned for the subordinate establishment of the Clearing Accounts Office. This allowance is to be absorbed in future increments falling due to the employees concerned. It is not possible to frame a reliable estimate of the total sum of such allowance as it is not known how many employees will elect the new scales of pay ; but in any case, the amount involved will be small.

AMOUNT OF ALLOWANCE GRANTED TO THE MINISTERIAL STAFF OF THE LATE OUDH AND ROHILKHAND RAILWAY TRANSFERRED FROM LUCKNOW TO CALCUTTA.

1111. ***Mr. Rafi Ahmad Kidwai** : (*a*) Was any extra allowance given to the Oudh and Rohilkhand Railway employees on their transfer from Lucknow to Calcutta ?

(*b*) If so, what is the total amount of this extra allowance per month given to the Oudh and Rohilkhand Railway employees ?

(*c*) What is the total number of the Oudh and Rohilkhand Railway employees transferred from Lucknow to Calcutta from time to time since

the amalgamation of the Oudh and Rohilkhand Railway and East Indian Railway ?

(*d*) Have Government taken into consideration the suggestion of locating the Clearing House at Lucknow with a view to saving a large amount of this allowance by retransferring some of the old Oudh and Rohilkhand Railway employees from Calcutta to Lucknow ?

Mr. A. A. L. Parsons : (*a*) An extra allowance of 10 per cent. of pay subject to a minimum of Rs. 4 per mensem was granted to the ministerial staff of the late Oudh and Rohilkhand Railway who were transferred from Lucknow to Calcutta.

(*b*) Figures showing the total amount of this allowance are not available. It would vary from time to time, as men drawing it were transferred from Calcutta.

(*c*) Government have no information.

(*d*) The suggestion was considered, but as I have explained in replies to other questions, it has finally been decided to locate the Clearing House at Delhi.

APPROXIMATE EXPENDITURE REQUIRED FOR THE LOCATION OF THE CLEARING HOUSE AT DELHI AND LUCKNOW, RESPECTIVELY.

1112. ***Mr. Rafi Ahmad Kidwai** : Will the Government lay on the table a comparative statement showing the approximate recurring and non-recurring expenditure which would be needed for the location of the Clearing House at Delhi and Lucknow, respectively ?

Mr. A. A. L. Parsons : I am afraid it is impossible to make such a comparison.

EMPLOYMENT OF THE STAFF OF THE LATE OUDH AND ROHILKHAND RAILWAY AS CREWMEN.

1113. ***Mr. Rafi Ahmad Kidwai** : Will the Government be pleased to state how many of the Oudh and Rohilkhand Railway employees transferred to Calcutta have been retransferred to the United Provinces and how many of them have been transferred to the newly created crew system ?

Mr. A. A. L. Parsons : Government have no information, but it is being obtained and will be supplied to the Honourable Member.

OFFICES LOCATED IN THE OLD OUDH AND ROHILKHAND RAILWAY BUILDINGS IN LUCKNOW.

1114. ***Mr. Rafi Ahmad Kidwai** : Will the Government be pleased to state what offices are at present located in the old Oudh and Rohilkhand Railway office buildings in Lucknow and what portion of these buildings remains unused ?

Mr. A. A. L. Parsons : The Headquarters buildings of the late Oudh and Rohilkhand Railway at Lucknow are at present occupied by the Divisional office, the Railway Police office, the Assistant Signal Engineer's office and the offices of the Executive Engineer, Construction, while certain departments of the Provincial Government are housed in

the upper floor of the East Block. The press building and the paper godown are at present unoccupied.

DEMOLITION OF THE OFFICE BUILDINGS OF THE LATE OUDH AND ROHILKHAND RAILWAY IN LUCKNOW.

1115. ***Mr. Rafi Ahmad Kidwai** : (*a*) Is it a fact that the whole or part of the Oudh and Rohilkhand Railway office buildings at Lucknow is going to be demolished because the Railway Department does not require them ? What is the cost of the portion proposed to be demolished ?

(*b*) If so, cannot these buildings be utilised for accommodating the Clearing House ? If not, why ?

Mr. A. A. L. Parsons : One bungalow is being, or will shortly be, demolished because it has been condemned as dangerous. It could not be used for housing the Clearing House office. The original cost of this bungalow is not known to Government.

SALE OF MATERIAL OF THE OLD RAILWAY STATION AT LUCKNOW.

1116. ***Mr. Rafi Ahmad Kidwai** : (*a*) Is it a fact that tenders were invited for the sale of material of the old railway station (East Indian Railway) at Lucknow and that the tenders received being considered too low, it was decided to call for fresh tenders ?

(*b*) If so, were the fresh tenders invited ?

(*c*) If not, how was the material disposed of ?

(*d*) Will the Government be pleased to state for what amount the whole material was sold and what was the difference between the amount so received and the amount offered in highest tender ?

(*e*) Will the Government be pleased to state the name of the purchaser of the old material of this station and whether this purchaser had also submitted tenders for the purchase of this material when the tenders were originally invited ?

(*f*) If so, what was the amount he had offered in his first tender ?

Mr. A. A. L. Parsons : The required information is being obtained and a communication will be sent to the Honourable Member in due course.

EXTENSION OF THE LEE CONCESSIONS TO RAILWAY OFFICERS NOT ENTITLED TO THEM.

1117. ***Mr. Rafi Ahmad Kidwai** : (*a*) Has the Railway Board received any applications from the railway officers not entitled to Lee concessions praying for the extension of these concessions to their class of officers ?

(*b*) If so, will the Government be pleased to state the number of signatories belonging to different railways as well as the reasons advanced in the application for the extension of such concessions to them ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) The applications have been received both from individual officers and from various associations. It would, I am afraid, take more time and trouble than the information would be worth, to attempt to calculate the

number of officers affected and to summarise the various reasons advanced in support of their requests.

OFFICERS IN THE SUPERIOR SERVICES IN THE COMMERCIAL AND TRANSPORTATION DEPARTMENTS OF STATE RAILWAYS.

1118. ***Mr. Rafi Ahmad Kidwai** : (*a*) What is the total number of Indian officers of the Superior Services in the (*i*) Commercial and (*ii*) Transport Departments of the different State Railways ?

(*b*) What is the proportion of Indian officers to the non-Indian officers of the Superior Services in (*i*) the Commercial and (*ii*) Transport Departments of the different State Railways ?

(*c*) What steps have the Government taken or propose to take to bring the number of the Indian officers to the proportion recommended by the Lee Commission ?

Mr. A. A. L. Parsons : (*a*) and (*b*). The information is available in the Railway Board's Classified List, of which a copy is in the Library.

(*c*) The attention of the Honourable Member is invited to Railway Board's Resolution No. 2058-E., which was published in the Gazette of India, dated 17th July 1927.

CANCELLATION OF THE PASSPORT OF MR. SAKLATWALA FOR INDIA.

1119. ***Mr. Rafi Ahmad Kidwai** : (*a*) Has the attention of the Government been drawn to a Reuter's telegram published in *Civil and Military Gazette* of Lahore of the 5th September reporting cancellation of Mr. Saklatwala's passport to India ?

(*b*) If so, is it a fact that the passport has been cancelled at the instance of the Government of India ?

(*c*) If the answer to part (*b*) be in affirmative, will the Government be pleased to state the reasons for taking this step ?

The Honourable Mr. J. Crerar : I would refer the Honourable Member to the answer I have given to Mr. Gaya Prasad Singh's question No. 1094.

†1120*.

NUMBER OF BIHARIS ADMITTED INTO THE ARMY AFTER THE GREAT WAR.

1121. ***Mr. Siddheswar Sinha** : Will the Government be pleased to state the number of Biharis admitted into the Army after the Great War year by year ?

Mr. G. M. Young : The Honourable Member's attention is invited to the statement laid on the table in reply to starred question No. 25, dated the 27th January 1927. Since that statement was compiled, that is to say, during the period from the 1st October 1926 to the 30th June 1927, one combatant and three non-combatants have been recruited from Bihar and Orissa.

† Not put at the meeting, but the question and answer thereto will be found at page 4567 of these proceedings.

BIHARIS IN THE ARMY IN INDIA RESERVE OF OFFICERS.

1122 *Mr. Siddheswar Sinha : (*a*) Will the Government be pleased to state the number of (*i*) Europeans and Anglo-Indians, (*ii*) Biharis, (*iii*) Indians other than Biharis, in the Army in India Reserve of Officers as it is composed at present, category by category ?

(*b*) Will the Government be pleased to state the number of Bihari applicants for these, category by category, and the reasons for the non-acceptance of the application if any ?

(*c*) Will the Government be pleased to state the number of Biharis made permanent in the Army in India Reserve of Officers ?

Mr. G. M. Young : (*a*) I will furnish the Honourable Member with a statement giving the required information.

(*b*) 16 applicants from Bihar and Orissa have been rejected; one because he was ineligible under the rules, another because he was medically unfit and the rest because they were considered unsuitable.

Government have no information as to the categories for which these gentlemen applied.

(*c*) Three.

GRANT OF MARRIAGE AND HOUSE ALLOWANCES TO OFFICERS OF THE INDIAN MEDICAL SERVICE.

1123. *Lieut.-Colonel H. A. J. Gidney : (*a*) Will Government please state whether it is a fact that marriage allowance and house allowance are given to officers in the Indian Army as also in the R. A. M. C.?

(*b*) Are such allowances given to officers in the I. M. S. both temporary and permanent ? If not, why not ?

Mr. G. M. Young : (*a*) Yes.

(*b*) No. The reason, as far as concerns permanent officers, is that the rates of pay of permanent officers of the Indian Medical Service are consolidated rates, while those of other Indian Army officers and of officers of the Royal Army Medical Corps serving in India are made up of basic pay and allowances on the same system as rates of pay in the United Kingdom.

Temporary officers of the Indian Medical Service are engaged under a contract which provides for consolidated rates of pay in their case also.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member kindly tell me, in so far as the consolidated pay is concerned, how much of that consolidated pay goes towards house and marriage allowances ?

Mr. G. M. Young : If my Honourable friend will put that question down on the paper I shall be very glad to answer it.

NUMBER AND TONNAGE OF STEAMERS AND SAILING VESSELS REGISTERED IN INDIA.

1124. *Mr. Sarabhai Nemchand Haji : Will Government be pleased to state separately the number of the steamers and sailing vessels, together with their gross registered tonnage, registered at various Indian ports ?

The Honourable Sir George Rainy : The only information available is that contained in Table No. 11 (Shipping) of Volume II of the " Annual Statement of the Sea-borne Trade of British India with the British Empire and Foreign Countries ", to which I would invite the attention of the Honourable Member.

Mr. Sarabhai Nemchand Haji : In view of the fact that their information is inadequate, will the Government of India kindly see their way to get more information on the subject from the various ports ?

The Honourable Sir George Rainy : I am prepared to consider that, Sir.

CONVENING OF A SUB-CONFERENCE TO CONSIDER QUESTIONS AFFECTING MERCHANT SHIPPING LEGISLATION IN THE EMPIRE.

1125. ***Mr. Sarabhai Nemchand Haji** : (*a*) Will Government be pleased to state the date, when a Sub-Conference, as recommended by the Imperial Conference of 1926, is to be called to consider all questions affecting Merchant Shipping legislation in the Empire ?

(*b*) Are Government aware that it was decided at the Imperial Conference that due representation should be given to Indian shipping interests at that Sub-Conference ?

(*c*) If the answer to (*b*) be in the affirmative, will Government please state if it is their intention to act up to that suggestion in selecting the Indian representatives to the proposed Sub-Conference ?

The Honourable Sir George Rainy : (*a*) So far as the Government are aware, no date has yet been decided on.

(*b*) The Inter-Imperial Relations Committee of the Imperial Conference, 1926, recommended that India, in view of the importance of her shipping interests, should be given full representation on the proposed Sub-Conference, on an equal footing with Great Britian and the Dominions.

(*c*) The selection of the Indian representations will be considered when the Sub-Conference has been decided on.

Mr. Sarabhai Nemchand Haji : When the selection is made, will the Government be good enough to see to it that India is represented at this Conference by a national Indian and not by a non-Indian ?

The Honourable Sir George Rainy : Government will certainly take into account that question, Sir, and the known wishes of a large number of Members of this House.

RESOLUTION REGARDING THE PROHIBITION OF LIQUOR.

1126. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah** : (*a*) Have the Government taken any steps to give effect to the Resolution passed by this Assembly regarding the prohibition of liquor ?

(*b*) If not, will the Government please state reasons for not doing so ?

(*c*) Do the Government intend to give effect to the Resolution forthwith ?

The Honourable Sir Basil Blackett : This question (No. 1126) has already been answered†.

Mr. K. Ahmed : Are the Government aware that it is derogatory to the principles of the Standing Rules and Orders of this Assembly as also to the interests of the Legislative Department to put in the same question twice (*vide* Question No. 1062)—this question having been asked half an hour ago and answered. Is it not the rule that unless six months have elapsed no question can be repeated in this House ?

The Honourable Sir Basil Blackett : I would suggest that it is also undesirable to put a supplementary question twice. (Laughter.)

REPRESENTATION OF MUSLIMS IN THE INDIAN CIVIL SERVICE.

1127. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah :** (*a*) Is it a fact that the Muslim population is about $\frac{1}{4}$th of the total population of India, and that only 10 Muslims out of 109 Indian recruits for the I. C. S. from 1922 to 1927 have been selected ?

(*b*) Is it a fact that out of 109 posts for the I. C. S., 81 have gone to the Hindus, 7 to the Indian Christians, 2 to the Sikhs, 9 to the Burmese and 10 to the Muslims from 1922 to 1927, and if so, is this not a violation of the solemn promise given by the Government that no undue predominance to any community will be given in the services ?

(*c*) Are Government prepared to take steps to give due and proportionate representation to the Muslims by increasing their number in the said service henceforth and to make up the deficiency ?

The Honourable Mr. J. Crerar : (*a*) Yes.

(*b*) The figures quoted by the Honourable Member are those which I gave him on the 29th August last. There has been no violation of any promise. The latest pronouncements of Government on this subject is that of the 2nd March, 1925. Speaking in another place my predecessor pointed out that Government had accepted the principle that steps should be taken to secure that the services are not unduly overweighted with the representatives of any one community or province, and in order to give effect to this principle he announced the procedure of reserving, if necessary, one-third of the direct Indian recruitment to the Indian Civil Service for the redress of inequalities. This procedure has been strictly adhered to ever since.

(*c*) It was made clear by Sir Alexander Muddiman in the statement I have already mentioned that it was not possible for Government to give proportionate representation to any particular minority community.

MISS MAYO'S BOOK "MOTHER INDIA."

1128. ***Mr. M. S. Aney :** (*a*) Has the attention of the Government been drawn to the following special message first published in *The Hindustan,* a Gujrati daily of Bombay and since published in all the prominent Indian newspapers :

> "Many of the British M. Ps. have been provided with a free copy of Miss Katherine Mayo's book "Mother India."

† For answer to this question, see answer to question No. 1062 at page 4521 of these proceedings.

(*b*) Will the Government be pleased to state whether free copies of the same book have been supplied to any officials and the Anglo-Indian publicists in India also ?

(*c*) Will the Government be pleased to say whether the Publicity Department of the Government of India has been supplied with a copy of the book or not ?

The Honourable Mr. J. Crerar : (*a*) Government have seen the report, and have ascertained from the Secretary of State that no copies of the book have been distributed by the India Office or at public expense.

(*b*) Not so far as Government are aware.

(*c*) No.

Mr. A. Rangaswami Iyengar : May I know if Government are aware that Miss Mayo is connected with the British Library of Literature in New York ?

The Honourable Mr. J. Crerar : Will the Honourable Member kindly repeat the question ?

Mr. A. Rangaswami Iyengar : May I know if Government can tell us what connection Miss Mayo has with the British Library of Literature in New York ?

The Honourable Mr. J. Crerar : I am afraid I have no information on the point. If the Honourable Member will put down the question, I shall endeavour to answer it.

The Honourable Sir Basil Blackett : I will answer the question. The answer is that she has none.

Mr. B. Das : Do I take it that Miss Mayo was not at all helped by any of the Provincial Governments or the Government of India in the matter of collection of materials for her book, or that she was not at all helped by the Secretary of State by the supply of any materials ?

The Honourable Mr. J. Crerar : Miss Mayo received no more assistance from any officials of Government than would be accorded to any other private person.

Lala Lajpat Rai : The question is whether she *was* given any assistance. The question I wish to ask is, did the Publicity Department of the Government of India give any assistance to Miss Mayo in connection with the materials for her book ?

The Honourable Mr. J. Crerar : I am not aware that the Government of India gave any assistance of any sort to Miss Mayo, but if she did get any assistance, it was no more than would ordinarily be extended to any other member of the public.

Mr. A. Rangaswami Iyengar : May I ask if the Government of India's Publicity Department supplied Miss Mayo with any photographs that are published in her New York edition ?

The Honourable Mr. J. Crerar : I have no information on the point, but shall inquire.

The Honourable Sir Basil Blackett : The answer is in the negative.

Mr. K. Ahmed : In view of the fact that the Honourable Member has admitted that no more than ordinary courtesy was shown to Miss Mayo and no more materials were supplied than would ordinarily be supplied to a member of the public, do Government propose to supply us with the precise extent of the help accorded ?

The Honourable Mr. J. Crerar : I did not say that any materials were supplied to Miss Mayo. If ordinary courtesy was extended to her, I think there would be no reasonable objection on that ground.

Mr. A. Rangaswami Iyengar : May I know exactly what assistance was given to her, whether by way of courtesy or by way of departmental accommodation ?

The Honourable Mr. J. Crerar : Miss Mayo spent some months in the country. I am afraid I cannot give all the details the Honourable Member requires.

Lala Lajpat Rai : Are Government aware that Miss Mayo was a guest of a Superintendent of Police in Lahore and got information from the Head of the Publicity Department of the Government of India ?

The Honourable Mr. J. Crerar : No, Sir.

Mr. K. C. Neogy : Has the Honourable Member read the book himself, and has the Honourable Member read both the editions, American and English ?

The Honourable Mr. J. Crerar : I have only read one edition.

Mr. K. C. Neogy : Is it a fact that there is some difference between the two editions, and that things uncomplimentary to Muhammadans were left out in the English edition ?

The Honourable Mr. J. Crerar : So far as I am aware, there is no difference in the letter press.

Mr. M. S. Aney : Is it a fact that Miss Mayo was furnished by some officials with materials before they were actually published, and that the materials were checked by some officials before they were actually published ?

The Honourable Mr. J. Crerar : No, Sir.

Mr. K. C. Neogy : Has the Publicity Department compared the two editions ?

Mr. President : I am prepared to let Mr. Coatman answer the question.

Mr. K. C. Neogy : We would like to hear Mr. Coatman.

Mr. J. Coatman : I have read both the editions, Sir, but I can not say that I have compared them as one would compare two different texts ; and I am not conscious of any material difference between the two editions.

Mr. K. C. Neogy : Has the Honourable Member been supplied with complimentary copies of both the editions ?

Mr. J. Coatman : No, Sir.

Lala Lajpat Rai : Is the Honourable Member aware that a statement has been made in the Press that a C. I. D. Inspector asked an Indian gentleman in Lahore to see Miss Mayo ?

The Honourable Mr. J. Crerar : The statement was made in the Press, but my information is that it is not correct.

Mr. B. Das : Will the Honourable Member verify it ?

The Honourable Mr. J. Crerar : I have already made an inquiry on the subject.

Mr. M. R. Jayakar : Having regard to their present experience, will the Government consider the advisability of being more careful in future about extending such courtesies to American tourists ?

The Honourable Mr. J. Crerar : I cannot agree that the Government has been in any respect careless in the matter.

Lala Lajpat Rai : Are Government aware that Mahatma Gandhi and Miss Bose of the Victoria Girls School in Lahore have entirely repudiated the statements Miss Mayo put into their mouths in her book ?

Munshi Iswar Saran : Will the Honourable Member kindly state the nature of the courtesy they extended to Miss Mayo ?

The Honourable Mr. J. Crerar : I have already answered that question.

Munshi Iswar Saran : As I am at a distance, I could not hear it fully.

The Honourable Mr. J. Crerar : I said Miss Mayo spent some months in India and I am not in a position to give the complete details asked for.

Munshi Iswar Saran : I do not want details ; I want to know the broad features of the courtesy.

The Honourable Mr. J. Crerar : I have already answered the question.

PERIOD FOR WHICH A POSTMASTER GENERAL RETAINS CHARGE OF A POSTAL CIRCLE.

1129. ***Mr. M. S. Aney** : Will the Government be pleased to state what is the average period for which a Postmaster General is retained in charge of any Postal Circle in India ?

Mr. H. A. Sams : No definite period is prescribed.

APPEALS FROM THE ORDERS OF MR. BOOTH, POSTMASTER GENERAL, PUNJAB AND NORTH-WEST FRONTIER PROVINCE.

1130 ***Mr. M. S. Aney** : Will the Government be pleased to state—

(*a*) the number of appeals received by the Director General of Posts and Telegraphs from the orders passed by Mr. Booth from the time he assumed charge of his office in the Punjab to the end of June 1927, and

(*b*) the number of appeals allowed by the Director General or the Government of India ?

The Honourable Sir Bhupendra Nath Mitra : The information is being collected and will be furnished to the Honourable Member in due course.

RETENTION OF MR. BOOTH AS POSTMASTER GENERAL, PUNJAB AND NORTH-WEST FRONTIER PROVINCE.

1131. *Mr. M. S. Aney : Will the Government be pleased to say whether there are any special reasons for keeping Mr. Booth in charge of his office of Postmaster General in the Punjab for an unduly long period ?

The Honourable Sir Bhupendra Nath Mitra : There are no special reasons. The posting of officers to particular appointments is a matter entirely within the discretion of Government.

Mr. M. S. Aney : Is the Honourable Member able to say how long Mr. Booth has been in the Punjab ?

The Honourable Sir Bhupendra Nath Mitra : Will the Honourable Member kindly repeat his question ?

Mr. M. S. Aney : Will the Honourable Member be able to state how long Mr. Booth has been in the Punjab ?

The Honourable Sir Bhupendra Nath Mitra : Mr. Booth has probably been in the Punjab for five years or more, I cannot say precisely.

Mr. M. S. Aney : Is that the ordinary period for which Postmasters General are retained in a province ?

The Honourable Sir Bhupendra Nath Mitra : There is no fixed tenure to the appointment of Postmaster General in a particular circle.

Mr. M. S. Aney : Can it be said that at least five years or something more than that is the ordinary period for which these persons occupy this post ?

The Honourable Sir Bhupendra Nath Mitra : I cannot give any definite answer to that question because I have not tried to examine the periods spent by Postmasters General in particular circles in the past.

NUMBER AND NATIONALITY OF PILOTS IN THE BENGAL PILOT SERVICE.

1132. *Mr. Sarabhai Nemchand Haji : Will the Government be pleased to state the number of candidates admitted into the Bengal Pilot Service year by year from the year 1910 up to March 1927, giving separately the figures of those who were recruited in India and those who were recruited in England as well as of those who were Indians and those who were non-Indians ?

NUMBER AND NATIONALITY OF PILOTS IN THE BENGAL PILOT SERVICE.

1133. *Mr. Sarabhai Nemchand Haji : Will the Government be pleased to state the present number of pilots in the Bengal Pilot Service giving separate figures of those who are Indians and those who are non-Indians and those who are recruited in India and those who are recruited in England ?

The Honourable Sir George Rainy : With your permission, Sir, I will reply to questions Nos. 1132 and 1133 together.

The information asked for is being obtained from the Government of Bengal and will be supplied to the Honourable Member on receipt.

ANNUAL ADMINISTRATION REPORTS OF THE ORDNANCE AND CLOTHING FACTORIES.

1134. *Mr. N. M. Joshi : (*a*) Is it a fact that the annual administration reports of the Ordnance and Clothing Factories, under the control of the Army Department are considered to be confidential documents by the Government of India ?

(*b*) Will Government be pleased to explain why these reports are treated as confidential ?

(*c*) Will they be pleased to state whether they will treat these documents as public hereafter ?

(*d*) If these documents contain any information which must be treated as confidential, are Government prepared to issue annual reports of the administration of these factories omitting such information as must be treated as confidential ?

Mr. G. M. Young : (*a*) Yes.

(*b*) Because they contain information about military equipment and preparations

(*c*) I am afraid that would be impossible.

(*d*) The administration reports of these military establishments necessarily consist of information from which readiness for war can be gauged.

Mr. N. M Joshi : May I ask whether these reports are printed or not ?

Mr. G. M. Young : They are, Sir.

Mr N. M. Joshi : May I ask whether it is very difficult for any people to secure these reports ?

Mr G. M. Young : I hope so, Sir.

INDIAN ORDNANCE FACTORIES LISTS OF ESTABLISHMENTS.

1135. *Mr. N. M. Joshi : (*a*) Is it a fact that the Indian Ordnance Factories lists containing the names of the persons engaged in these factories are treated as confidential documents by Governments ?

(*b*) Will Government be pleased to explain why they are treated as confidential ?

(*c*) Will Government be pleased to state whether they propose to treat these documents as public ?

Mr. G. M. Young : (*a*) The answer is in the negative.

(*b*) and (*c*). Therefore do not arise.

Mr. N. M. Joshi : I hope, Sir, the Honourable Member will supply me with a copy. When the Honourable Member wrote to me a few days ago he said that the report was confidential.

Mr. G. M. Young : No, Sir, when I wrote to the Honourable Member I drew a distinction between the documents referred to in this question

and the documents referred to in the previous question. I shall be happy to supply him with copies.

ESTABLISHMENTS OF ORDNANCE AND CLOTHING FACTORIES.

1136. *Mr. N. M. Joshi : Will Government be pleased to give a statement giving the following information regarding the Ordnance and Clothing Factories :

(*a*) Names of the factories,

(*b*) Number of permanent establishment in each,

(*c*) Number of temporary employees in each,

(*d*) Number of what are called extra temporary employees on monthly salaries,

(*e*) Number of extra temporary employees on daily wages,

(*f*) The privileges regarding pension, provident and gratuity allowances to each of these classes of employees,

(*g*) privileges allowed to each of these classes of employees regarding casual, privilege and sick leave ?

TEMPORARY EMPLOYEES IN ORDNANCE AND CLOTHING FACTORIES.

1137. *Mr. N. M. Joshi : Will Government be pleased to give a statement showing for each of the Ordnance and Clothing Factories under the Army Department, the number of temporary employees and the number of extra temporary employees, who have served more than 20 years, more than 10 years and more than 5 years ?

Mr. G. M. Young : With your permission, Sir, I propose to answer this question and No. 1137 together.

I will furnish the Honourable Member separately with statements giving the information which he desires.

ESTABLISHMENT OF A PROVIDENT FUND FOR, AND GRANT OF GRATUITIES TO, TEMPORARY AND EXTRA TEMPORARY STAFF EMPLOYED IN THE ORDNANCE AND CLOTHING FACTORIES.

1138. *Mr. N. M. Joshi : (*a*) Will Government be pleased to state whether they propose to provide (*i*) provident fund, and (*ii*) gratuity to the temporary and extra temporary establishments employed in the Ordnance and Clothing Factories under the Army Department ?

(*b*) If so, will Government be pleased to state when such provision will be made and whether all the workers will be benefited by it ?

Mr. G. M. Young : The question of establishing a provident fund, to include a contribution by Government, is under consideration.

POSITION OF THE CLERICAL ESTABLISHMENT OF THE ORDNANCE AND CLOTHING FACTORIES.

1139. *Mr. N. M. Joshi : (*a*) Will Government be pleased to state whether they had made any inquiries either through a special officer named

Coburn and a Committee presided over by General Kenyon regarding the position of the clerical establishment employed in the Ordnance and Clothing Factories controlled by the Army Department ?

(*b*) Will Government be pleased to state whether the reports on the inquiries have been received and whether they propose to publish these reports ? If not, why ?

(*c*) Is it a fact that the Government of India had recommended to the Secretary of State the adoption of the proposals of the Kenyon Committee and that the Secretary of State had sanctioned the proposals in March 1924 ; if so, will Government be pleased to state what effect they had given to the recommendations of the Kenyon Committee as approved by the Government of India and sanctioned by the Secretary of State ?

(*d*) If so far no action has been taken, will they be pleased to state whether they will do so at an early date, and if not, why not ?

Mr. G. M. Young : (*a*) No inquiry about the position of the clerical establishments in Army Factories was made either by Mr. Coburn or by the Kenyon Committee. The latter investigated the condition of Ordnance Factories after the war.

(*b*) Government do not propose to publish the report of the Kenyon Committee, mainly because it contemplates the establishment of Factories of a size and type which would be far more expensive than the present needs of the army could justify.

(*c*) Such recommendations of the Kenyon Committee as apply to the existing Factories have been adopted and given effect to with the sanction of the Secretary of State.

(*d*) Does not arise.

THROWING OPEN OF CERTAIN GAZETTED APPOINTMENTS TO THE CLERICAL ESTABLISHMENT OF ORDNANCE AND CLOTHING FACTORIES.

1140. ***Mr. N. M. Joshi :** (*a*) Will Government be pleased to state whether they had received in 1924 a memorial from the clerical establishment of the Ordnance and Clothing Factories under the control of the Army Department ?

(*b*) Is it a fact that in the Ordnance and Clothing Factories controlled by the Army Department there are no posts of gazetted rank generally open to the members of the clerical establishment ?

(*c*) Is it a fact that the members of the clerical establishments in the Ordnance and Clothing Factory Department had asked in their memorial that certain posts of gazetted rank be thrown open to them ?

(*d*) Will Government be pleased to state whether they propose to accede to this request and, if not, why not ?

Mr. G. M. Young : (*a*) Yes.

(*b*) All posts in the Factories are open to qualified men, but none are open to unqualified men.

(*c*) Yes.

(*d*) No. The attention of the Honourable Member is invited to the reply given on the 18th February 1924 to questions Nos. 351 and 353, and on the 2nd September 1925, to question No. 510.

CREATION OF POSTS OF PERSONAL ASSISTANTS TO THE CHIEF OFFICERS OF ORDNANCE FACTORIES.

1141. ***Mr. N. M. Joshi** : (*a*) Will Government be pleased to state if the Kenyon Committee recommended the creation of a post of Personal Assistant to the Chief Officer of each of the Ordnance Factories ?

(*b*) Has this recommendation been given effect to ?

(*c*) If not, will Government be pleased to state when they mean to do so ?

(*d*) If the reply to (*b*) is in the affirmative, will they be pleased to state how many of these posts are held by men who have risen from the clerical position ? Was not this recommended by the Kenyon Committee ?

Mr. G. M. Young : (*a*) Yes.

(*b*) No.

(*c*) Not until the army is so increased as to justify the appointment.

(*d*) Does not arise. But I may mention that the Kenyon Committee specifically recommended the appointment of men with qualifications not to be found in the clerical establishments.

APPOINTMENT OF CHIEF CLERKS IN ORDNANCE FACTORIES.

1142. ***Mr. N. M. Joshi** : (*a*) Will Government be pleased to state if the Kenyon Committee recommended the appointment of a Chief Clerk in each of the Ordnance Factories ?

(*b*) Are Government aware that the recommendation of the appointment of a Chief Clerk was meant for centralising the administrative work in the Ordnance Factories ?

(*c*) If so, will they be pleased to state whether the recommendation has been acted upon ? If not, why not ?

Mr. G. M. Young : (*a*) Yes.

(*b*) No. The Committee stated that they were unable to make any detailed recommendations, but they desired to attract a higher class of men who would work initially as Production Staff.

(*c*) The Honourable Member is referred to the answers given to parts (*c*) and (*d*) to question No. 1139.

REVISED SCALE OF PAY FOR SOME CLASSES OF THE SUBORDINATE ESTABLISHMENT IN ORDNANCE FACTORIES.

1143. ***Mr. N. M. Joshi** : (*a*) Will Government be pleased to state if sanction was received for a revised scale of pay in 1920 for some classes of the subordinate establishment in Ordnance Factories ?

(*b*) If so, will they be pleased to state if the revised scale is found satisfactory ?

(c) If the reply to (b) is in the affirmative, will Government be pleased to state whether the increase granted to clerks is commensurate with the increase in the pay of other ranks ?

(d) Will they be pleased to state if they propose to revise the scale in the near future ?

Mr. G. M. Young : (a) and (b). Yes.

(c) There is no uniform standard of comparison. I understand that the average increase in clerical establishment was approximately the same as the average increase all round.

(d) The Honourable Member is referred to my answer to part (d) of question No. 1140.

PENSION AND PROVIDENT FUND FOR SECTION CLERKS IN ORDNANCE FACTORIES.

1144. ***Mr. N. M. Joshi** : (a) Will Government be pleased to state if the section clerks in the Ordnance Factories are entitled to pension and provident fund ?

(b) Are Government aware that they are classed as permanent ?

(c) If the reply to (a) is in the negative, will they be pleased to state why they are not entitled to pension and provident fund as in other services ?

Mr. G. M. Young : (a) No. But if promoted to higher grade, they count their service as permanent section clerks for pension.

(b) No. A minimum nucleus sufficient to keep the Factories in existence if there is no work are classed as permanent. The remainder are on the extra temporary establishment and are taken on as required by the state of work.

(c) Clerks of various other departments in similar positions are not so entitled, but Ordnance Factory clerks get the special concession referred to in the answer to part (a) of this question.

PROVISION OF QUARTERS FOR CLERKS OF ORDNANCE AND CLOTHING FACTORIES.

1145. ***Mr. N. M. Joshi** : (a) Will Government be pleased to state if most of the permanent establishment of the Ordnance and Clothing Factories is provided with quarters by Government ?

(b) If so, are Government aware that the clerks are not provided with quarters by Government ?

(c) If so will Government be pleased to state why such distinction is made ?

(d) Will Government be pleased to state if they are thinking of providing quarters or paying separate allowances, in view of the fact that the Ordnance and Clothing factories are generally situated at a long distance from cities ?

Mr. G. M. Young : (a) There is a shortage of quarters for all staff, and quarters are being built as funds permit.

(b) Some clerks are provided with quarters.

(c) Does not arise.

(*d*) Quarters are being built as practicable. Government takes into account the travelling facilities existent within a reasonable distance of the factories.

WORKING HOURS OF CLERKS IN ORDNANCE FACTORIES.

1146. ***Mr. N. M. Joshi** : (*a*) Will Government be pleased to state what is the number of working hours for clerks in Ordnance factories ?

(*b*) Have they at any time ruled that the maximum number of hours should be six ?

(*c*) If so, will they be pleased to state whether it is not a fact that a certain number of clerks have to work from 7-30 a.m. to 4-15 p.m. ? If so, why ?

(*d*) Do Government propose to inquire into the matter ?

Mr. G. M. Young : (*a*) The ordinary production working hours of the factory.

(*b*) The answer is in the negative, because a factory is not a secretariat office.

(*c*) Yes. These are the ordinary factory working hours.

(*d*) Does not arise.

GRANT OF OVERTIME TO ALL THE CLERICAL ESTABLISHMENT IN ORDNANCE FACTORIES.

1147. ***Mr. N. M. Joshi** : (*a*) Will Government be pleased to state if overtime work is paid extra in Ordnance Factories ?

(*b*) If so, will they be pleased to state why it is allowed only to clerks in a particular branch ?

(*c*) Will they be pleased to state if they are prepared to extend it to all the clerical establishment in the Ordnance Factories ?

Mr. G. M. Young : (*a*), (*b*) and (*c*). Overtime work is paid for as laid down in the Indian Factories Act, with certain extra concessions. It is restricted to men actually employed on systematic overtime, ordered on account of a rush of production and Government do not propose to extend it beyond this restriction. The limit above which overtime pay is admissible in Ordnance Factories is only 44¾ hours a week.

COUNTING OF TEMPORARY SERVICE TOWARDS PENSION BY TEMPORARY EMPLOYEES OF THE PUBLIC WORKS DEPARTMENT WHO ARE SUBSEQUENTLY MADE PERMANENT.

1148. ***Mr. N. M. Joshi** : (*a*) Will Government be pleased to state whether in the P. W. Department a large number of people are employed only in a temporary capacity, sometimes for as long a period as 20 years continuously ?

(*b*) Is it a fact that when the temporary men are made permanent, the period of temporary service is not counted either for pension or for provident fund ?

(*c*) Are Government aware that this practice causes a great loss to the employees of the Department ?

(*d*) Are Government aware that the practice gives rise to much discontent among the employed ?

(*e*) Are Government prepared to consider the question of modifying the practice by giving some benefit of long temporary service to the employees of the Department at the time of retirement ?

The Honourable Sir Bhupendra Nath Mitra : So far as the temporary staff employed under Provincial Governments is concerned the subject matter of the questions is not primarily the concern of the Governor-General in Council. As regards the temporary staff paid from the central revenues the replies are as follows :

(*a*) The temporary staff employed is by no means large.

(*b*) Yes, but exceptions are made in deserving cases.

(*c*), (*d*) and (*e*). The replies are in the negative.

REPORT OF COLONEL NEEDHAM, I.M.S., ON THE REORGANISATION OF MEDICAL ARRANGEMENTS ON THE NORTH-WESTERN RAILWAY.

1149. ***Lieutenant-Colonel H. A. J. Gidney** : (*a*) Will the Honourable Member please state whether the Report submitted to the Government of India on the Railway Medical Service by Colonel Needham, I. M. S., has been approved and whether it has been submitted for the approval of the Secretary of State for India ?

(*b*) If the answer to (*a*) is in the affirmative, will Government please state :

(*a*) when the service will commence to function, and

(*b*) if the Government intend to place the Report before the Legislative Assembly for its opinion before it commences to operate ?

Mr. A. A. L. Parsons : Colonel Needham submitted a report not on the Railway Medical Service but on the reorganisation of medical arrangements on the North-Western Railway. His recommendations have been accepted in the main and proposals to give effect to them will be placed before the Standing Finance Committee for Railways. Colonel Needham also gave certain advice in regard to the Railway Medical Service generally, but no decisions have yet been arrived at on this advice.

UNDESIRABLE ADVERTISEMENTS IN THE BENGAL NAGPUR RAILWAY TIME TABLE.

1150. ***Pandit Nilakantha Das** : Referring to Bengal Nagpur Railway Time Table No. 110 from 1st April 1927 onwards and numbers before and after :

(*a*) Has the attention of the Railway Board been attracted to the undesirable advertisements specially on the first and fourth cover pages of the Time Table ?

(*b*) Have they noticed the advertisement of the Tipsy John Haig with a whisky glass and the almost naked girl with Imperial

Special Cigarette in hand attracting the attention of the passengers and the public by their gay colours and appearance ?

(c) Are they prepared to take steps to put a stop to such advertisements ?

Mr. A. A. L. Parsons : (a) and (b). They have seen the advertisements.

(c) They do not consider any action necessary.

Pandit Nilakantha Das : I hope they have got a copy of the advertisement and they will show it for the inspection of the House.

Mr. A. A. L. Parsons : If Members of the House like to see the advertisement, they can for 2 or 4 annas purchase a copy of the time table.

Pandit Nilakantha Das : I have got a copy. Is this not the book (showing the advertisement) ? This is John Haig clad in bright colours with a bottle of whisky and this is the gay girl with Imperial Special cigarettes in her hand. Will they like.....

Mr. K. C. Neogy : Did the Publicity Department draw the attention of Miss Mayo to this advertisement ?

Pandit Nilakantha Das : May I know if this is the indication of the way in which our railway companies are making money ?

Mr. A. A. L. Parsons : I doubt myself if this advertisement has added to the sales of the time table.

Mr. B. Das : Will the Honourable Member consult the puritanic element of this House in future advertisements on railway time tables ?

EXPENDITURE INCURRED BY THE SELF-GOVERNING DOMINIONS ON NAVAL ESTABLISHMENT.

1151. ***Mr. M. R. Jayakar** : (a) Will Government be pleased to state the expenditure incurred by each of the self-governing Dominions under the Empire such as Canada, Australia and the Union of South Africa on naval establishment ?

(b) Will Government be pleased to state the strength of the Navy of each Dominion and whether it is officered by the colonials or by British naval officers ?

(c) What facilities for naval education are provided by the Colonies to their subjects ? What expenditure is incurred by each ? How many naval cadets are trained each year, at what cost and in what institutions ?

(d) What control is exercised over this Colonial Navy by the Army Council of Great Britain or by the British Government ?

Mr. G. M. Young : The Government of India have no official information on these subjects, but I will endeavour to find out what works of reference are likely to contain such information, and communicate the result to my Honourable friend.

ADMISSION OF INDIANS FOR TRAINING IN ROYAL NAVAL ESTABLISHMENTS AND COLONIAL TRAINING ESTABLISHMENTS.

1152. ***Mr. M. R. Jayakar** : Are Indians freely admitted to naval and colonial centres such as Bristol, Plymouth, Devonport, etc., in England ?

Mr. G. M. Young : At present Indians are not admitted for training in Royal Naval Establishments. The Government of India have no information in regard to Colonial Training Establishments. On the inauguration of the Royal Indian Navy, Indians, who pass the necessary entrance examination, will be trained for that service for a period of about three years in Naval Training Establishments in England.

NUMBER OF INDIAN AND EUROPEAN OFFICERS IN THE ROYAL INDIAN MARINE.

1153. ***Mr. M. R. Jayakar** : (*a*) Will Government be pleased to state how many Indian officers and how many European officers are employed under the Marine Department, in all ranks such as general supervision dock-yard marine, marine stores and coal ?

(*b*) What is the approximate expenditure incurred for the last 5 years on the Marine Service ?

Mr. G. M. Young : (*a*) The total number of commissioned and gazetted officers serving in the Royal Indian Marine is at present 121 including 30 in civil employment ; all these are Europeans

(*b*) The net expenditure on the Royal Indian Marine incurred during each of the last five years is about 107 lakhs, 72 lakhs, 63 lakhs, 52½ lakhs and 49 lakhs, respectively.

Mr. A. Rangaswami Iyengar : Have the Government ever considered the question of seeing that some Indians are included among these officers ?

Mr. G. M. Young : Yes, Sir.

Mr. A. Rangaswami Iyengar : What is the result, Sir ?

Mr. G. M. Young : The result is the scheme of the Royal Indian Navy, by which 33-1|3 per cent. of the vacancies will be reserved for Indians.

Mr. Sarabhai Nemchand Haji : In view of the fact that all the officers of the Royal Indian Marine to-day are Europeans, will the Government consider the advisability of taking in future as apprentices only Indian cadets at 3 per year, so that in a short time we might have a decent amount of Indianisation ?

Mr. G. M. Young : Sir, I am afraid I do not understand the question. There is no such thing as apprentices in the Navy.

Mr. Sarabhai Nemchand Haji : May I repeat the question ? In view of the fact that all the officers of the Royal Indian Marine to-day are Europeans and further in view of the fact that it is the intention of the Government to transform the Royal Indian Marine into the Royal Indian Navy, will the Government consider the advisability of recruiting only Indians as cadets in future or providing training for them, so that we might have Indianisation at a rapid pace, simultaneously maintaining the British character because the European officers have no Indian colleagues to-day ?

Mr. G. M. Young : Sir, I really think that that question is long enough for me to ask to see it on paper.

Mr. M. R. Jayakar : Are there any political reasons for keeping this branch of the public service entirely in the hands of Europeans ?

Mr. G. M. Young : The Department is not being kept entirely in the hands of Europeans. There was never any actual bar to the appointment of Indians, but so far as I know none have ever applied.

Mr. M. R. Jayakar : Is there any particular reason for not having Indians in this Department ?

Mr. G. M. Young : I have explained that there is no such reason. A third of the vacancies are being reserved for Indians in future.

Mr. A. Rangaswami Iyengar : Have Government found out why Indians never apply ?

Pandit Hirday Nath Kunzru : Will the Honourable Member be good enough to tell us what the qualifications are ?

Mr. G. M. Young : I could not state all the qualifications in the compass of an answer to a supplementary question, but if my Honourable friend will give me notice, I can supply him with the information.

Mr. Gaya Prasad Singh : May I ask what facilities have been offered to Indians for entering into this branch of the public service ?

Mr. G. M. Young : Does my Honourable friend refer to the new Navy or the Royal Indian Marine ?

Mr. Gaya Prasad Singh : The Royal Indian Marine.

Mr. M. R. Jayakar : Do Government ever advertise for any of these places ?

Mr. G. M. Young : No, Sir. I do not think Government have ever advertised for Indians for the Royal Indian Marine.

Lala Lajpat Rai : Have the Government shown any desire to find out why Indians have not applied for the Royal Indian Marine ?

Mr. G. M. Young : I do not know, Sir.

Sir Hari Singh Gour : Will the Government be pleased to take steps to see that some Indians get appointed to the Royal Indian Marine ?

Mr. G. M. Young : As I have already explained several times Government have taken steps in this direction.

Mr. M. R. Jayakar : My Honourable friend just now spoke of qualifications. Is the presence of a large amount of pigment in the skin a disqualification ?

CESSATION OF THE ANNUAL CONTRIBUTION TO THE BRITISH GOVERNMENT ON THE STARTING OF THE INDIAN NAVY.

1154. ***Mr. M. R. Jayakar** : Will Government state if in the event of an Indian Navy being started the annual contribution of 10 lakhs to the British Government will cease to be paid ?

Mr. G. M. Young : The answer is in the negative. The Government of India agree with the opinion expressed by the Departmental Committee on the Re-organization of the Royal Indian Marine, that it would be premature to discuss this question until, at the earliest, the new Indian Navy is in a position to perform an appreciable portion of those services which are rendered to India by His Majesty's Navy, and in respect of which the contribution is paid.

ENQUIRY INTO THE LOCOMOTIVE INDUSTRY.

1155. *Mr. B. Das : (*a*) Referring to the answer given by Sir Charles Innes to question No. 406, dated 18th September 1924, will Government be pleased to state whether any official was deputed to the United Kingdom ?

(*b*) Has he submitted a report to Government ?

(*c*) Did Government place this report before the Standing Finance Committee ? If not, why not ?

(*d*) Was this report asked for by the Peninsular Locomotive Co., Ltd. ?

(*e*) Was this report asked for by the Tariff Board ?

(*f*) Will Government be pleased to place that report on the table ?

Mr. A. A. L. Parsons : (*a*) An officer on leave was deputed to prepare a report for the consideration of the Railway Board.

(*b*) Yes.

(*c*) No concrete proposals, which could be placed before the Standing Finance Committee, were found in the report.

(*d*) Yes.

(*e*) Yes.

(*f*) No. It is a purely departmental document and I may add that the Railway Board did not accept the conclusions arrived at in it as accurate.

CONSTRUCTION OF RAILWAY WAGONS AND UNDERFRAMES.

1156. *Mr. B. Das : Will Government be pleased to state what orders have been placed with each of the following firms for construction and delivery during 1927-28 indicating the value as well as quantity :

Messrs. Jessop and Company, Limited ;

Messrs. Burn and Company, Limited ; and

Messrs. The Indian Standard Wagon Company, Limited ?

Mr. A. A. L. Parsons : It is presumed that the Honourable Member is referring to construction of railway wagons and underframes, the figures for which are as follows :

	No.	Approximate amount of contracts.
Jessop and Coy.	393	30 lakhs.
Burn and Coy.	510	39¼ lakhs.
Indian Standard Wagon Company	1,268	34 lakhs.

Mr. M. S. Aney : Will the Honourable Member kindly say what was the date fixed in the agreement for the delivery of these wagons by each of these companies ?

Mr. A. A. L. Parsons : The Honourable Member, I am afraid, must put down the question. There are about 20 or 30 contracts for the construction of these wagons, etc., and he will hardly expect me to remember all the dates.

Mr. M. S. Aney : Will the Honourable Member supply this information some time later ?

Mr. A. A. L. Parsons : I must ask the Honourable Member to put down a question.

MANUFACTURE OF LOCOMOTIVES IN THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY WORKSHOP AT AJMER.

1157. ***Mr. B. Das** : (*a*) Will Government be pleased to state the cost of each of the seventeen locomotives for the metre gauge, which were shown as having been built at Ajmer in the Bombay, Baroda and Central India Railway workshop, in the statement given in answer to starred question No. 669 ?

(*b*) For how many years has Ajmer been manufacturing locomotives ?

(*c*) Is the work of manufacturing locomotives proceeding at Ajmer still ?

(*d*) If so, what was the objection to locomotive manufacture being started in India ?

Mr. A. A. L. Parsons : The information is being obtained and will be furnished to the Honourable Member on receipt.

PURCHASE OF LOCOMOTIVES IN THE YEARS 1920-21 TO 1927-28.

1158. ***Mr. B. Das** : Will Government be pleased to give a statement corresponding to the statement given in reply to starred question No. 669 for locomotives obtained during the years 1920-21, 1921-22, 1922 23, 1923-24, 1924-25, 1926-27 and 1927-28, and state how many locomotives are on order for the current year on renewals account ?

Mr. A. A. L. Parsons : The information is being obtained and will be furnished to the Honourable Member on receipt.

TIMELY WARNINGS GIVEN BY THE METEOROLOGICAL DEPARTMENT REGARDING THE HEAVY RAINFALL IN GUJARAT AND ORISSA IN JULY LAST.

1159. ***Mr. B. Das** : Will Government be pleased to state if the Meteorological Department did foreshadow the heavy rainfall in Gujarat and Orissa and if timely warnings were given in each case before the occurrence of floods in July last ?

The Honourable Sir Bhupendra Nath Mitra : Timely warnings were given by the Meteorological Department in both cases and these warnings were much appreciated by the local officials.

Mr. B. Das : May I inquire, Sir, if these warnings were given only to Government officials or were they also supplied to the public ?

The Honourable Sir Bhupendra Nath Mitra : They were furnished by the Meteorological Department to Government officials. It was the duty of the latter to publish them if they considered that such publication was of any use.

Mr. K. C. Neogy : Have the Government information as to whether in these cases the warnings were communicated to the people at large by the officials concerned ?

The Honourable Sir Bhupendra Nath Mitra : I have no information on that point.

Mr. K. C. Neogy : Does the Honourable Member's department consider itself concerned about this matter—as to whether the warnings reach the people at large at all ? Or is it only a matter for the local officials to decide ?

The Honourable Sir Bhupendra Nath Mitra : So far as the Meteorological Department is concerned, the communications have to be addressed to the local officials. It is the function of the latter to publish the information, if they consider that such publication is likely to be of any use.

Mr. B. Das : Is it not a fact that in England the Meteorological Department not only gives such warnings to the people and the Government but that their officials also visit the countryside where floods and heavy rains occur ?

The Honourable Sir Bhupendra Nath Mitra : I have no information on that point.

Mr. K. Ahmed : In view of the fact that the Honourable Member's Department (the Meteorological Department) has failed to serve the purpose for which it is maintained and therefore it is a burden on the public revenue, does the Honourable Member propose to exercise his ability much more than he is doing so that the very object for which this Department is maintained may not be frustrated ?

DELAY IN THE RECEIPT BY MEMBERS OF THE CENTRAL LEGISLATURE OF THE SKEEN COMMITTEE'S REPORT FROM THE CENTRAL PUBLICATION BRANCH IN CALCUTTA.

1160. ***Mr. H. G. Cocke** : (*a*) Are Government aware that Members of the Central Legislature are unable to obtain copies of the Skeen Report from the Central Publication Branch of the Government of India in Calcutta except after considerable delay ?

(*b*) Who is in charge of the Publication Branch ? What are his qualifications ? How many assistants has he ?

(*c*) Is the Honourable Member-in-charge prepared to consider the desirability of making enquiries into the management or mismanagement of this office ?

(*d*) Are Government once more prepared to consider the desirability of opening a branch of the Central Publication Branch at Delhi and Simla during the Sessions of the Legislature ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) No. Government are informed that only two indents were received directly from individual Members of the Central Legislature and that these were complied with on the dates of receipt. If the Honourable Member will give any specific instance of delay, the matter will be investigated.

(*b*) Mr. J. H. Golder the permanent incumbent of the post is on leave and Mr. B. U. N. Mazumdar, Assistant Manager, who has had experience of the work of the Branch from its inception, is at present in charge. As regards Mr. Golder's qualifications the attention of the

Honourable Member is invited to the reply given by me on 15th February 1927 to question No. 415 by Diwan Chaman Lall. The ministerial staff of the Central Publication Branch consists of one Assistant Manager, eight assistants and fifty-five clerks.

(*c*) This has already been done. Government increased substantially the strength of the Branch in October last and other steps have been taken to improve its efficiency.

(*d*) The question is under the consideration of Government.

Mr. M. Ruthnaswamy : Is it a fact that quite a number of Honourable Members of the Legislative Assembly are not put on the free list of the Central Publication Branch because I received a reply from the Director of the Central Publication Branch that my name was not on the free list of the Branch ?

The Honourable Sir Bhupendra Nath Mitra : I have no information on that point. If the Honourable Member will kindly put down the question on paper, the Secretary of the Legislative Department will answer it.

Mr. A. Rangaswami Iyengar : Is the Honourable Member aware that the state of the accounts books in the Central Publication Branch is chaotic ?

The Honourable Sir Bhupendra Nath Mitra : I have no information on that point.

Mr. A. Rangaswami Iyengar : Will the Honourable Member make inquiries ? I think the auditor of the accounts has drawn the attention of the Honourable Member to it.

Mr. H. G. Cocke : Is the Honourable Member aware that orders that were placed with the said Book Depôt of Calcutta through Messrs. Thacker, Spink and Co., were not executed at all in one case and in another case they took three to four weeks to be executed ?

The Honourable Sir Bhupendra Nath Mitra : I am not aware of that, Sir. As I have already stated, if the Honourable Member will kindly bring to the notice of my department these specific cases instead of making general statements, I shall be quite glad to help him in securing a settlement of these matters.

APPLICATION FROM MAULVI MUHAMMAD SHAFEE, M.L.A., TO KEEP A RETAINER FOR HIS GUN.

1161. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that Maulvi Muhammed Shafee, M.L.A., applied to the District Magistrate, Muzaffarpur, for being allowed to keep a retainer for his gun in January last and that the said District Magistrate referred the matter to the Local Government concerned ?

(*b*) Will the Government be pleased to state the decision arrived at by the Local Government of Bihar and Orissa and the reasons for the same ?

(*c*) Is it a fact that in the Patna District some College Professors and others of the same status have been allowed to keep retainers for their guns without the least objection on the part of the Bihar and Orissa Government ?

(*d*) Do Government propose to consider the question of issuing a notification which may make explicit provision that the Members of the Indian Legislature are entitled to keep retainers for their arms ?

The Honourable Mr. J. Crerar : (*a*), (*b*) and (*c*). The Government of India have no information on the subject.

(*d*) Government do not propose to extend the exemption to cover retainers, but they will consider whether the present rules cause any avoidable inconvenience.

Mr. Gaya Prasad Singh : Are Government aware that the District Magistrate, Muzaffarpur, subsequently informed Maulvi Muhammad Shafee that he was not entitled to have any retainer's licence ?

The Honourable Mr. J. Crerar : I am not in possession of that information, but, as I said in reply to the Honourable Member himself, Government propose to make inquiries in the matter.

QUESTIONS NOT PUT AT THE MEETING, WITH ANSWERS TO THE SAME.

Transfers and Promotions of Assistants and Clerks between the Attached Offices and the Government of India Secretariat.

1077. ***Sir Hari Singh Gour** : (*a*) Is it a fact that assistants and clerks holding permanent appointments in the Attached Offices are employed on the selection of the Public Service Commission and that their qualifications are the same as those employed in the Imperial Secretariat ?

(*b*) If so, are there inter-transfers and promotion of employees between the two classes of offices ?

(*c*) If not, why not ?

The Honourable Mr. J. Crerar : (*a*) The assistants and clerks in question are recruited on the results of an examination held by the Public Service Commission. The qualifications required are, and since 1922 have been, the same as those of assistants and clerks employed in the Imperial Secretariat.

(*b*) Transfers and promotions between the Attached Offices and the Secretariat are permitted.

(*c*) Does not arise.

Scales of Pay in the Attached Offices.

1078. ***Sir Hari Singh Gour** : Is it a fact that the scale of pay in the Attached Offices is lower than that of the Imperial Secretariat, though the employees are required to possess identical qualifications and are selected by the same authority, *viz.*, the Public Service Commission ?

The Honourable Mr. J. Crerar : Yes.

Promotion of Qualified Assistants and Clerks in the Government of India Secretariat and Attached Offices who have not passed the Requisite Examination.

1079. ***Sir Hari Singh Gour** : (*a*) Is it a fact that before the institution of examinations for recruitment to the Secretariat or Attached

Offices a number of assistants and clerks were employed and their names are borne on the permanent lists, but in regard to promotion their claims are overlooked on the ground that they have not passed the requisite examination ?

(*b*) Is it a fact that some of these permanent employees are not now eligible for passing the examination on account of age or University qualifications ?

(*c*) Is it a fact that departmental rules absolutely prohibit the promotion of such clerks from the lower to the upper division, even though they may be otherwise efficient and fully experienced and capable of discharging the duties of assistants ?

(*d*) Do the Government propose to see that these old servants are not prejudiced by the mere failure to pass the examination if their qualifications otherwise are considered sufficient for promotion ?

(*e*) Is it a fact that the Public Service Commission do not treat such unpassed permanent hands on the same footing as passed ones for purposes of promotion and that the Heads of Departments under the present rules treat them likewise, the result being that they are being superseded by new entrants ?

The Honourable Mr. J. Crerar : (*a*) The reply to the first part is in the affirmative. All persons employed in departments at the time of the institution of examinations by the late Staff Selection Board were given an opportunity of qualifying themselves by examination, and promotion to a higher division ordinarily depended on success at the examination. In certain cases for very special reasons exemption from appearance at the examination has been granted.

(*b*) The facts are probably as stated.

(*c*) It is a general rule that clerks are not promoted from the lower to the upper division without passing the qualifying examination. As I have stated in answer to (*a*) above in certain cases for very special reasons exemption from appearance at the examination has been granted.

(*d*) I am not at present in a position to make any statement in the matter, but the point will be considered.

(*e*) Yes.

DISCHARGE OF LABOURERS FROM THE WORKSHOP OF THE SOUTH INDIAN RAILWAY AT TRICHINOPOLY.

1083. ***Mr. M. S. Sesha Iyengar** : (*a*) Will the Government be pleased to state if it is a fact that nearly 400 labourers were sent out from the Engineering Workshop of the South Indian Railway at Trichinopoly on the 16th and 17th August this year ?

(*b*) If so, what are the reasons ?

Mr. A. A. L. Parsons : (*a*) and (*b*). 293 temporary hands who applied for work on the dates were turned away as there was no work for them.

EXEMPTION OF POSTAL EMPLOYEES WITH 20 YEARS' SERVICE FROM THE EXAMINATION FOR PROMOTION TO SELECTION GRADE APPOINTMENTS.

1084. ***Mr. M. S. Sesha Iyengar** : Will the Government be pleased to state if they propose to exempt officials, with 20 years' service and over from the examination, newly devised for promotion to selection grade appointments, under Director-General's (of Posts and Telegraphs) G. O. No. 5, dated 19th July 1927 ?

The Honourable Sir Bhupendra Nath Mitra : No, Sir.

EXCLUSION OF EUROPEANS FROM THE NON-MUHAMMADAN ELECTORATES FOR THE COUNCIL OF STATE IN BENGAL.

1091. ***Colonel J. D. Crawford** : (*a*) Are Government aware that Europeans in Bengal having the necessary qualifications are excluded from non-Muhammadan electorates for the Council of State whereas they are included in all other provinces ?

(*b*) Will Government please state the reasons, if any, for this differentiation ?

(*c*) Will Government consider the desirability of amending the electoral rules to remove this racial discrimination ?

The Honourable Mr. J. Crerar : Government are aware of the facts brought to notice and they will be taken into consideration when the electoral rules are next revised.

TERMS OF EMPLOYMENT OF MR. MACKAY IN THE ARCHÆOLOGICAL DEPARTMENT.

1092. ***Kumar Ganganand Sinha** : With reference to the reply given to starred question No. 762, on Thursday, the 1st September, will Government be pleased to state :

(*a*) Whether Mr. Mackay has been engaged on a short term contract ?

(*b*) If so, what are the terms of the contract ?

(*c*) Will Government be pleased to state whether Mr. Mackay will take precedence in the seniority list according to his pay ? If so, why ?

(*d*) If Mr. Mackay is engaged on a permanent footing, will Government be pleased to state how the seniority rights of those engaged before him will be safeguarded ?

Mr. A. R. Dalal : (*a*) Mr. Mackay has been engaged for a period of two years in the first instance.

(*b*) A copy of the Agreement with him is placed in the library.

(*c*) No.

(*d*) Does not arise.

DUTY ON STEEL BARS OF $\frac{1}{8}$" THICKNESS.

1100. ***Mr. Jamnadas M. Mehta** : (*a*) Will Government be pleased to state whether steel bars $\frac{1}{8}$" thick are rolled by the Tata Iron and Steel Company, Limited, at their Jamshedpur works ?

(*b*) If not, are they liable to the protective duty of Rs. 37 per ton when imported from non-British sources ?

(*c*) What was the rate of duty on these bars after the Steel Industry Protection Act of 1924 ?

(*d*) What is the duty on them according to the Act of 1927 ?

(*e*) If the duty of 1927 is higher than that in 1924 will Government state the reason for the higher duty ?

(*f*) Have Government received any representation from the iron merchants against the increase ?

(*g*) If so, have Government referred the matter to the Tariff Board for opinion, and if so, with what result ? If not, are Government prepared to do so now ? If not, why not ?

The Honourable Sir George Rainy : (*a*) As far as the Government of India are aware steel bars $\frac{1}{8}$th inch thick are not rolled by the Tata Iron and Steel Company.

(*b*) Non-British bars of this thickness are liable to the protective duty of Rs. 37 per ton provided they are not under one inch wide.

(*c*) If of common merchant quality or designed for the reinforcing of concrete steel bars of all sizes were liable to duty at Rs. 40 per ton ; if of other qualities at 10 per cent. *ad valorem.*

(*d*) The current rates of duty on steel bars will be found in Nos. 62 and 152 of the Statutory Tariff Schedule as amended by the Steel Industry (Protection) Act, 1927.

(*e*) As my replies to parts (*b*) and (*c*) show, the protective duty on steel bars of $\frac{1}{8}$th inch thickness, where leviable, is less in 1927 than it was in 1924.

(*f*) The Government of India have received a representation from certain iron merchants on this subject.

(*g*) The Government of India have not referred the matter to the Tariff Board, nor do they propose to do so. I would invite the Honourable Member's attention to paragraph 112 of their last Steel Report, in which they say that one of the principles by which they were guided in making their recommendations was that the scheme of protection should include those forms of iron or steel which, though not manufactured in India, might be used in substitution for protected classes of steel unless the duty was sufficiently high to make the substitution unremunerative.

RECRUITMENT OF CHEAPER CLERICAL STAFF IN THE POSTAL DEPARTMENT.

1101. ***Mr. B. P. Naidu :** Will the Government please state whether the cheaper clerical staff they intend to employ in Post Office work, would be recruited from efficient postmen only ? If so, do they propose to issue strict and explicit instructions in the matter ?

The Honourable Sir Bhupendra Nath Mitra : The matter is still under consideration and suitable orders on the subject will be issued as soon as a decision is reached.

POSTAL ACCOUNTANT'S EXAMINATION.

1102. *Mr. B. P. Naidu : Is it a fact that the Postal Accountants' examination, though a public one, has not been thrown open during the last two years to all servants of the Department, but only to the nominees of the Divisional Superintendents ? Why ? Are the Government prepared to change this rule ?

The Honourable Sir Bhupendra Nath Mitra : The examination is open to all servants of the department with not less than 3 years' service. Permission to appear is given as a matter of course, unless the Superintendent or first class Postmaster has any objection, in which case a reference to the Head of the Circle is necessary. Government have no information that this procedure is not followed and is not prepared to cancel the rule.

EXAMINATION FOR INSPECTORS OF POST OFFICES.

1103. *Mr. B. P. Naidu : Is it a fact that the Departmental Examination held for the selection of officials for the posts of Inspectors and Postmasters is not thrown open to all officials without any restriction ? Are the Government prepared to remedy this grievance ?

The Honourable Sir Bhupendra Nath Mitra : No examination is held for the selection of postmasters. The examination for Inspectors is not open to all officials without restriction. Government do not admit that there is a grievance.

EVENING TURN CLASSES IN THE COMMERCE DEPARTMENT.

1120. *Mr. Rafi Ahmad Kidwai : (*a*) Is it a fact that in the Commerce Department of the Government of India an " evening turn class " is maintained and that consequently the assistants and clerks have to wait in office till very late in the evening and cannot leave office till all the officers of the Department have left ?

(*b*) Is it also a fact that in no other Department of the Government of India is such a turn class maintained ? If so, will Government please state why it is not possible to do without a " turn class " in that Department ?

The Honourable Sir George Rainy : (*a*) The Commerce Department Manual of Office Procedure requires that one responsible clerk should remain in charge of each branch until all the officers have left office. If, however, any officer sits very late, the men on turn may ask him after 6-30 P.M., if they are likely to be required and may leave office with his permission. The practical effect of this rule is that a clerk may be required, at times of pressure, as when the Legislature is sitting, to remain until 6-30 P.M. on not more than one evening in the week.

(*b*) It is understood that other Departments have no regular rule on the subject, but that in practice clerks do remain in office to attend to requisitions from officers who are working late. The Honourable Member will doubtless realise that an officer who is detained in office to dispose of urgent work might be in considerable difficulty if the office were altogether closed, and papers to which he wished to refer were inaccessible.

SHORT NOTICE QUESTION AND ANSWER.

RIOTS AT NAGPUR.

Mr. Abdul Qadir Siddiqi : Will the Government be pleased to state :

(*a*) Is it a fact that in the recent Nagpur riots hundreds of Mussalmans had to run away from their houses to save their lives leaving their belongings behind and are lying in places of security ?

(*b*) What is the number of such refugees ?

(*c*) What arrangements if any have been made to supply them with food and clothing ?

(*d*) What action if any have the Government taken to settle the refugees in their houses and safeguard their life and property ?

(*e*) Has the investigation been started and will the Government state who is actually conducting the investigation ?

The Honourable Mr. J. Crerar : (*a*) and (*b*). The total number of houses evacuated by Muhammadans during the recent riots at Nagpur was approximately 640. Some of these persons took refuge in the Gond Raja's fort and in the Muhammadan quarters while some left Nagpur.

(*c*) A shop was opened in the Gond Raja's fort to sell food to refugees. In the northern part of the town no such shop was necessary, but the Tahsildar of Nagpur was deputed to enquire in Mominpura and arrange for the supply of food to persons who had difficulty in obtaining it. Very little assistance was found necessary.

(*d*) Refugees are steadily returning of their own accord.. Military and police pickets were posted and confidence was restored. Police pickets are still posted at places where they are considered necessary.

(*e*) Investigation is being undertaken under the direction of the Deputy Inspector General of Police into cases in which useful results are anticipated.

Mr. K. Ahmed : Are Government aware that people were not allowed to go out of their houses and that on account of this difficulty they could not purchase their provisions and they were thus compelled to starve in their houses ?

12 NOON.

Nawab Sir Sahibzada Abdul Qaiyum : Will the Government please state if any Muslims were assaulted or injured while under the protection of the police ?

The Honourable Mr. J. Crerar : I am afraid that I cannot add to the information contained in my reply and in the communiqué which has been issued by the Local Government and which contains full details.

Raja Ghazanfar Ali Khan : Is the Government aware that Mr. Natique, who was a Member of the Assembly during the last Session, was confined to his house for 48 hours and that the police could not rescue him till then ?

The Honourable Mr. J. Crerar : I have no information on that point.

Raja Ghazanfar Ali Khan : Will the Government please make enquiries ?

Nawab Sir Sahibzada Abdul Qaiyum : Is there any truth in the statements published that just before the riots, the Government were warned of the impending riots and that there was an idea in the minds of the non-Muslim population in Nagpur that they would not be fired on even if the riots took place ?

The Honourable Mr. J. Crerar : I am not aware that there was any reason to apprehend a disturbance of this character which arose on what appeared to be an entirely insignificant incident.

Nawab Sir Sahibzada Abdul Qaiyum : Were any preparations made by the Hindus and, if so, whether they had come to the knowledge of the Government ? What steps did the Government take when these matters were brought to their notice ?

The Honourable Mr. J. Crerar : Perhaps the Honourable Member did not hear the reply I gave. I said that Government had no original reason to apprehend so serious a disturbance which arose out of what was apparently an insignificant incident.

Nawab Sir Sahibzada Abdul Qaiyum : Do I understand, Sir, that the Government were not approached by the Muslims and warned of the impending riots or of the possibility of serious riots breaking out ?

The Honourable Mr. J. Crerar : I must point out that while I was prepared to give all such general information as is in my power, the matter is really one which is primarily the concern of the Local Government. I have no information on the particular point raised by my Honourable friend.

Mr. B. Das : Will the Honourable Member say whether he is satisfied that a peaceful atmosphere has been restored ?

The Honourable Mr. J. Crerar : Yes ; I am satisfied that the report of the Local Government in that matter is correct.

Mr. K. Ahmed : What steps did the Government take with regard to the inability of the Mussalmans to have egress out of or ingress into their houses ? Are the Government aware that on account of this difficulty many of the Mussalmans had to starve in their houses for want of food ? What steps did the Government take in this matter ?

The Honourable Mr. J. Crerar : The answer to the Honourable Member's question will, I think, be found in the original answer I have given.

Mr. K. Ahmed : Are the Government aware that detailed accounts of the riots at Nagpur have appeared in the newspapers ? The newspaper cuttings must have been submitted to the Department of the Honourable Member. What steps has he taken in the matter ? (Laughter.)

UNSTARRED QUESTIONS AND ANSWERS.

CONSTITUENCIES OF THE LEGISLATIVE ASSEMBLY, ETC.

129. **Mr. Satyendra Chandra Mitra** : Will the Honourable the Home Member be pleased to lay on the table a statement showing :

(*i*) the names of constituencies of the Legislative Assembly ;

(*ii*) the number of voters on the Electoral Roll of each constituency ;

(*iii*) the number of votes polled at the last election in each constituency ;

(*iv*) the number of candidates at the last election in each constituency ;

(*v*) the election expenses incurred by the successful candidate ; and

(*vi*) the average amount spent as election expenses in each constituency at the last election ?

The Honourable Mr. J. Crerar : (*i*) to (*iv*). The Honourable Member is referred to the report on the results of the 1926 elections a copy of which is in the Library.

(*v*) In pursuance of rule 19 (*b*) of the Electoral Rules records are prepared and maintained in the Legislative Department showing the names, constituencies and election expenses of all candidates at every election. The records are open to public inspection and any Member may see them at any time during office hours.

(*vi*) I must leave the Honourable Member with the assistance of these records to work out the average referred to in this part of the question.

VACANT MILITARY BUILDINGS AT SATARA.

130. **Mr. Fazal Ibrahim Rahimtulla :** (*a*) Is it a fact that the military buildings at Satara are lying vacant ?

(*b*) What was the cost to Government in removing the Small Arms School from Satara in the Deccan and accommodating it at Pachmarhi, Central Provinces, in the year 1925-26 and 1926-27 ?

(*c*) Is it likely in any near future date for the military buildings lying vacant at Satara being utilized for any military purpose ?

Mr. G. M. Young : (*a*) Yes.

(*b*) The amount so far spent in providing accommodation at Pachmarhi as a result of the amalgamation of the two schools is about 2½ lakhs. I have not the figures of the actual cost of the move from Satara to Pachmarhi, but the measure as a whole results in a saving of about 1 lakh a year.

(*c*) A proposal for utilizing the buildings is under consideration.

PAY OF GRADUATES AND UNDER GRADUATES IN THE POST OFFICE.

131. **Mr. Amar Nath Dutt :** (*a*) Will the Government be pleased to state if it is a fact that graduates and under graduates recruited in the Post Office after the introduction of the time-scale of pay were entitled to the 5th and the 3rd stages of the scale of pay respectively ?

(*b*) Are they still entitled to the same benefit after the introduction of the recent revision of pay ? If so, what starting pay is granted to those who entered the service after the 1st March 1927 ?

Mr. H. A. Sams : (*a*) and (*b*). Graduates and undergraduates recruited for clerical service in the Post Office after the introduction of the time-scales of pay are entitled to draw as initial pay that of the 5th and 3rd stages, respectively, of the time-scales in force at the time of their recruitment. This rule is still in force.

PAY OF GRADUATES AND UNDER GRADUATES IN THE POST OFFICE.

132. **Mr. Amar Nath Dutt** : Is it a fact that graduates and undergraduates with two years' service at their credit are drawing less pay than those recruited after the 1st March 1927 ? If so, will the Government be pleased to state why these officials should be deprived of even the minimum pay fixed for them ?

The Honourable Sir Bhupendra Nath Mitra : The Honourable Member is referred to the answer given to unstarred question No. 100 asked by Mr. V. V. Jogiah in the Assembly on the 6th September 1927.

PAY OF GRADUATES AND UNDER GRADUATES IN THE POST OFFICE.

133. **Mr. Amar Nath Dutt** : Is it a fact that graduates and undergraduates with three and four years' service at their credit are drawing equal pay with the new entrants ? If so, will the Government be pleased to state whether their long experience in the departmental rules and work will be taken into consideration in fixing their pay ?

The Honourable Sir Bhupendra Nath Mitra : The matter is under the consideration of the Government of India. The Honourable Member is refered in this connection to the reply given to unstarred question No. 100 asked by Mr. V. V. Jogiah in the Assembly on the 6th September 1927.

RESOLUTION NO. 90 PASSED AT THE 7TH SESSION OF THE ALL INDIA POSTAL AND R. M. S. CONFERENCE HELD AT NAGPUR.

134. **Mr. Amar Nath Dutt** : Has the attention of the Government been drawn to Resolution No. 90 passed at the 7th session of the All India Postal and R. M. S. Conference held at Nagpur on the 11th, 12th, 13th June 1927 ? If so, will the Government be pleased to state whether they propose to take any action as suggested in the Resolution ?

The Honourable Sir Bhupendra Nath Mitra : Yes. The matter is under the consideration of the Government of India.

APPOINTMENT TO THE FIRST DIVISION OF THE GOVERNMENT OF INDIA SECRETARIAT OF CANDIDATES SUCCESSFUL AT THE 1920 AND 1922 EXAMINATIONS.

135. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that a number of departmental candidates as well as outsiders who passed the prescribed test of the late Staff Selection Board in 1920 and 1922 for appointments to the first division in the Government of India Secretariat still remain unprovided for with appointments in that division ?

(*b*) Is it also a fact that while these men remain unprovided, others who qualified for the first division appointments at later examinations have been appointed in that division ? If so, will Government please state the reasons for doing so ?

(*c*) Are Government aware that this has caused great discontent amongst the men of category (*a*) above ? How many of such men are awaiting confirmation in the first division and how many of such outsiders have since accepted lower division appointments for paucity of vacancies in the first division ?

(*d*) Are Government considering the question of absorbing these men by inter-departmental transfer or by any other suitable method ? If not, why not ?

(*e*) Do Government propose to hold further examinations for recruitment to the first division pending the absorption of these ? If so, why ?

(*f*) What is the generally accepted principle for determining relative seniority for confirmation in the first division other things being equal ? Is the length of service as well as War service taken into account in determining relative seniority ? If not, why not ?

(*g*) Is the principle of determining relative seniority uniform in all Departments of the Government of India ? If not, why not ?

The Honourable Mr. J. Crerar : (*a*) to (*d*). I would refer the Honourable Member to the replies given on 1st March last to Mr. Gaya Prasad Singh's questions Nos. 678 and 679. As then explained the detailed information asked for in regard to departmental candidates is not readily available. Such candidates can ordinarily look to promotion only in their own departments, though there is nothing to prohibit inter-departmental transfers, provided the Department in which a man is employed permits him to seek an appointment in another Department. Vacancies are very often of short duration and it is not always possible for a Department to spare the services of a man for short term vacancies. As regards outside candidates, of those who passed for the upper division of the Secretariat in 1920 and for the upper division of Attached Offices in 1922 and whose names are at present on the list of waiting candidates maintained by the Public Service Commission, only one man remains to be provided for in the upper division of the Secretariat and 4 men in the upper division of Attached Offices. In addition there are 8 men who are temporarily employed in the grades for which they passed. Of those outside candidates who passed the upper division test in 1920, 12 candidates have accepted permanent lower division vacancies. The names of these men have been removed from the Commission's list. Certain candidates, who qualified for the upper division at the examination held by the Public Service Commission in November 1926, have been nominated for temporary vacancies of short duration, for which it was not possible to consider candidates who passed in 1920 and 1922 owing to their unwillingness to accept such vacancies.

(*e*) There is no proposal at present to hold a further examination for recruitment to the first division.

(*f*) and (*g*). I am not sure that I quite understand the Honourable Member's question. Confirmation in the first division must depend on whether a man has passed the necessary examination or not, and on such factors as merit and capacity, position on the establishment list, age, and length of service, including war service, if any. Much must necessarily rest in matters of this sort on the discretion of the Department concerned, and absolute uniformity cannot be expected.

REMOVAL OF THE ARSENAL AND FORT ON THE SLOPES OF THE SHWEDAGON PAGODA AT RANGOON.

136. **U. Khin Maung** : Will the Government be pleased to state on what date the removal of the arsenal and fort on the slopes of the Shwedagon Pagoda at Rangoon will be effected ?

Mr. G. M. Young : I am inquiring from the local military authorities and will let the Honourable Member know as soon as possible.

As I stated in my answer to question No. 1128 on the 23rd March 1927, it is hoped to make the move before the end of 1927.

GRIEVANCES OF EMPLOYEES OF THE GOVERNMENT OF INDIA PRESSES.

137. **Mr. N. M. Joshi** : (*a*) Will Government be pleased to state if they have received a copy of the proceedings and resolutions of the All-India Press Employees Conference, which was held in Calcutta in August 13th and 14th, 1927 ?

(*b*) Will the Government be pleased to state what action, if any, Government intend to take on these resolutions ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) None. It is open to any employee in a Government of India Press to put forward a memorial in respect of any grievance and, as a matter of fact, memorials are constantly received and considered. It is also open to press employees to secure recognition for any trade union which conforms to the rules governing trade unions of Government servants, and to bring grievances to the notice of the proper authority by means of such trade unions. The Government of India are not prepared to accord consideration to grievances put forward by press workers through other channels.

MEMORIAL FROM THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

138. **Mr. N. M. Joshi** : (*a*) Is it a fact that the employees in the Government of India Press, Calcutta, submitted in December 1926 a memorial to the Honourable Sir B. N. Mitra, Member in charge of the Department of Industries and Labour ?

(*b*) If the reply to (*a*) is in the affirmative will Government be pleased to state what steps, if any, have been taken regarding this memorial ?

(*c*) If nothing has been done as yet, will Government kindly state when they mean to do so ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) and (*c*). The memorial has necessitated a detailed examination of the various points raised and is receiving the careful consideration of Government. As the memorialists were informed at the time, it is unlikely that any action can be taken before the commencement of the financial year 1928-29.

PURCHASE AND SALE OF MACHINES BY THE GOVERNMENT OF INDIA PRESSES IN CALCUTTA, DELHI AND SIMLA.

139. **Mr. N. M. Joshi** : (*a*) Will Government be pleased to lay on the table a statement of the number of machines bought by the Government of India Presses at Calcutta, Delhi and Simla from 1909 to 1926, year by year ?

(*b*) Will Government be pleased to state the amount, if any, realised as discount on the purchase of each machine ?

(*c*) Will Government be pleased to lay on the table a statement showing for the years from 1909 to 1926, year by year :

(*i*) the number of machines and presses sold by the Government of India Presses at Calcutta, Delhi and Simla ; and

(*ii*) the amount for which each was sold, together with the original price for which each was bought, as well as the date of purchase and sale of each ?

The Honourable Sir Bhupendra Nath Mitra : The collection of particulars of the purchase and sale of every machine in each of three presses for each of eighteen years would involve a very large amount of labour, even if the necessary records are available and the Government do not feel justified in undertaking this enquiry. Particulars for the last two or three years could probably be furnished without an undue amount of labour and difficulty, and if these will serve the Honourable Member's purpose I shall endeavour to have them supplied to him.

SALE OF WASTE PAPER BY THE GOVERNMENT OF INDIA PRESSES IN CALCUTTA, DELHI AND SIMLA.

140. **Mr. N. M. Joshi** : (*a*) Will Government be pleased to state whether the Government of India Presses at Calcutta, Delhi and Simla call for tenders with regard to the sale of old papers ?

(*b*) If the answer to (*a*) is in the negative, will Government be pleased to state the reason for not doing so ?

(*c*) Will Government be pleased to lay on the table a statement showing, year by year, from 1915 to 1926, the amount realised from the sale of waste paper ?

The Honourable Sir Bhupendra Nath Mitra : Information is being collected and will be supplied to the Honourable Member when available.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Secretary of the Council of State :

"I am directed to inform you that the Council of State has at their meeting held on 17th September 1927 agreed without any amendments to the following Bills passed by the Legislative Assembly on the 7th and 8th September 1927 :

A Bill further to amend the Indian Tariff Act, 1894, in order to protect the manufacture of cotton yarn in British India ;

A Bill further to amend the Indian Tariff Act, 1894."

Mr. President : The House will now resume further consideration of the Bill to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose, as reported by the Select Committee, clause by clause.

The clause which the House was discussing on the last occasion was clause 3.

The question is :

" That clause 3 do stand part of the Bill."

to which Pandit Thakur Das Bhargava has moved the following amendment :

" Delete sub-clause (*ii*) of clause 3 and re-number sub-clauses (*iii*) and (*iv*) as (*ii*) and (*iii*), respectively ".

Pandit Thakur Das Bhargava (Ambala Division : Non-Muhammadan) : Sir, the other day I moved the amendment standing in my name. Now, I propose to submit some of the grounds on which I submit that this amendment should be supported. In the first place, I maintain that it is quite wrong in principle to deprive a subject of the liberty of prosecuting a person who transgresses the law. The vindication of the law and the punishment of the offender is not the sole concern of the State. It is clearly to the greater advantage of the individual or the class concerned that an offender who has been guilty of an offence against an individual or any class should not be allowed to persist in his activities and thus continue to injure either the individual or the class. It is therefore that the general law of the country lays down that any person is entitled to initiate a prosecution in respect of offences except such as have been exempted by certain sections of the Code of Criminal Procedure. I need not quote any authorities for such a patent proposition like this. If any authorities were needed, I would quote 13 Bombay, page 600 and 43 Calcutta, page 1043. All the authorities are agreed that the right of initiating proceedings is a very valuable right and I should say that it is really one of bulwarks of individual freedom and liberty. If any person brings a complaint, the court cannot refuse to entertain that complaint and the court is incompetent to enquire into the motives which actuate that person or the objects with which that person brings that complaint. This being the general law of the land, there is a very heavy onus on the Government to prove that in this particular case an exception is justified. This right of initiation of prosecution is a very great safeguard and is in the nature of a safety valve to all human instincts of retaliation and revenge. At the same time, it constitutes a very serious restraint on the wrong doer because he fears that any individual in the land can bring him to book. In fact, Sir, the right to petition the King, the right to bring a complaint, these are the very essence of liberty of action and of freedom of any individual. I would therefore submit that unless very strong reasons can be advanced by the Government for a reservation of this nature, the House should not be a party to a deviation in that respect.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : What is the object of the Government then in introducing this Bill ?

Pandit Thakur Das Bhargava : Sir, you will be pleased to see that there are certain sections of the Code of Criminal Procedure which are at present on the Statute-book and which constitute the only exceptions to this rule. These sections are sections 195 to 199. The perusal of those sections will establish, Sir, that the law has made an exception to the general rule in respect of several kinds of offences but there is one clear principle which is, I submit, of universal application. It underlies all those sections, and passes as it were like a string through them. Now sections 198 and 199 deal with defamation and offences against marriage, breach of contract : all offences of a private character ; and section 199 deals with sections 498 and 497 in the Penal Code. Now, Sir, I would submit that public policy requires that in private matters like these nobody need poke his nose into. Moreover, this principle will appear even from those sections, that the persons injured have got a perfect right of action, even to this extent that the Government cannot deprive the person injured of his right and the Government itself have no right to initiate a prosecution in respect of those matters. Apart from those two sections, section 195 is also one of the exceptions ; but you will be pleased to see that section 195 deals with three kinds of offences. Those dealt with in 195 (*a*) constitute in substance contempt of the authority of a public servant and it is public servants who by the fiction of the law are thought to be injured by those offences. Public servants so injured are given the right of initiating proceedings. Similarly, in section 195 (*b*) particular courts are by fiction of the law regarded as the injured party, and the courts concerned are given the right to initiate prosecutions. Similarly, again, in section 195 (*c*), the courts in respect of whom such offences are committed, are given the right of initiation of proceedings. In section 196 you will be pleased to see that the offences are against the State and it includes certain offences which are peculiar to the State. Chapter VI and Chapter IX-A and section 505 are such offences. Section 294-A is also mentioned and in that case an exception is made in respect of an offence against public morals. An exception is also made in the case of section 153-A, for the reason that it is an offence against public tranquillity and public tranquillity is the special concern of the State. In section 196 also that particular exception which I have already indicated is found to be of universal application. That is, the State, taken as a legal person, is the person who in contemplation of law is injured by the offences enumerated in that section. Section 197 deals with public servants of a special dignity. As regards these persons also, the law regards that in certain cases sanction can be given as it is the Government who employs them which is injured by the action of those persons. So in all these sections the principle is that the person injured has got the right to initiate proceedings.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Who is injured ? A class.

Pandit Thakur Das Bhargava : In this particular case either a class or a member of a class is injured. To take an example, supposing an offence is committed against the Hindu community, it may be that the whole community is injured or only particular persons belonging to that class. So that either individual members of the class or the class as a whole can be regarded as victims. In this case my humble submission is that logically speaking there is absolutely no reason why this power

should be reserved to the State and not be enjoyed by individuals or the public. A perusal of section 295A in the present Bill will establish that this is an offence relating to religion ; this new offence is not an offence relating to public tranquillity. Such considerations as that there is clamour, that there is a particular agitation for something, that a person is politically important, that it will be in the public interests other than those based upon justice—all such considerations are not germane to the subject. When this particular offence has been classed under the heading " Offences relating to Religion ", my humble submission is that this particular section has been given a sacrosanct place in that Chapter ; and I would submit again, as I submitted on the last occasion, that offences under sections 295 and 296 are not less heinous in their character than an offence under section 295A. But in the offences coming under Chapter XV there is no reservation on behalf of Government with regard to the initiation of proceedings ; and I for one do not know what reason there is for meting out special treatment to this section. So far as this section is concerned, this section has in many ways been treated more favourably than the other sections in the Penal Code under that Chapter. Offences under this section are triable by the Sessions Judge, whereas offences under section 295, which deals with such things as the breaking of idols and defiling other objects held sacred by certain sections of the community, are triable by a second class magistrate. Anyhow, Sir, so far as the individuals of a class are concerned, it is clear that so far as these two sections are concerned, my humble submission is that if sections 295 and 296 are not more important and heinous than 295A, still they are equally important and heinous, and therefore no distinction should have been made, and when there is no reservation in the Government for proceeding under those sections, there is absolutely no reason why there should be any reservation in regard to this section. Further, Sir, it will be very difficult for the Government to decide in many cases whether a particular insult is one in which the Government should interfere. The Government are taking a very heavy responsibility on themselves and in fact it will appear that the Government will be taking the place of the injured party in the real sense, and will assume to themselves the powers which should be given to the head of those religions or the associations of those religions or the members of those religions. In fact, Sir, it appears to me that this kind of reservation is a serious interference with the religious liberties of the members of the particular communities concerned. This Government of India being quite irreligious in their nature—I mean secular—must realise that in many cases their action would give rise to resentment and heartburning. And, Sir, if there is a private prosecution the Government need not bear the expense as otherwise they shall have to. In the *Rangila Rasul* case, where several counsel appeared, the Government had to pay Rs 1,500 a day to one counsel alone. Those persons who feel aggrieved will be able to bring the best evidence before the court and in case the evidence is not put forward by the Government then the people will have a very genuine cause of grievance. So that my humble submission is that on principle and logic there is no reason why this Government should arrogate to itself the powers which in all ordinary cases belong to the public.

Mr. K. Ahmed : It is just the other way round. The logic is on this side.

Pandit Thakur Das Bhargava : The other argument which I will submit before you is that the Government as such should never be allowed to interfere in these matters. It is not merely a question whether the power should be reserved to an individual or a class of individuals or the Government. The question in reality is whether this particular Government should be allowed to have a monopoly of initiation of proceedings in regard to offences of this nature.

Mr. K. Ahmed : You want to abuse a section of the people.

Pandit Thakur Das Bhargava : If the Honourable Member wants to have a reply from me, let him kindly speak up and in a manner which is intelligible to me. I do not generally understand his interruptions, and I can reply to those interruptions only if they are intelligible. Sir, the question is whether this Government whose past conduct we have been seeing is one which should be granted the power of monopoly in this connection. We know that the effect of the act of a fanatic is of a two-fold nature ; firstly, it attacks a particular religion and wounds the susceptibilities of that religion, and secondly, as my Honourable friend, Mr. Jayakar pointed out the other day, to an extent it disturbs the public peace also and to that extent, in so far as that act alienates the sympathy between the different classes, it produces a sense of insecurity and at the same time it produces an element of discord and jealousy. My humble submission is that this Government is doing the same thing by its conduct. Government divides all the jobs in this country in such a fashion, it gives the loaves and fishes of office in such a fashion, that it divides all the classes into watertight compartments, so much so that it recognises the birth principle also in crystallising the classes in this country. The Government has divided the people into martial and non-martial races, into agriculturist and non-agriculturist classes and in many other ways. The most potent weapon of this Government is *divide et impera*, exactly the thing which is sought to be brought about by the fanatic. When this is so, may I ask whether this Government can be entrusted with a power like this which will affect 300 millions of His Majesty's subjects ?

Mr. K. Ahmed : How can you be trusted by the Government and by the other section of the people ?

Pandit Thakur Das Bhargava : Unfortunately, it is not in the power of the other section of the House to stop me from speaking, and I base my right to speak not on the indulgence of my Honourable friend who has just interrupted me, but on my right itself I do want to make such submissions before you on the basis of my privilege to speak from my place in this House. I want to place before you practical illustrations of the fact which I have submitted. On the last occasion, Sir Abdul Qaiyum was pleased to call into question the activities of the Arya Samaj, and he told the House that since the advent of that body, whom he was pleased to call a new sect, the relations between the two communities have grown more and more bitter. I do not want to enter into a discussion, but though I have not the fortune of being an Arya Samajist, I want to repudiate that charge and to submit that this allegation is grossly baseless and most unjustified.

Mr. K. Ahmed : Who has charged you with that ?

Nawab Sir Sahibzada Abdul Qaiyum (North West Frontier Province : Nominated Non-Official) : On a point of personal explanation, Sir. I never said that the Arya Samaj was a new sect. I said that I was not sure whether it was a new religion or the revival of an old religion, but that the movement had newly sprung up.

Pandit Thakur Das Bhargava : I am not concerned here whether the Arya Samaj is a new sect or not. I may inform the Honourable Member that the Arya Samaj claims to represent the most ancient culture perhaps in the world.

Nawab Sir Sahibzada Abdul Qaiyum : That may be so.

Pandit Thakur Das Bhargava : No doubt, this is not a matter.....

Mr. K. Ahmed : I rise to a point of order. Is my Honourable friend speaking on the amendment ?

Mr. President : The Honourable Member is not in order in referring to the Arya Samaj and its ancient culture on this amendment.

Pandit Thakur Das Bhargava : Before we can decide whether a power of this nature should be entrusted to Government, I want to submit before you how the present position has arisen and under what circumstances this Bill has come before you. Unless and until we understand how matters stand to-day and how the Government has been conducting itself in the past, we cannot come to a conclusion whether this power ought to be entrusted to Government My submission is that the past conduct of Government is the only criterion by which we can judge whether this power should be given to Government or not. In the present discussion the *Rangila Rasul* case has figured prominently, but if you consider the history of that case and how Government treated those who first came into the field and aroused bitter feelings between the two communities, you will certainly appreciate the argument of mine that Government should not be entrusted with any such power. Now, previous to the publication of *Rangila Rasul*, a book was written known as " *Unisvi saddi ka Maharishi* " and it is admitted, and quite correctly, and I thank my Honourable friend, Mr. Abdul Haye for saying that it is a very objectionable book.....

Mr. President : I cannot allow the Honourable Member to go into the origin and history of the *Rangila Rasul* case and the subsequent ramifications thereof. The Honourable Member has taken nearly 20 minutes over this amendment, and I would like him now to conclude his observations.

Pandit Thakur Das Bhargava : It is far from me to enter into the history of the *Rangila Rasul* case.....

Nawab Sir Sahibzada Abdul Qaiyum : You intentionally use the words " *Rangila Rasul* case " instead of the words " Rajpal case ".

Mr. President : Order, order. The Honourable Member must conclude his observations.

Pandit Thakur Das Bhargava : I was only submitting that the Government in initiation of proceedings so far have not been quite impartial. That is my first point, and with your permission I would like to illustrate it by one or two examples. If you think those examples are not in point,

[Pandit Thakur Das Bhargava.]

then I would proceed to my second point. If the House thinks that the past conduct of Government has been such that it can place full reliance in it in a matter like this, then I would proceed to my other point. I therefore request you either to allow me to go on or to give me a ruling on the point.

(The Honourable Member resumed his seat.)

Mr. President : Sir Abdul Qaiyum.

Nawab Sir Sahibzada Abdul Qaiyum : Sir, I want.....

(At this stage Pandit Thakur Das Bhargava rose in his place.)

Mr. President : If the Honourable Member (Pandit Thakur Das Bhargava) wishes to proceed, he could not do so by resuming his seat. The Chair will allow him to continue so long as he is relevant.

Pandit Thakur Das Bhargava : Then, Sir, I will come to the instances. On the day on which Swami Shraddhanand was murdered, on that very day another gentleman was murdered and a book was written.....

Mr. President : Order, order. The Honourable Member is not relevant.

Pandit Thakur Das Bhargava : So far as the other instance is concerned, it relates to the *Risala Vartman* case which was also a reply to the other publications appearing in other papers. My complaint is that up to this time the authors of those books, in reply to which these later publications were written, are still free and the Government has not touched them. The reply which the Government gives is that, inasmuch as there was no sufficient agitation in the country and there was no clamour, those persons were not prosecuted. If that is the way in which this Government is going to start prosecutions against offenders of religion, we should not give this power to Government with a view to strengthen its hands so that it can dole out mercies in the way in which it chooses to do. These are the two examples I wish to give, but since I have taken more time than I should have taken I hesitate to give other examples. Still I submit before you that these two examples are not the only two examples. I could give scores of other examples. I could quote many instances in which Christians and Muhammadans have been vilifying and flouting the most cherished beliefs of the Hindus and the Government have stood by and not raised their little finger. Now, Sir, the question arises what would happen to the other small communities living in this country. This is not a measure for Hindus and Muhammadans alone. The smaller communities will not be able to exercise that influence with the Government which the more influential communities can. Unless the only consideration which the Government should have in the initiation of proceedings is justice and justice alone, I fear these smaller communities will never be protected.

Now, I come to the third point. It has been said that if this power is not given to the Government there will be a flood of prosecutions and there will be frivolous accusations. May I point out that the existing provisions in the Act are quite sufficient and that they provide sufficient safeguards. Sections 182, 211 and 250 are quite ample and there is no occasion for finding out more protection. Barring that, the Select Committee

has been pleased to devise a very good protection for offenders of this class. As you know, this offence is triable by a Sessions Judge. All proceedings in the Court of Session have to pass through the commitment stage. All cases in which there is no reasonable chance of conviction will be arrested in the scene of the commitment stage and the only cases that will go up to the Court of Session will be those in which there will be a reasonable probability of conviction. Further, there is even now a section in the Criminal Procedure Code, section 196A, which says that the Government are authorised to make a preliminary inquiry or investigation made by a police inspector. Instead of a police inspector's report we have an ordinary court of law armed with powers of commitment, and therefore I submit that the safeguards provided in this Bill are clearly more protective in their nature than those contemplated in section 196A. There is one point which I want to bring to your notice specially. If prosecutions are initiated by the sanction of Government, there is an unconscious bias in the mind of every judge that since the thing comes from the Government, there is a *primâ facie* case. There are greater chances of conviction than in others. I am not suggesting that the judges consciously do it, but I submit that every person will be affected in that way. Every person will think that it has been done with due care and caution.....

Mr President : Order, order. The Honourable Member seems determined to disregard the hint given to him by the Chair that he should conclude his observations.

Pandit Thakur Das Bhargava : Then this is all I have to submit. I move my amendment.

Nawab Sir Sahibzada Abdul Qaiyum : I do not want to make a long speech. I only want to touch a few points raised by the last speaker. In the first place I am very sorry to hear in this debate that the Rajpal case is still referred to as the *Rangila Rasul* case. I thought we had got rid of that word " Rangila " by the decision of the High Court.

Mr. President : All references to the *Rangila Rasul* case are out of order.

Nawab Sir Sahibzada Abdul Qaiyum : Inasmuch as it injures the feelings of Mussalmans I thought the Honourable Members would refer to the case as the Rajpal case instead of the *Rangila Rasul* case. That is all I want to say on this point.

Then, Sir, the speaker said that Government were trying to create divisions among the various communities in India. The Government find all these divisions existing in the country and are simply trying to keep the balance and safeguard the interests of the minority. My Honourable friend was trying to prove a grievance against the Government on the part of his community. May I point out to him that in the North-West Frontier Province there is a small community of 5 per cent. whose rights are as vigilantly safeguarded and protected by Government as the rights of the Muslim minority in certain parts of India. (*Lala Lajpat Rai* : " Question ? ") You have only to go there and see. (*Lala Lajpat Rai* : " I know it ".)

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : May I ask, Sir, if this is in order ?

Nawab Sir Sahibzada Abdul Qaiyum : Then, Sir, if the right of prosecution were allowed to be exercised by individuals, I fear that what we are trying to avoid will be more definitely encouraged. Instead of fighting over their grievances in the open streets in the form of riots, the masses will be carrying on a warfare in the law courts. (*Lala Lajpat Rai* : "Will it not be better ?") The result will be the same. If this right is allowed to individuals, the better organised sections of the communities, instead of fighting matters in an open way, will be simply carrying on a warfare in the courts. I know there are individuals among the Hindu community, who can spare a good deal of money for such litigation. As a matter of fact I am told that there are individuals, who are already spending a good deal in this way—thousands and thousands of rupees in the form of allowances and passage moneys, and in the form of presents to men, who are carrying on a regular campaign for them in what they call a constitutional way. If this is allowed to proceed, then rich men can easily save their skins and injury to their persons, by raising funds to enable people to institute cases and carry on a warfare in the law courts. I wish I could put this point a little more clearly, but I do not think I can do it more effectively. I thought the new offence which was going to be added to the Penal Code, was a more serious offence and that it was being enacted for the sake of avoiding trouble and disorder in the country. It is certainly for Government to take action in cases in which there is the possibility of a general disturbance of the peace because of insults to religions or the religious feelings of a class of persons—it is not a question of insult to the personal feeling of an individual, for which he is, I am sure, always entitled to seek redress. It is really a matter of the insult to the whole community or class of persons, as it is worded in the section, that has to be defended ; and in such cases it is only the Government which ought to take action. I do not see why individuals should be burdened with the expenses of bringing law suits when this can more conveniently be taken up by Government. This is not the concern of individuals, it is a class or communal affair, and as the Government has guaranteed the protection of the religious beliefs of the public and the liberty to perform their religious practices, it is also the duty of Government to defend those beliefs and practices whenever the same are violated and the freedom of thought and action in matters religious is interfered with by anybody in this country.

In short, Sir, this measure is practically the creation or outcome of the misplaced sympathy of certain members of the last speaker's community in the Rajpal case.

The Honourable Mr. J. Crerar (Home Member) : Sir, I rise to oppose the amendment. When I first asked that this Bill be referred to Select Committee I made it quite clear to the House, and I think the House at that time accepted the view, that this provision which requires the authority of the Government for the institution of a prosecution was, next after the clause creating the offence, the most essential part of the Bill. That point of view was carefully examined by the Select Committee, as will be fully apparent from their Report. In the Select Committee this matter was regarded as a matter of the greatest importance and the conclusion arrived at is embodied in the Report.

Now, Sir, I will examine in the first place some of the grounds which have been alleged by the Honourable gentleman opposite in moving his amendment. He suggested in the first instance that this provision was a serious interference with liberty, and secondly, that it was a serious infringement of a general rule of law. Now, as regards the first question, serious interference with liberty, I point out that the offence which this Bill would create has not yet been created—that in point of fact no right to prosecute in respect of such an offence is in existence and consequently this provision requiring the authority of Government cannot conceivably be represented as making any inroads upon the liberty of the subject. Secondly, the general rule of law which the Honourable Member referred to really is this, that where a particular individual is injured by a criminal offence he should have his own remedy. In this case the offence is not an offence which is directed against or is suffered in particular by any one individual. The offence is of a totally different nature ; and when the Honourable Member instances the sections of Chapter XV in the Code, he will, I think, if he examines them a little bit more carefully, find that there in nearly every case they are offences committed either against a specific individual or against a specific and ascertainable group of individuals. I contend therefore that on the two points of principle on which he moves his amendment his grounds are erroneous.

But, Sir, the really important matter is the practical consideration. My insistence on the necessity of this provision was not merely a desire to add to the executive powers of Government. Any one who considers carefully the object of this Bill and the circumstances in which it has been brought to the judgment of the House will realize at once that to pass the Bill and to put it into operation without this particular provision would be tantamount to taking a barrel of gun-powder and exposing it in an open space where sparks from a smouldering fire are still flying round. That, Sir, is a proposition which Government would never submit to this Legislature, and it is one, I hope, which this Legislature would never consent to agree to.

(Several Honourable Members moved that the question be put.)

Mr. President : The question is that the question be now put.

The motion was adopted.

Mr. President : Order, order. The question is :

"Delete sub-clause (*ii*) of clause 3 and re-number sub-clauses (*iii*) and (*iv*) as (*ii*) and (*iii*), respectively."

The Assembly divided :

AYES—18.

Aney, Mr. M. S.	Neogy, Mr. K. C.
Bhargava, Pandit Thakur Das.	Prakasam, Mr. T.
Das, Mr. B.	Sarda, Rai Sahib Harbilas.
Dutt, Mr. Amar Nath.	Singh, Mr. Gaya Prasad.
Gulab Singh, Sardar.	Singh, Mr. Narayan Prasad.
Kartar Singh, Sardar.	Singh, Mr. Ram Narayan.
Mitra, Mr. Satyendra Chandra.	Sinha, Kumar Ganganand.
Moonje, Dr. B. S.	Sinha, Mr. R. P.
Mukhtar Singh, Mr.	Sinha, Mr. Siddheswar.

NOES—70.

Abdul Haye, Mr.
Abdul Matin Chaudhury, Maulvi.
Abdul Qaiyum, Nawab Sir Sahibzada.
Abdullah Haji Kasim, Khan Bahadur Haji
Ahmad, Khan Bahadur Nasir-ud-din.
Ahmed, Mr. K.
Alexander, Mr. William.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.
Ayangar, Mr. V. K. Aravamudha.
Ayyangar, Rao Bahadur Narasimha Gopalaswami.
Badi-uz-Zaman, Maulvi.
Bajpai, Mr. G. S.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Chunder, Mr. Nirmal Chunder.
Coatman, Mr. J.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Courtenay, Mr. R. H.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Crofton, Mr. R. M.
Dakhan, Mr. W. M. P. Ghulam Kadir Khan.
Dalal, Mr. A. R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr. J. T.
Dunnett, Mr. J. M.
Farookhi, Mr. Abdul Latif Saheb.
Ghazanfar Ali Khan, Raja.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Gour, Sir Hari Singh.
Haigh, Mr. P. B.
Irving, Mr. Miles.
Ismail Khan, Mr.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Jayakar, Mr. M. R.
Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Jowahir Singh, Sardar Bahadur Sardar.
Kabul Singh Bahadur, Captain.
Keane, Mr. M.
Khin Maung, U.
Kidwai, Mr. Rafi Ahmad.
Kirk, Mr. R. T. F.
Kunzru, Pandit Hirday Nath.
Mitra, The Honourable Sir Bhupendra Nath.
Mukherjee, Mr. S. C.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Parsons, Mr. A. A. L.
Rainy, The Honourable Sir George.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Rao, Mr. G. Sarvotham.
Roy, Mr. K. C.
Sams, Mr. H. A.
Shafee, Maulvi Mohammad.
Shah Nawaz, Mian Mohammad.
Shervani, Mr. T. A. K.
Siddiqi, Mr. Abdul Qadir.
Singh, Rai Bahadur S. N.
Suhrawardy, Dr. A.
Tonkinson, Mr. H.
Wright, Mr. W. T. M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir.

The motion was negatived.

Mr. Abdul Haye (East Punjab : Muhammadan) : Sir, I rise to move the following amendment that stands in my name :

"That in column 5 of the entry in clause 3 (*iii*) of the Bill, for the word 'bailable' the words 'not bailable' be substituted.

I believe, Sir, the House is aware that when this Bill was originally introduced in this Assembly by my Honourable friend, the Home Member, it provided that the offence should be non-bailable. Since then the Select Committee has by a narrow majority made it bailable, and hence my amendment. While moving this amendment I have in view only those specific cases for which we are providing by means of this legislation. We are here

providing for cases where some unscrupulous persons, about whom I have no hesitation in saying that they are the enemies of society, take it into their heads to make scurrilous attacks against religion or against the founders of religions. When we bear in mind such cases I believe there can be no two opinions as regards the necessity of this amendment. Sir, I hope that for such persons there can be no sympathy in the minds of the Honourable Members ; and, Sir, we must also bear in mind what may quite naturally follow such scurrilous attacks. Once we have such attacks, or once we have such abusive publications, these publications and these attacks, I venture to submit, may lead to breaches of the peace, to riots, murders, arson, and what is still worse to chaos and even to civil war. We should bear in mind what happened in this country, what happened in the province from which I have the honour to come, what happened in the North West Frontier, over the publication of that vile pamphlet with a still more vile title which was written by Rajpal. Sir, when we bear that in mind, I for one feel surprised at the tone of the speech of my Honourable friend, Mr. Amar Nath Dutt. He seems to suggest that that agitation was a got up one or that it was a spurious one. I need only refer him to the speeches that my Honourable friend Sir Denys Bray made on this subject in this House as also in another place. Sir, those Honourable Members who do not see eye to eye with me have evidently in view the cases of those persons who *bonâ fide* and honestly want to criticise religious tenets and religious leaders. To them my answer is that they need have no misgivings on their account. (*An Honourable Member* : " Why ? ") Such writings and such criticisms do not come within the purview of this law. Why should you as legislators assume that they will be prosecuted ? Sir, do they not have sufficient immunity against prosecution in the provision to which we have just agreed, namely, that no prosecutions shall be launched except with the authority of a Local Government ? I would go a step further.....

1 P.M.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : Why do you assume that Local Governments are always infallible ?

Mr. Abdul Haye : I make no such assumption but why should you suspect the Local Governments ?

Mr. M. S. Aney (Berar Representative) : We have reasons not to feel confidence. Is it not a fact that the majority of State prosecutions have served to shake and undermine the confidence of the Indian people in British Justice more than any thing else.

Mr. Abdul Haye : Sir, I would go a step further and meet my friends on their own ground. Even assuming that the Local Governments go wrong, even assuming that the honest critic of religion or a religious leader would be hauled up in a criminal court, my submission is that there is ample provision in the existing law, *i.e.*, in section 497 of the Criminal Procedure Code, to release that man on bail at once and there will be no difficulty in doing so. Those Honourable Members who practise the profession of law know perfectly well that the provisions of that section have been sufficiently enlarged and they are being freely used at present by the criminal courts.

Pandit Thakur Das Bhargava : A new circular has been issued.

Mr. Abdul Haye : To what effect ?

Pandit Thakur Das Bhargava : That bail should not be taken in ordinary non-bailable cases.

Mr. Abdul Haye : My submission further is that I cannot dream of a case which would be exclusively triable by a Court of Session and yet it would be bailable. It would be a departure from the existing arrangement of the Criminal Procedure Code. And the last word, Sir, that I have to urge before the House is that we are to-day by means of this legislation making scurrilous attacks on religion and religious founders a distinct and specific offence. And now, after the recent decision of the Division Bench of the Lahore High Court there are no two opinions on this point that such scurrilous attacks would also come within the purview of section 153A, let it be remembered that an offence under section 153A is non-bailable. So, if you make this present offence bailable, the position would be this, that an offence which would come merely under section 153A would be non-bailable, whereas another offence which would be an offence under the new law as well as under 153A would be bailable.

Sir, I move my amendment.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I rise to oppose this amendment, and in fact when I was listening to the speech of my Honourable friend Mr. Abdul Haye I thought that I was in a magistrate's court listening to the argument of a prosecuting counsel not to allow bail to the prisoner before him. One other aspect of the controversy that has arisen in this House seems to me that a certain section of the community thinks that these prosecutions are safe in the hands of the Government, and in spite of their political creed being not to co-operate with the Government, they went to the same lobby with the Government, thinking that these matters are not safe in the hands of their own countrymen, but safe in the hands of an alien bureaucracy. I was pained to see many Honourable friends going to the same lobby as the Government in this matter. Now, Sir, I am very sorry that my friend Mr. Abdul Haye has taken exception to my speech. I do not know wherein I said anything which might be construed to have been anything to cause pain in the minds of my friend. If I have uttered any such thing, although after a careful perusal of my speech when it was sent to me, I did not find anything of the type, still I express my regret, if any words of mine unconsciously have caused him pain. (Hear, hear.)

Mr. Abdul Haye : The tone of your speeches and the mischievous amendments proposed by you have caused a great deal of pain in the minds of Mussalmans.

Mr. Amar Nath Dutt : I am very sorry. I honestly believed that I was advancing the cause. But I have found worse things than this in this House about the two communities. In fact, I will not be justified in saying what I feel about religions as they are practised in this world. For myself I may tell this House that my opinion is that these religions are at the root of all the mischief in this world. (Hear, hear.) The sooner religion vanishes from this world the better. Whatever may be my individual opinion, I beg to submit that the more we want to strengthen the hands of the Government in these matters, the more we give the foreign bureaucracy more powers in their hands to create a servile class amongst us. In fact, arguments in this House have proceeded on the line as if a certain section is the favourite of the foreign bureaucracy, while the other

is not, (*An Honourable Member* : "Question ?") (*An Honourable Member* : "Child wife.") Those friends who now have so much faith in the bureaucracy, and go to the Government lobby, should remember that others may also imitate the same trick and they may also join hands with the bureaucracy, and where will they be then ? They may be in the minority, and I warn them against such a contingency in the future. In this view of the case, Sir, I think the offence should not be made non-bailable, but it should be made bailable.

The Honourable Mr. J. Crerar : Sir, I rise to support this amendment (Applause), and the reasons which prompt me to do so I shall place very briefly before the House. In the first instance, we have to consider what the law in the matter is. Broadly speaking, my own opinion is that an offence of this character, in view of its gravity, in view of the serious public consequences that might flow from it, is an offence which *per se* ought to be a non-bailable offence.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : What about section 295 ? Read that section and compare.

The Honourable Mr. J. Crerar : That is a somewhat different matter, because the offence there is a purely local offence committed against a particular individual.

Mr. K. C. Neogy : Not at all, any class of persons.

The Honourable Mr. J. Crerar : A local offence committed by a person at a particular spot. (*Mr. K. C. Neogy* : "Where do you get that ?") Apart from that, Sir, the House must, I think, be disposed to give a certain amount of credit to the discretion of the courts. The law in the matter is perfectly clear, perfectly simple and full of safeguards. This offence is not an offence for which the police can arrest without a warrant. Proceedings therefore can only be instituted when a warrant is issued by a duly authorised court. That court has complete discretion under the Criminal Procedure Code whether the warrant it issues shall be a warrant with bail or without bail. Now, the suggestion has been made that the kind of persons likely to commit offences under this Bill are persons whose sense of responsibility will be such that they would not attempt to evade the process of the court but would come and justify their conduct in the court. These are circumstances of which the court can take cognizance and it can exercise its discretion and issue a bailable warrant. But, as a matter of fact, I think it will be generally recognised that the kind of person most likely to commit an offence under this Bill will be some obscure and scurrilous scribler writing from some obscure den or pot-house in a bazaar, whose appearance in the court could by no means be relied upon. As soon as the law is set in motion against him, he will set himself in motion. Those are the considerations which, I think, so far as the safeguards and the necessary security and also the practical requirements of the case are concerned, are such as to render this amendment a desirable amendment of the Bill.

(Several Honourable Members moved that the question be put.)

Mr. M. R. Jayakar (Bombay City : Non-Muhammadan Urban) Sir, I rise to oppose this amendment.

[Mr. M. R. Jayakar.]

This question was considered very carefully and in a very dispassionate manner by the Select Committee and the balance of opinion was that, having regard to the special circumstances of this Bill, this offence should be made bailable. I am very sorry, Sir, that a non-official Member should have moved this amendment. My reasons for opposing this amendment are briefly as follows. Many of us, Sir, are supporting this Bill as a necessary measure, as a necessary evil, and we are anxious that we should not make this Bill more drastic than the necessities of the case require. It is on that principle that Honourable Members will find some of the amendments tabled, for instance, an amendment that this Act should be in operation for three years only. The point of view of some of us on this side of the House is that it will be a part of wisdom not to make this Bill more drastic than is necessary. Now, what are the facts ? This Bill contemplates a crime which *ex hypothesi* will be committed by some one who writes or speaks words attacking a religion. In the majority of cases the offender will be connected with some newspaper, some press or some organisation and therefore he will not be a solitary individual who will run away pending his trial. He will have a location and an organization ; he will have a basis which he cannot obliterate by his personal absconding. That is one principle to be borne in mind. The second principle by which questions of bail are generally determined is whether by being at large he is likely to tamper with the evidence. I want Honourable Members, who are not lawyers, especially to remember the two principles by which questions of bail are generally determined. The first principle is : Is the offender likely to abscond ? About this point, I have already stated my views. He will not abscond, because his press, his newspaper or his organisation are all there ; they cannot be wiped out. Therefore, there is very little chance of his running away pending his trial. The second principle is : Is he likely to tamper with the evidence ? I submit he is not, because it is purely a question of construing his speeches as reported or interpreting his writings as written. It is not a question in which oral evidence is very material or witnesses are likely to be tampered with. The main question which this Bill involves for the court to find out whether the words of the infringing article or speech constitute an attack on religion. The next question is whether there is the necessary *intention* of insulting the religion. The third question is whether that intention is *deliberate* and the fourth question, which is a very complex question, is whether it is a *malicious* intention. These are all questions in which oral evidence is of very little value. On the contrary, these are such complex questions that it is desirable in the interests of justice and fair play that the man should be at liberty to instruct his counsel and his vakil and prepare his defence, because these are all complex questions of intention in which his personal explanation and criticism outside the prison house is material for his defence. I do not want Honourable Members merely to vote on this question on party lines, but I want them to apply their mind as to whether it is really necessary in the interests of justice that we should put the offender in prison from the very start so that his counsel, solicitor, or vakil would lose the benefit of a personal explanation or efforts in preparing the case. The offence here is unlike waging war or rebellion. The offender here has made a speech of which there is a report somewhere or has written an article of which there is

some record. His press is there and his organisation is there ; and he is not likely to run away. A fanatic is not likely to abscond. He is often a courageous man. Therefore, I submit there is not much risk in allowing the man out on bail. Remember, Sir, the offence in this Bill is a very difficult one to try and determine. What the court has to try is a series of important and complex psychological questions. I do not envy the position of the judge who will have to determine these questions. He has three conundrums set to him to answer. What is the intention ? This in itself is a very difficult question and lawyers know how difficult it is to prove intention apart from the words conveying it. The difficulty increases when proof is further needed that the intention is deliberate and malicious. Having regard to the complexity of these questions, I think that it is desirable that the man should be outside the prison house to prepare his trial rendered unusually difficult by this complexity. The Honourable Member Mr. Abdul Haye said that the Bill relates to unscrupulous offenders. But let him note that the Bill is not confined to unscrupulous offenders, but, as many Honourable Members have shown, the chances are that the even honest-minded men may come under it. Therefore we must not judge of this question merely by considering as if in all cases this Bill will be set in motion against unscrupulous offenders. Further, Mr. Abdul Haye said that even if the offence is made non-bailable, the judge has authority to give bail. My experience, Sir, is this that it is very difficult to obtain bail in non-bailable cases except from the highest tribunal. I am not speaking with any disrespect of the lower judiciary, but I am stating the truth when I say that they are generally overcautious in such questions, being perhaps afraid of superior courts. Generally they do not give bail. Is it desirable that the man should be put to the expense in all cases of going to the High Court ? Even the High Court often goes upon the opinion of the lower court and does not give bail.

I submit that having regard to all these considerations, the balance of convenience requires that the man should be allowed to remain outside prison. There is a danger the other way. The Honourable the Home Member remarked that serious public consequences are likely to follow from such an offence. Assuming, for the sake of argument, that it is so, how is the seriousness increased by allowing the offender to remain at large after the offence was committed ? What is the reason for locking the man in the prison immediately the article is indicted ? What difficulties are likely to arise if he is at large ? As said above, there are only two possible difficulties that may arise. Is he likely to run away or is he likely to tamper with the evidence ? These contingencies are not very possible in this case. Besides, in such cases, oral evidence is not very material. The only oral evidence which may at times be material is that of his listeners, as to what impression was created on their mind by the speech or writing. But that evidence will be given only in very rare cases where the words are not clear. Where the words are not clear, I submit there is not likely to be a conviction and it is no use locking the man in jail before his fault is proved. I submit, therefore, that the balance of convenience which weighed with the Select Committee is that this should not be made a non-bailable offence.

(Several Honourable Members moved that the question be put.)

Mr. President : The question is that the question be now put.

The motion was adopted.

Mr. President : The question is :

" That in column 5 of the entry in clause 3 (*iii*) of the Bill, for the word ' bailable ' the words ' not bailable ' be substituted ".

The Assembly divided.

AYES—54.

Abdul Haye, Mr.
Abdul Matin Chaudhury, Maulvi.
Abdul Qaiyum, Nawab Sir Sahibzada.
Abdullah Haji Kasim, Khan Bahadur Haji.
Ahmad, Khan Bahadur Nasir-ud-din.
Ahmed, Mr. K.
Alexander, Mr. William.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur Nawabzada Sayid.
Ayangar, Mr. V. K. Aravamudha.
Ayyangar, Rao Bahadur Narasimha Gopalaswami.
Badi-uz-Zaman, Maulvi.
Bajpai, Mr. G. S.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Chalmers, Mr. T. A
Coatman, Mr. J.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Courtenay, Mr. R. H.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Crofton, Mr. R. M.
Dakhan, Mr. W. M. P. Ghulam Kadir Khan.
Dalal, Mr. A. R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr. J. T.
Dunnett, Mr. J. M.
Farookhi, Mr. Abdul Latif Saheb.
Ghazanfar Ali Khan, Raja.
Gidney, Lieut.-Colonel H. A. J.
Haigh, Mr. P. B.
Irving, Mr. Miles.
Ismail Khan, Mr.
Jowahir Singh, Sardar Bahadur Sardar.
Kabul Singh Bahadur, Captain.
Keane, Mr. M.
Kidwai, Mr. Rafi Ahmad.
Kirk, Mr. R. T. F.
Mitra, The Honourable Sir Bhupendra Nath.
Mukherjee, Mr. S. C.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Parsons, Mr. A. A. L.
Rainy, The Honourable Sir George.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Sams, Mr. H. A.
Shafee, Maulvi Mohammad.
Shah Nawaz, Mian Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Rai Bahadur S. N.
Tonkinson, Mr. H.
Wright, Mr. W. T. M.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir.

NOES—40.

Acharya, Mr. M. K.	Malaviya, Pandit Madan Mohan
Aney, Mr. M. S.	Mitra, Mr. Satyendra Chandra.
Ayyangar, Mr. K. V. Rangaswami	Moonje, Dr. B. S.
Bhargava, Pandit Thakur Das.	Mukhtar Singh, Mr.
Chunder, Mr. Nirmal Chunder.	Naidu, Mr. B. P.
Das, Mr. B.	Neogy Mr. K. C.
Das, Pandit Nilakantha.	Prakasam, Mr. T.
Dutt, Mr. Amar Nath.	Rang Behari Lal, Lala.
Dutta, Mr. Srish Chandra.	Rao, Mr. G. Sarvotham.
Ghuznavi, Mr. A. H.	Roy, Mr. K. C.
Gour, Sir Hari Singh	Ruthnaswamy, Mr. M.
Iswar Saran, Munshi.	Sarda, Rai Sahib Harbilas.
Iyengar, Mr. A. Rangaswami.	Singh, Mr. Gaya Prasad.
Iyengar, Mr. S. Srinivasa.	Singh, Mr. Narayan Prasad
Jayakar, Mr. M. R.	Singh, Mr. Ram Narayan
Joshi, Mr. N. M.	Sinha, Kumar Ganganand.
Kartar Singh, Sardar.	Sinha, Mr. R. P.
Khin Maung, U.	Sinha, Mr. Siddheswar.
Kunzru, Pandit Hirday Nath.	Suhrawardy, Dr. A.
Lajpat Rai, Lala.	Yamin Khan, Mr. Muhammad.

The motion was adopted.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. President : The question is :

"That clause 3 do stand part of the Bill."

The motion was adopted.

Mr. President : The question is :

"That clause 1 do stand part of the Bill."

Mr. K. C. Neogy : Sir, I beg to move :

"That clause 1 be re-numbered as sub-clause 1 (1) and the following new sub-clause be added :

'(2) It shall remain in force up to the 31st day of December, 1930'."

I feel, Sir, that not many words are needed from me in support of this amendment. It is admitted on all hands that the situation that has necessitated the enactment of this special legislation did not exist a few years back, and we all hope, we are optimistic enough to hope, that in course of time the necessity for putting into operation legislation like the present one will be gone. Sir, it is principally with this view that I gave notice of my amendment. I understand that on a recent occasion it has been admitted by some leading Muhammadan

[Mr. K. C. Neogy.]

gentlemen that there is some connection between the present communal unrest and the Reforms, particularly the forthcoming revision of the Constitution. I find, Sir, that speaking in the House of Lords in July 1926, the Secretary of State himself admitted that there was some such connection. This is what Lord Birkenhead stated :

" It would in my judgment be untrue, for the reasons that I have given, to deny all connection between the Reforms and the present state of tension between Hindu and Moslem."

I therefore very much hope that when the necessary Parliamentary enquiry has been held and the revision of the constitution made, calm will be restored in the political atmosphere of this country and we shall have seen the end of these communal troubles.

Sir, the reason why I fixed the 31st December 1930, as the last date up to which it should remain in force is that it is expected that the report of the next Parliamentary enquiry will have been considered by that time, and whatever necessary legislation may be undertaken in Parliament to give effect to it will also have been passed.

Sir, having said this much, I cannot altogether keep from this House another reason which prompted me to give notice of this amendment. On the last occasion I made it quite clear that by reason of the prosecution under this new section being made dependent on the sanction of the Local Government, apprehensions are entertained in very many quarters, particularly in the province from which I come, as to whether this new law will be administered in an impartial manner. The speeches that have been made this morning by Members from some other provinces also go to substantiate that fear. On the last occasion I referred to the evidence which a District Magistrate in Bengal gave in connection with a communal case as showing that what the Government take into consideration in coming to a decision in regard to such matters is the numerical strength of the people to whom any offence may be given. Since then I have received the full text of the evidence of that District Magistrate and I want to place two sentences from his evidence before the House. This is what he states :

" The Muhammadan feeling is more important, as they are more numerous, less educated, less cultured and less self-restrained. If the Muhammadan got out of hand the result would be horrid ".

That is to say, when you consider the advisability of proceeding in a particular direction, say, under the proposed new legislation which we are considering, if you were to take all those factors into consideration, factors which have been mentioned by a very responsible officer in Bengal very recently, then certainly there is ample justification for entertaining apprehensions about the manner in which the law may be administered.

Sir, let us consider what would happen if people belonging to the Hindu community were to insult the religion of the Christians. The Christians in every province are in a minority. Let us assume that the Christians are possessed of all the Christian virtues and that particularly they follow that precept which requires them, if they are smitten on one cheek, to turn the other for similar treatment. The Hindus are of course more numerous ; supposing moreover that they were less educated, less cultured and less self restrained than the Christians, I ask

the Honourable the Home Member to say whether that would be a consideration in coming to a conclusion as to whether this particular section should be put into operation against the Hindus or not. Yet, that is exactly the position which was taken up by the District Magistrate of Barisal.

Now, Sir, on the last occasion as also in connection with the amendment of section 99A in 1926, I made a complaint that the Government of Bengal had not made sufficient use of the powers which the existing law gave them for the purpose of putting down or rather preventing those communal outbreaks. I particularly mentioned the fact that on the occasion of the last Calcutta riots a large number of inflammatory pamphlets were in circulation which were held to be the primary cause of those riots. Sir, I hold in my hand a copy of the Indian Law Reports, Calcutta series, dated January 1927, in which there appears a judgment of the Calcutta High Court, and with your permission I will read out just a few sentences to show that the charge which I brought against the Government of Bengal is fully substantiated. This judgment was delivered by Mr. Justice Rankin and another Judge. Mr. Justice Rankin now being the Chief Justice of that High Court. The title of the case is P. K. Chakravarti *v.* Emperor. It is reported on page 59 of the Calcutta series of the Indian Law Reports for last January, Volume 54. Sir, this is what the present Chief Justice states in this particular case :

"In this case the appellant Mr. P. K. Chakravarti has been ordered to enter into his own recognisance in the sum of Rs. 500 to be of good behaviour under section 158 of the Criminal Procedure Code. The order has been made in respect of an article in the issue for the 27th April of this year of a newspaper called the *Forward* which is a newspaper printed in English and circulated in Calcutta."

"The circumstances at the time of the publication are shortly these. An outbreak of rioting having occurred some little time before in parts of this city, it was after some time brought to notice that one of the causes of this outbreak, or, at least of its continuance, was the fact that certain people were circulating inflammatory leaflets in the vernacular in the streets—leaflets calculated to incite members of different communities to violence against one another. The particular pamphlet, which is animadverted on in the article in question, was a pamphlet in Urdu printed on yellow paper and circulating apparently for the benefit of the Mahomedans. What the appellant has done as editor in this. He has printed the pamphlet in an English translation. He has also given a transliteration in English letters of the original Urdu; and what he says is that this pamphlet was being circulated and that it is not difficult to trace the source from which it emanated. Then he adds 'Let us wait and see what steps the guardians of 'law and order' take in the matter'."

For having committed this offence the editor of the *Forward* was hauled up on a charge under section 153A, the Government of Bengal did not care to find out the author of the original Urdu pamphlet which was circulated in the streets of Calcutta ; and for merely drawing pointed attention to that pamphlet in the columns of the *Forward*, this editor was tried under section 153A. It was lucky, of course, that he got off in the Calcutta High Court, but that shows the manner in which section 153A has been in operation in Bengal for some time. I do not want to dilate on this point any further, but as I said, one of the reasons why I gave notice of this amendment was that I wanted to see whether the action of the Local Governments to whom we are entrusting the administration of this new clause will justify the confidence which this Legislature is called upon to repose in them.

Sir, I move the amendment.

The Honourable Mr. J. Crerar : Sir, I rise to oppose the amendment.

[Mr. J. Crerar.]

I observe the arguments by which my Honourable and learned friend supported his amendment are really designed to deal with the question of the sanction of Local Governments. I wish to point out that that point has already been decided by this House and it is not a question with which the House is at present concerned. Whatever the *obiter dicta* of the District Magistrate of Barisal may have been, divorced as they are from their context, I submit they would have nothing whatever to do with the question now before the House. Nor has the question raised by the Honourable Member as to the extent to which members of particular communities might conceivably come within the danger of this Bill—neither has that point any relevance to the duration of the Act if and when the Bill is passed.

Mr. K. C. Neogy : We want Government to be placed on probation.

The Honourable Mr. J. Crerar : The essential point is this. The suggestion that this Bill was designed merely in order to conclude a current controversy is incorrect. The Bill was designed to establish beyond any question of doubt a legal principle. That principle is in my opinion a sound one. It has already been twice affirmed by this House, and if it is a sound principle, it is one of permanent value and validity. I say, Sir, that the House has already pronounced twice on that question of principle. I venture to say that we ought in this particular matter to have not only the courage of our opinion but consistency in our decisions.

Mr. President : The question to put is :

"That clause 1 be re-numbered as sub-clause 1 (*1*) and the following new sub-clause be added :

'(2) It shall remain in force up to the 31st day of December, 1930'."

The Assembly divided :

AYES—32.

Acharya, Mr. M. K.	Mitra, Mr. Satyendra Chandra.
Aney, Mr. M. S.	Moonje, Dr. B. S.
Bhargava, Pandit Thakur Das.	Mukhtar Singh, Mr.
Chunder, Mr. Nirmal Chunder.	Naidu, Mr. B. P.
Das, Mr. B.	Neogy, Mr. K. C.
Das, Pandit Nilakantha.	Prakasam, Mr. T.
Dutt, Mr. Amar Nath.	Rang Behari Lal, Lala.
Dutta, Mr. Srish Chandra.	Rao, Mr. G. Sarvotham.
Gulab Singh, Sardar.	Roy, Mr. K. C.
Iswar Saran, Munshi.	Sarda, Rai Sahib Harbilas.
Iyengar, Mr. A. Rangaswami.	Singh, Mr. Gaya Prasad.
Iyengar, Mr. S. Srinivasa.	Singh, Mr. Narayan Prasad.
Joshi, Mr. N. M.	Singh, Mr. Ram Narayan.
Kartar Singh, Sardar.	Sinha, Kumar Ganganand.
Kunzru, Pandit Hirday Nath.	Sinha, Mr. R. P.
Lajpat Rai, Lala.	Sinha, Mr. Siddheswar.

NOES—49.

Abdul Haye, Mr.
Abdul Matin Chaudhury, Maulvi.
Abdul Qaiyum, Nawab Sir Sahibzada.
Abdul Haji Kasim, Khan Bahadur Haji.
Ahmad, Khan Bahadur Nasir-ud-din.
Ahmed, Mr. K.
Alexander, Mr. William.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.
Ayangar, Mr. V. K. Aravamudha.
Ayyangar, Rao Bahadur Narasimha Gopalaswami.
Badi-uz-Zaman, Maulvi.
Bajpai, Mr. G. S.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Coatman, Mr. J.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Courtenay, Mr. R. H.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Dalal, Mr. A. R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr. J. T.
Dunnett, Mr. J. M.
Farookhi, Mr. Abdul Latif Saheb.
Haigh, Mr. P. B.
Irving, Mr. Miles.
Jowahir Singh, Sardar Bahadur Sardar.
Kabul Singh Bahadur, Captain.
Keane, Mr. M.
Khin Maung, U.
Kirk, Mr. R. T. F.
Mitra, The Honourable Sir Bhupendra Nath.
Muhammad Nawaz Khan, Lieut. Sardar.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Parsons, Mr. A. A. L.
Rainy, The Honourable Sir George.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Ruthnaswamy, Mr. M.
Sams, Mr. H. A.
Shah Nawaz, Mian Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Rai Bahadur S. N.
Suhrawardy, Dr. A.
Tonkinson, Mr. H.
Wright, Mr. W. T. M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.

The motion was negatived.

Mr. President : The question is :

"That clause 1 do stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill :

The Title and Preamble were added to the Bill.

The Honourable Mr. J. Crerar : Sir, I move that the Bill, as amended, be passed.

As the House has already considered the principle of the Bill at length and has twice affirmed its view on the subject, and as the details of the Bill have been considered at length, I do not propose to say anything more in commendation of the motion which I now make.

Mr. President : The question is :

"That the Bill, as amended, be passed."

Colonel J. D. Crawford (Bengal : European) : Mr. President, I feel that this is an issue upon which we Europeans should be very largely influenced by the views of our Hindu and Mussalman friends. We belong to a religion so small in numbers that it is as regards the protagonists in this miserable communal strife—where men hate one another for the love of God—a mere bystander. Yet we cannot escape the reactions arising from so much bitterness.

The opinion of my group is that this Bill, which is supported—as it seems—by most of the members of both communities and which we welcome as an instalment, is hardly likely to prove adequate to the task. The scurrilous organs which foster communal hatred in this country are already well-prepared to evade the provisions of this Bill. We are concentrating our attention on the individuals ostensibly responsible who are made liable to fine or imprisonment or both. Now that may have the effect of making editors of reputable papers very cautious in the articles and news they publish ; we know that it is the opinion of a number of Members of this House who are Journalists and therefore competent to judge that it may impose a heavy burden on editors who make an error of judgment or whose news-editors make an error of judgment. I hope that may not be the case, and I think the wording of the measure, since amendment by the Select Committee "*Deliberately* and *Maliciously*" will have made that danger remote.

But what I am uncertain about is whether the individuals whom this measure is designed to catch—those who with deliberate and malicious intent outrage religious feelings will be caught in the meshes of our net. Those malicious individuals may not be the ostensible editors or proprietors of the paper : they may not ostensibly control its policy.

As a matter of fact it is by no means an uncommon event that the nominal editor of a paper is not the true editor and still more often he does not control the policy of the paper. A dummy editor may be paid to run the risk of imprisonment and it may be agreed that his fines are to be paid by the real controlling power. Some Honourable Members may say that such cases are not common : perhaps they are not, but it is precisely against those exceptional individuals, those few propagators of communal hatred, that this Bill is directed. I know that the average newspaper in India is not edited by a nonentity whose function it is to be ready to go to jail—but then I am glad to think that it is not the average newspaper, pamphlet or book that we are legislating against.

My remedy for this problem is that this Bill should have been or another should be directed against the press itself. The guilty party may be difficult to find ; your editorship may be, as I have suggested, nominal ; responsibility for the offence may be divided, but your press is

always there. It is my belief that if we provided that the penalty for printing inflammatory propaganda should be the confiscation of the press used, you would make the suppression of this kind of offence simpler and more effective. *By a legal fiction and action may be brought for damage against a ship herself for the offence which she is held to have committed : I would treat a press in the same way.* I agree that the owner of the press may not in every case be the original conspirator, but you cannot attempt to find, even if it were right to punish, the individual in whose mind the idea first occurred of committing the offence. You will be wise to confine yourself to dealing with the overt act.

3 P.M.

I make this suggestion because I feel that the Government of India is not taking sufficiently active measures to suppress the forces of discord. His Excellency the Viceroy made a very fine and a very moving appeal, and I believe that the leaders to whom he then addressed himself are prepared to do their best to bring about that atmosphere of conciliation and compromise which is essential. It is they alone who can—if anyone can—make the right atmosphere for peace. But they are entitled to ask of Government that it shall maintain order and suppress disorder while they are striving to establish the spirit of peace. Suppression is obviously not enough in itself but it is a first essential and is the particular task of Government.

So far from there being at the moment any improvement in the communal situation, it appears to an outsider to be getting worse. Since the Viceroy's recent speech we have had serious riots in Nagpur and Bareilly and Sholapur, in this mornings telegrams I read that the authorities had to take special measures at Ahmedabad and Karachi. Until now the trouble has been in the main confined to the towns, but with so much inflammable material lying about it might at any moment spread to the villages. I confess to an anxiety lest at any moment a general outbreak may occur involving a whole province, and should that province be anywhere near the Frontier the consequences might be extremely grave.

I hope that this suggestion will appeal to the responsible leaders in this House. I read that the unity board in Cawnpore proposes to take upon itself the duty of censoring the local papers. Although I can hardly approve on principle to the usurpation of one of the functions of Government by an unauthorised body, however responsible and high-minded, I welcome it as a genuine effort on the part of communal leaders to remove one of the causes and sources of unrest, and I feel that this action on the part of the Cawnpore Board implies a rebuke to the Government of India for not having adopted sterner and severer methods to maintain, or rather I might say, to re-establish that peace in India which is so earnestly desired by all men of good will.

***Maulvi Badi-uz-Zaman** (Bhagalpur Division : Muhammadan) : Sir, I thank you for this opportunity. I have listened to the speeches delivered by the Honourable Members of this House but I have not found any cogent reason against the passing of this Bill. Some Honourable Hindu Members do not want the Bill because it is the result of a demand on the part of Muhammadans. (*An Honourable Member* : " That is not so.") That was apparent from the speech delivered by my Honourable friend Mr. Amar Nath Dutt, and some others characterised it as a Muslim Bill. But my submission is that this Bill is not a Muslim Bill. It seeks to protect

* Speech not corrected by the Honourable Member.

[Maulvi Badi-uz-Zaman.]

the honour not only of Islam but of all other religions also, and it is therefore a protection for all communities and not for the Muhammadans only. Therefore, I think that this argument has no foundation ; I am rather inclined to think that it is a wholly sentimental argument inspired by communal bias.

Then, Sir, some Honourable Hindu Members of the House, who support the decision of the Lahore High Court as delivered by Justice Dalip Singh, are of opinion that the existing law is inadequate to deal with cases of the nature with reference to which this Bill is being passed. I do not understand this mentality. If the existing law is inadequate then it is all the more necessary that another law ought to be passed to deal with such cases. Sir, I share the view of some Honourable Members who are of opinion that the existing law would be quite adequate but for the curious judgment of the Lahore High Court in the case of Rajpal delivered by Justice Dalip Singh.

Then, Sir, it has been said that the proposed measure tends to affect the liberty of the Press. I do not understand how it affects the liberty of the Press. The scope of the Bill has been sufficiently narrowed down in the Select Committee and it now gives fair and adequate protection to fair criticism. There must be some limit to the liberty we can allow. If the liberty of the Press results in dishonest and mischievous activities, if the Press does anything wrong, if it dishonestly or maliciously attacks any religion or the founders or saints thereof, there is no reason why the press should not be punished. Sir, if villification of the Prophet and other sacred personages means fair criticism I would not tolerate it to that extent. But I submit that that is not fair criticism but a vicious and abominable crime which must be stopped at once.

Sir, the object of this legislation is to deter dishonest and malicious attacks on religion and religious beliefs which may lead to serious consequences. Therefore, in view of the serious situation which has been created in the country I think it is the duty of the House to pass the Bill without further delay. With these remarks, Sir, I support the motion of the Honourable the Home Member that the Bill be passed. (Applause.)

Khan Bahadur Makhdum Syed Rajan Bakhsh Shah (South-West Punjab : Muhammadan) : Delivered a speech in Urdu, a translation of which will be published as an Appendix to the proceedings of the 20th September 1927.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, I do not want to give a silent vote on this Bill. At the outset, I must make my position perfectly clear, by stating that as a true Hindu I am opposed to any scurrilous speech or writing being indulged in by the followers of one faith against the founder or holy personage of any other faith or religion. It pains me, Sir, to see that a man professing the same religion which I hold so dear to myself, should have so far lapsed from his sense of culture as to revile the founder of Islam. In this connection, I have no hesitation in endorsing whole heartedly the Resolution which was passed by the Working Committee of the Hindu Mahasabha at Benares in August last. The Resolution was as follows :

" The Working Committee of the Hindu Mahasabha strongly condemns the attacks made by followers of one religion on Avatars, prophets, founders and objects of worship or reverence of another religion, and calls upon leaders of public opinion of all

communities and well-wishers of the country to use their influence to discourage such attacks and prevent their circulation to the full extent of their power. The Committee wishes to draw the attention of all concerned to the fact that a person who attacks either a religion or any outstanding personality connected with the religion sets an evil example and provokes counter-attacks upon his own religion or religious heads."

Sir, I should also like to refer to the statement which was made by Rajpal when he came to know that the feelings of our Muhammadan friends had been greatly outraged by his pamphlet. This is what he said :

"If any words of mine can soothe the feelings of my Moslem brethren, I assure them that I respect their sentiments no less than I do mine. I have no idea of bringing out another edition of the *Rangila Rasul*, even though the law does not stand in the way of my doing so. In fact I stopped selling it as soon as I was told that some Moslems felt offended at its publication. This was done before any action was taken or even contemplated by Government."

Sir, it will be conceded that this was the only honourable course left to the author of the pamphlet to undo his mischief, and it ought to have been accepted by our Moslem friends. But a spirit of vindictiveness was abroad ; and an agitation was set afoot whose virulence did not spare even the Bench of the Punjab High Court. (*An Honourable Member* : "No, no"). Mr. Justice Dalip Singh came in for a good deal of adverse and undeserved criticism for having done what he conceived to be his duty according to the light of his judicial conscience.

Sir, the Bill as it was originally introduced by Government was a very unacceptable measure, and I am surprised to see that some of the non-official leaders in this House should have given their unstinted support to it even in that form. But I gladly recognize that the Bill as it has emerged out of the Select Committee is shorn of much of its objectionable features. There are, however, still one or two points in it which I am unable to accept. The Bill creates a new offence, and acts as a menace to the liberty of thought and expression. Its net is cast too wide, and it may also include within its scope many innocent men, such as the printer or publisher of a pamphlet. Sir, I will refer to one quotation from the *Statesman* of Calcutta, which in its issue dated 9th September speaks as follows :

"No measure more out of harmony with the Viceroy's speech, none more difficult to justify in the light of modern thought, could well be placed on the Statute-book. The plain fact is that the Government has lost its head in face of a riotous agitation, and has been followed in that course by a hasty Assembly, which in this matter is plainly misrepresenting any Indian opinion that finds voice in the most influential organs of the native owned Press. It would be a tragedy without measure if at the beginnings of popular government in India, the Legislatures, under the encouragement of the Government, were to use their powers to suppress liberty of thought, speech and writing, and were to crowd the Penal Code with new offences conceived in the spirit of the Spanish Inquisition."

Sir, these are not my words. I regret that the amendment to make it a temporary measure, to remain in force for a limited time, say three years, has failed. The present phase of communal trouble which gives rise to such writings or speeches may be, after all, a passing phase. It may be followed, as we all hope and trust, by an era of peace and good will. (Applause). I am opposed, Sir, to the permanent retention of this measure on the Statute-book. I also do not agree with the provision that the offence should be made non-bailable, and the right to initiate proceed-

[Mr. Gaya Prasad Singh.]

ings should rest exclusively with the Government; for in the words of my Honourable friend Mr. Kelkar in his minute of dissent :

"some sections of society who are less clamorous and turbulent are likely to be denied the use of the remedy under this Bill, and their virtue may be penalized, though they would be equally entitled to judicial relief with any other section of the society."

I am afraid, Sir, that this power is likely to be abused ; and in actual practice, it is neither the Hindus nor the Muhammadans that are likely to benefit, but the Christian missionaries who vilify both the Hindu and the Muhammadan religions and their holy personages in unmeasured terms with impunity (cries of "No, no").

With these few words, I beg to oppose the passage of this Bill.

Maulvi Abdul Matin Chaudhury (Assam : Muhammadan) : I rise, Sir, not to discuss the merits or the demerits of this Bill, but to condemn the manner in which certain amendments have been moved in this House. One particular Member in trying to make an exhibition of his sense of humour or the want of it, did not spare even what he referred to as "the Prophet of the Muhammadans." This fling at the Prophet, this attempt at buffoonery at his expense, reveals a mentality which is, to say the least, most deplorable. It betrays a taste which is more reminiscent of slums and gutters than of decent society.

Mr. President : Order, order. We are dealing with the Bill, not with the particular Member.

Mr. Amar Nath Dutt : Let him have his full say.

Mr. President : If the cap fits the Honourable Member he might wear it.

Maulvi Abdul Matin Chaudhury : Sir, it is a matter of gratification that this House treated these vapourings with the contempt that they deserved. But, Sir, I would say at the same time that it is a shame and disgrace that the President of the Congress, for whose fairness and sense of justice I have got the highest respect and admiration, should have permitted a Member of his Party to move an amendment like that. It is a pity that it escaped your vigilant eye, Sir.

Munshi Iswar Saran (Lucknow Division : Non-Muhammadan Rural) : Sir, I do not wish to speak about this Bill from the .....

Mr. President : Then, the Honourable Member need not rise. It is the Bill that is under consideration. The Honourable Member said that he does not wish to speak on this Bill ; if that is his position, he need not rise.

Munshi Iswar Saran : May I say, with the most profound respect, that if I had been allowed to complete the sentence, the Chair would not have been put to the inconvenience of getting up to reprimand me. (Laughter.)

Sir, I do not wish to speak about this Bill from the point of view either of a Hindu or of a Muhammadan. Unfortunately the issues have been clouded and a great deal of heat has been introduced into this controversy. When you will find this Act on the Statute-book it will have to be administered against a Hindu, against a Muhammadan, against a

Christian, against a Parsee. The religion of the person will not matter ; what will matter will be the offence that will be committed by him.

Before I proceed further, I wish to say that there was one remark of the Honourable the Home Member which I was unable to understand. The Honourable the Home Member, in his speech which was more short than sweet, said that the House having accepted the principle of this Bill on two occasions it should now pass it. I venture to think that he referred to the reference of this Bill to the Select Committee and then he referred to the question that the Bill be taken into consideration. Both these propositions having been accepted by the House, the Honourable the Home Member has told us—and we have to accept his authority, because his authority is great—that we cannot after that reject the Bill. Are we to understand, Sir, that if a Bill is referred to a Select Committee and if after that it is taken into consideration, the House then is divested of its right to reject it ? (*Some Honourable Members* : "No".)

Mr. President : The Honourable the Home Member is not entitled to lay down the law on the subject. The Honourable Member is perfectly entitled to oppose the Bill.

Munshi Iswar Saran : If I had not made this submission, we would not have been fortunate to get this authoritative ruling from the Chair. (Laughter.)

Sir, Colonel Crawford spoke on behalf of the European community ; he might have disappointed anybody else, but he did not disappoint me. What Colonel Crawford said was "We want more stern measures in order to maintain peace in this country." If Colonel Crawford and others of his way of thinking had their own way, I suppose we would have "martial law and no d——d nonsense." Colonel Crawford represents that class and it is very good that from time to time he reminds us of the existence of his class in this country.

Mr. K. Ahmed : Does not the country require him and his class ?

Munshi Iswar Saran : My country may not require him, but my Honourable friend Mr. Kabeer-ud-Din Ahmed does. Colonel Crawford unconsciously supported those of us who are not enthusiastic about this Bill. He said in effect, "Yes, the honest editor, the cautious editor, may have very good cause to fear the consequences of this measure, but as far as the dummy editors are concerned, the men who are put up for a few rupees to insult either this religion or that, will remain untouched". I submit, Sir, that is exactly the position which we take. What I submit is that a man who is deliberately out to insult any religion or to insult any religious teacher, would not care very much for the measures that the House is about to pass to-day. It is only the expression of honest opinion on religious questions which in my humble opinion will be greatly hampered by the existence of this measure on the Statute-book. If you will be pleased, Sir, to refer to the law in England, you will find that it has undergone various changes, and now it has been authoritatively held in England in a case which is reported in 48 Law Times at page 739, the name of the case being Rex *v.* Ramsey and Foote, where Lord Coleridge distinctly laid down this rule :

"If the decencies of controversy are observed, even the fundamentals of religion may be attacked without a person being guilty of blasphemous libel."

[Munshi Iswar Saran.]

I submit, Sir, that we shall only get the true perspective of this Bill if we divest our minds of a great deal of prejudice that has been created. It is not a Hindu attacking a Muhammadan or a Muhammadan attacking a Hindu. I shall ask the House to bear in mind the case of a Hindu expressing views about the faith of the vast majority of his own co-religionists. Take, for instance, the case of an Arya Samajist who attacks idol worship. His attack may be right or it may be wrong. Please do not imagine that this measure will come into operation only when the trouble is between one religion and another. This Bill may come into operation even when a man of the same religion expresses views about certain doctrines with which he does not agree. Taking the Muhammadan religion, there are certain Muhammadan dissenters who may express views which may be unpalatable to the vast majority of their co-religionists. What will happen then? Take the Shiahs and the Sunnis. I submit to this House with all respect that this question has to be looked at not from the point of view of the Hindu religion or the Muhammadan religion. It should be remembered that it is a piece of legislation which is being enacted and which will apply not only when there is a question between a Hindu *v.* a Muhammadan or *vice versa*, but which will apply to any case where there is attack on any religion, either by a man who professes that religion or some other religion The House will notice that this measure has been disapproved of not only by Hindus—unfortunately it has become a Hindu-Muhammadan question—but even by non-Hindus, by Christians and by those who cannot be accused of any Hindu bias. Now, if you accept the submission which I have made, then I venture to hope that the House will agree with me that this is a very severe, a very drastic—I shall not use a stronger word—measure which is being put on the Statute-book.

Take, now, Sir, the provision that the Select Committee rightly incorporated in one of the clauses, namely, that this was a bailable offence. The House has made it non-bailable. It is rather difficult to understand the distinction between this measure and section 295 of the Indian Penal Code. I submit that if you look at it dispassionately, not from the point of view of a Muhammadan or a Hindu or from the point of view of a partisan, you will find that in substance there is no difference between the two provisions. Section 295 of the Indian Penal Code runs as follows :

"Whoever destroys, damages or defiles any place of worship or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

This is a bailable offence. As I have already submitted, there is no difference in principle between the two offences.

I shall only express the hope that very soon our feelings will become normal and we shall bring in a measure not to amend but to remove this objectionable measure from the Statute-book. And I do sincerely hope that the Local Governments will administer this measure in the spirit in which it ought to be administered. I do also hope that my Honourable friend Mr. Neogy's apprehensions that Local Governments will not be guided by just considerations will prove unfounded.

Mr. K. C. Neogy : They have not been in the past !

Munshi Iswar Saran : I do hope that Local Governments will hold the balance even and will see that prosecutions are very seldom launched under this Act, because it has to be remembered that in order that our thought may advance and in order that there may be no impediment to the progress of religious ideas, there should be no bar on free thought and discussion. It will be useful if this measure will be used as sparingly as possible.

Mr. T. Prakasam (East Godavari and West Godavari *cum* Kistna : Non-Muhammadan Rural) : Sir, I rise to oppose the passing of this Bill. At the very outset I may say that the opposition to this Bill is not with a view to prevent redress which my Muhammadan brethren are anxious to get by way of punishing those who had attacked in the past the Muhammadan religion or the founder of the religion, the Prophet. If, as I thought, the object of the Bill was to give redress by way of providing penalties against such attacks, I should have expected the Government to make the provisions of this Bill more clear and more definite. They abandoned that course altogether and they have framed a section which applies not only to such specific cases, but to so many other general *bona fide* criticisms that might be brought under the Act. That is the chief complaint of mine before the House. This is an extraordinary piece of legislation undertaken by the Government, no doubt under difficult circumstances, when communal riots are going on and when they, as well as the leaders of the communities concerned, are anxious to put a stop to these disturbances and bring about a unity between the warring communities.

Now, Sir, there is section 298 of the Indian Penal Code. My contention is that that section would have been quite sufficient to bring all the offenders within the clutches of the law and punish them. Of course, one of the learned Judges of the High Court of Lahore pointed out that the law was defective as was understood by him. My submission is that that learned Judge is one of so many Judges who have erred in interpreting the law. My Honourable friend Mr. Kaberuddin Ahmed is always happy and he always laughs. I can only point out that section 298 of the Indian Penal Code lays down that whenever anyone deliberately wounds the religious feelings of any person or any class he should be tried and sentenced to one year's imprisonment. That is the section. (*Official Members* : " No ".) I hear the cries of " No ", but perhaps the word " class " is not there. I take it, Sir, that the word " religion " is not there ; I take it that the word " prophet " or the " founder of any religion " is not to be found in the section. But how else can religious feelings of individuals be wounded, if it cannot be done by attacking the religion or the founder himself. It is a matter of ordinary common sense with regard to the interpretation of law ; one need not know much of law. Whoever attacks a religion or a founder wounds the religious feelings of that society. He is guilty under section 298. With regard to that section, my submission is that the Government has been during the last five years, ever since these communal riots started, between the devil and the deep sea. They did not know what to do. Interference in these matters would perhaps make the public feel that they were interfering in religious matters. They were not able to lay their hands upon the provisions of law with courage and approach the matter and get at the offenders and put them on their trial and convict them. As I said on another occasion, these

[Mr. T. Prakasam.]

communal riots started just at a time when it was very helpful to Government with regard to putting a stop to the great non-co-operation movement. Four years have elapsed now. Day after day, month after month, year after year, there have been riots, but what steps had been taken with regard to prosecutions under section 298 or section 153A of the Indian Penal Code ?

Sir, no doubt prosecutions have been launched under the general provisions of riot, murder and other offences, and people had been sentenced. Not one step had been taken by the Government with regard to this matter of wounding religious feelings at least to the extent to which they could have gone. Of course, the question of insulting the Prophet came only very recently, and I do not say that they were not justified in attempting to remedy the defect in the law as was pointed out. But the law as it stands has been quite sufficient to meet these cases also. Now, what is it that they have marked out in new section 295A ? They have added the word " religion ", they have added the word " class ". The singular includes the plural in law. Now, by merely adding the word " religion " or the word " class ", you have not in any way improved the position at all. Again, Sir, the Select Committee, on which many of my distinguished friends sat, have added the two words before the word " intention ", namely, " deliberately and maliciously ". I spent a good part of my life in the jugglery of the law in the law courts. The word " intention " is a plain honest word. Whoever intends to commit a crime comes within the purview of the law. The words " deliberately intends with malicious intention " are added. What is " malice " ? Where is it defined ? You have to go back only to civil law to know what is meant by " malicious ". " Constructive malice ", " legal malice ", " actual malice " and all sorts of speculation have been gone through by the learned Judges who were called upon to interpret that word and any indirect motive was held to constitute a malice. How does it make any difference from intention, I am not able to understand. I do not understand the difference between intention and deliberate intention. Having made that provision, they satisfied themselves that this section would cover only those cases where a prophet is attacked or a religion is attacked, maliciously and deliberately with dishonest intention. My submission is that it is not only such class of cases that would be brought within the mischief of this section. From my 25 years' experience as an advocate or pleader, I could tell you that so much mischief was done on the interpretation that was put by the great, great judges or learned advocates like my Honourable friend Mr. S. Srinivasa Iyengar on the word " intention ". How many people had been hanged, how many innocent people had been hanged—(Laughter)—how many guilty persons had been acquitted ?

Mr. S. Srinivasa Iyengar (Madras City : Non-Muhammadan Urban) : On a point of personal explanation, Sir. I never had to construe the meaning of the word " intention " in any case.

Mr. T. Prakasam : I did not mean any offence to my leader. I thought he would take it in the spirit in which I mentioned it.

Mr. S. Srinivasa Iyengar : I never had to appear in that class of cases where it was necessary to construe the meaning of the word " intention ".

Mr. T. Prakasam : As has been pointed out by my Honourable friend who spoke before me, this section might apply to so many other classes of offences, not as between Hindus and Mussalmans alone, but it may be as between Hindus and the Christian missionaries. Allow me to tell the Honourable Members of this House that in the hamlet of one village in one of my districts nearly as many as 300 people who belonged to the *panchama* class and who formed all the population of that hamlet had been converted in one moment by one Christian missionary. Conversions to Christianity are going on on a very large scale in the southern part of India. May I point out to my Honourable Mussalman friends, who seem to be labouring under a misapprehension, that they are very much mistaken in thinking that those of us who are opposing this measure are having any idea against their own beliefs or ideas ? That is not so. This section is a very mischievous measure. As this measure is worked out in future—I only hope I will live to see it—you will find that this section will be applied in a most mischievous manner as regards the granting of sanctions for prosecution and with regard to prosecution itself.

Mr. K. Ahmed : You can amend the Act later on

Mr. T. Prakasam : My Honourable friend says we can amend this Act later on. We are all sent here to legislate laws for our countrymen. Why not prevent instead of amending ? I hope my Honourable friend will be able to amend the law before it is too late. I submit that this is a measure which would apply not only as between Hindus and Mussalmans, as is very much misunderstood now, but it would also apply to every other community. Who are the persons after all that would accord sanction for prosecution ? There was an amending clause tabled here that the authority to accord sanction for prosecution should not vest solely in Government. That was voted down. Who are the persons that grant sanctions generally ? We know who would be approached in Local Governments for sanction to prosecute. Who is the officer approached ? What is the judgment of that officer ? Again, Sir, who are the Judges that hear these cases ? In India, one cannot say that a Hindu would be a Judge to hear disputes relating to Hindus alone. When communal differences and dissensions arise, when prosecutions are started under the existing law, an Englishman might be the Judge, a Hindu might be the Judge, a Mussalman might be the Judge, a Christian might be the Judge or a person belonging to any other community might be the Judge. What is it that this Judge can possibly understand with regard to these disputes as between two different religions ? The Judge belongs only to one faith, one religion. It would be very difficult for the Judge to decide aright. If it is a bailable offence or if it is an offence which is compoundable, it will be a matter as between the communities affected. Certainly there must be a prosecution. If there is no provision in the law for compounding, there will necesssarily be a conviction. But my submission is that it must be left to the leaders of the communities ultimately to decide whether it is a case in which the man should be convicted or whether the matter should be adjusted between the communities themselves. I suggest this course because it is a matter which relates to criticism against a religion or against religious feelings of any particular individual or the founder of a religion.

Mr. K. Ahmed : In the meantime we will murder each other.

Mr. T. Prakasam : As regards killing each other, my Honourable friend has been on very safe ground. He has never killed another, nor has he got himself killed. He has never been in the fighting line where these riots take place. He has never given one blow, nor has he received any. According to my conception, the manner in which these riots should have been approached by ourselves or by the Government is quite different. According to me, at the very first instant of an outbreak of a riot, the Government or the leaders should jump into the breach and should take the necessary steps to put a stop to the whole thing. They must also attempt to settle disputes from time to time. If only the Government had done this, there would have been no trouble at all. You will pardon me, Sir, when I refer to the incident at Multan where you were also present. You were present at that time when the first riot occurred. You went from door to door, you yourself heard the tales of woe narrated by some of the ladies from within closed doors. What happened in Multan ? My Honourable friend Pandit Madan Mohan Malaviya and my friend Hakim Ajmal Khan went to Multan and tried their best to bring about a compromise in the first instance. All of us were present at the first trip. But the second time when they were there with a view to bring about a settlement between the Hindus and Mussalmans, who was responsible for not allowing that to be done ? It was one of the Government officers who was responsible for the break down. They were prevented from bringing about a compromise. That was the first attempt in which they failed. Since then so many riots have occurred. Sir, I would like to point out that these riots, these disturbances, could have been quelled completely if the Government had had a heart and if the Government had had a soul and had jumped into the breach between the two communities and had done their best to give relief to those who suffered and endeavoured to settle the differences. What suffering there was, what losses there were ! And what redress was given by the Government by way at least of temporary relief to those who had suffered ? Nothing has been done up till now, and that is why I submit the question of disturbances ought to be approached both by the Government and by the leaders of the country in quite a different spirit. I now see after living to this stage that the Government have at last realised their past error and that they are anxious to bring about a better state of things. Anything that they do will be welcome in the country and also by the leaders of the communities who have been so anxious to give full co-operation to the Government with regard to these matters. Therefore, Sir, this measure is unnecessary. It really interferes with the freedom of speech, with the freedom of the Press, with the liberty of person and the liberty of property also. That has been pointed out by my Honourable friend Mr. K. C. Roy, but because it is a journalist's opinion it was considered not to be of sufficient importance. And my Honourable friend Colonel Crawford wants to have another piece of legislation specially against the Press. Well, I have been in charge of a press also during the last 6 years and I know what trouble we are having even without your Acts and your legislation, without these prosecutions. What trouble are we having even to-day ? The press which I control is under the ban of the Madras Government even now. It is no good your enacting a provision which will cover the whole ground and bring about the prosecution of innocent people. I do not charge the heads of Government for all these prosecutions. I may say at once it is not the Governor, the Viceroy or the Honourable the Home Member that would be directly

responsible for these prosecutions. We know who gives those opinions, how that gets the seal of the Government and the whole prosecution is started under the authority and in the dignified name of the State, and how poor individuals have to go through it all, and it is very rarely that a person escapes at the hands of the Magistrate or the Judge under the present constitution and the system of government in this country. So, Sir, I oppose the passing of this measure.

Sir Hari Singh Gour : I cannot permit this measure to pass out of our hands without informing this House as to the very great constitutional change that this law embodies. Frequent references have been made on both sides of the House, by the Honourable the Home Member in his opening speech as well as by Honourable Members on this side of the House, to the English law of blasphemy and blasphemous libel ; but may I remind the Honourable the Home Member and the Honourable Members who have followed suit that the English law cannot be compared to the Indian law, because under the English law the King is the Defender of the Faith and under the Established Church it is the duty of King and Parliament to protect the Protestant Church, and all the laws that have been made with that object in view ? But is that the position of the Government of India ? Are the Government of India the defender of the faith or of any faith in this country ? I submit, Sir, they are the defender of peace and not the defender of faith, and consequently the law that they are entitled to enact should have been directed against the breach of public peace.

Even in England with the growth of the Constitution and the multiplication of the dissenting sects the English law, which was originally intended to protect the Protestant Church, has been widened so as to protect the people against cracking each other's heads. In the numerous Statutes which Honourable Members will find regulating the course of religious debates in England, all that the English law aims at at the present moment is the preservation of public peace. I have in my hand, Sir, a reference to no less than eight English Statutes, and what is the summary of them all ? The summary of them all is that these Statutes have all been enacted with the object of preventing disturbances in churches, disturbing dissenting congregations, obstructing or assaulting a clergyman or other minister in the discharge of his duties, protecting church windows, and quarrelling , chiding or brawling, smiting or laying violent hands on a consecrated place. That is the present English law. My submission, therefore, is that when the Honourable the Home Member refers to the English law in support of this Bill, I submit he is referring first of all to a wrong system of law because that law is radically inapplicable to the Indian constitution ; and in the second place, even if it were to furnish any analogy for the enactment of a law in this country, that law is now limited and confined to the preservation of public peace. If, Sir, the Honourable the Home Member had come here with a Bill to preserve the public peace in matters religious and spiritual, I am perfectly certain that this side of the House would not have offered the opposition at every stage to which this Bill has been subjected. Sir, I regret that the Honourable the Home Member did not think it right to add a small clause to section 108 of the Criminal Procedure Code which deals with cognate offences. We have there the offence of sedition, that is, seditious libel. We have there an offence punishable under section

[Sir Hari Singh Gour.]

153A, that is, offences of one class against another. If a clause had been added there for the purpose of bringing in religious disturbance of public peace, I have no doubt that that section would have amply met the requirements of the present case and nobody would have had any serious objection to the Government introducing a clause in the Code of Criminal Procedure. But as it is we are asked to add one more offence to the substantive criminal law of this country, and I am certain that those who feel that the immediate cause of this legislation will be satisfied will very soon discover that either this law is a dead letter or that it will be applied in cases to which it was never intended by the Legislature that it should be applicable. Let me give an instance. No doubt the Select Committee have greatly improved the language of section 295, but what remains ? I will ask any Honourable Member to give me in very clear and intelligent language the meaning of the following words. What is the meaning of the words " religious belief " ? Now, Sir, so far as Hindus are concerned their social structure and religious system are interwoven, and what is a social matter to an Englishman is a matter of religious belief to a Hindu. The result is that matters of social reform, matters in which a person directs criticism against a purely social institution, are apt to come within the four corners of section 295A ; and then, as I pointed out on the last occasion, it is not merely a case of Hindus *versus* Muhammadans, but it is a case of Muhammadans *versus* Muhammadans and Hindus *versus* Hindus.

4 P.M.

We have in our community no less than 200 odd sects, and the Muhammadans have got half as many. And what will be the result ? The result would be that small sub-sects. attacking the other sub-sects. on a purely religious controversy, though it may not endanger the public peace, because endangering the public peace is not a part of the offence, but it is merely the carrying on of a religious controversy with the malicious intention described in section 295A that is germane to the constitution of the offence—now, suppose that the two sub-sects, are carrying on a peaceful controversy, but each one is fired by religious rancour and we all know that there is such a thing as *odium theologicum*. In religious matters people lose their heads and they talk in a language which they may not in their cooler moments employ. Now, suppose we have controversies of that character. They do not endanger the public peace. Would not the Local Government be justified—any Local Government that reads the Act, would be justified in prosecuting one sect. against the other. And whom will it prosecute ? Both classes are fighting with each other, we will assume, for the possession of a banner, or for the right of precedence in a religious procession, each one claiming to receive that precedence from the founder of the faith or from one of the spiritual vicegerents of that faith upon the earth. What will be the position ? The position would be that both these classes which are fighting with each other for a purely civil right of precedence and possession, will be prosecuted under this section.

Mr. K. Ahmed : No, under section 144.

Sir Hari Singh Gour : I therefore submit that this section, enacted though it be for the purpose of preserving the public peace, will defeat the very purpose for which it has been enacted. Take the other side of the case. We have been referred to dummy editors. Well, Sir, we know these dummy editors. One comes in and the other goes out, and we have something like 10 or 14 editors in succession swearing to be the editor of a newspaper or the publisher of a newspaper. What will be the result ? Will you be able to deal with them ? You will not be able to deal with them at all, and the instrument or dissemination of objectionable literature would still remain in the possession of the mischief-makers, whereas if you resorted to the preventive procedure laid down in the Code of Criminal Procedure you would have immediately laid hand, your heavy hand, upon the printing press that is disseminating the objectionable literature or upon the conductors of that newspaper, and at the same time your action would have been justified, because it was preventive and not punitive. I therefore submit that on every ground –the ground of first principles, the ground of public expediency and the ground of impracticability—this piece of legislation is ill-conceived.

One word and I have done. I do hope that the Honourable the Home Member who has been all along supporting the recommendations of the Select Committee will stick to his guns and stand by the decision of the Select Committee. We find in section 295 of the Indian Penal Code, which has been read to the House, the offence, which is a far more serious offence, is bailable, and this new offence now intended to be created by section 295A is made non-bailable. The Honourable the Home Member interjected a remark when one of us spoke at an earlier stage of the debate, that section 295 dealt with individuals. May I ask the Honourable the Home Member to pay us the compliment of refreshing his memory by looking at that section once more, and he will find that section 295 deals with not only the disturbance of religious worship, but with the committing of a far graver overt act, such as the defilement of a place of worship, which is of course a far more serious offence than merely the use of words or the making of speeches which any Member of this House will admit is not so serious as a direct overt criminal act disturbing a religious place of worship or destroying some object of religious veneration. While a person who commits this far more serious crime is entitled to bail, yet a person who merely reviles another man's religion is to be laid by his heels and imprisoned before his trial. That, I submit, is a position which is intolerable, and I would ask the Honourable the Home Member to reconsider the decision and see that the offence is once more restored to the catena of bailable cases. Sir, I have stated what I wanted to say. I caution Government that they will find in the near future that this Bill will not serve the purpose for which it is being enacted, and very soon they will find that it will be necessary for them to come back to this House with an amendment of the Code of Criminal Procedure, or it may be, of the Press Act, or it may be of any other Statute of the Indian Legislature for the purpose of giving them power to attack the mischief which we are all anxious that the Government should possess the power to attack, but which we are equally anxious to see should not trench upon the right of speech and free discussion of the subject. It is upon that ground and not upon the narrow ground of communalism that I oppose this measure.

(*Several Honourable Members* : " Let the question be now put ".)

Mr. K. C. Roy (Bengal : Nominated Non-Official) : I shall not detain the House longer than two minutes and I shall give an early opportunity to the House to put the last motion to the vote. Before you do so, I wish to correct an erroneous impression which was created in this House by certain observations made by my Honourable friend, Mr. Farookhi. Mr. Farookhi told the House that the Urdu Press was unanimous in support of the Bill. That is not quite a correct statement. I will give you one or two examples from the Urdu Press to prove my statement. The Urdu Press in Northern India is divided into two sections, one controlled by the Mussalman leaders and another controlled by the Hindus. I ....

Mr. Abdul Latif Sahib Farookhi (North Madras : Muhammadan) : I did not say Urdu Press ; I said the Mussalman Press.

Mr. K. C. Roy : I will take the Mussalman Press first. The *Siasat* says :

" The proposed Bill will give endless disputes not only among the various communities in India but among the various sects of a single community ".

I shall give you another paper. The *Inqilab* says :

" The drafts of the new law that we have seen are all absurd and will bring to the country calamities which were not brought by any other law excepting perhaps the Press Act."

I will not cite the Urdu Press run by the Hindus or the Sikh Press run by the Sikhs. The Sikh Press in particular is very anxious that the right of initiation of a case should be vested in the communities and individuals along with Government. I congratulate the House on not accepting the amendment of my Honourable friend Mr. Bhargava. If that amendment had been accepted, it would have been impossible to run any press or newspaper, particularly, the big Anglo-Indian papers. Now, Sir, this Bill has been piloted with the help of my Muhammadan friends. I am glad they have honestly voted with the Government. (*Mr. Yamin Khan* : Also Hindu Members.) I am giving my views. You can give yours. But, Sir, there is a very large and influential section of Moslem opinion which does not share the views of the Muslim Members of this House. I have received numerous telegrams and letters. One which I value most is a telegram which I have received from the Honourable the Maharaja of Mahmudabad. Every Muslim in this House knows the service he has rendered to the Muslim community and to the country at large. I oppose the Bill.

The Honourable Mr. J. Crerar : Sir, an Honourable Member opposite reproved me on a ground which I think was not entirely just. He reproved me for not making a longer speech and he reproved me for suggesting that this House was not at perfect liberty to vote as it pleased on this motion. That, Sir, is not what I said. What I said was that the House has already affirmed the principle of the Bill on two occasions, and that consequently it was unnecessary for me to deal with that matter at very great length ; and in truth the course of the debate

this afternoon on this motion has added little to what was already before the House. Most diverse criticisms have been made on this Bill. In some quarters it has been represented as an extremely drastic measure. Mr. K. C. Roy in his first speech quoted, I think, the opinion of some person with whom he had been discussing the matter—that the Bill went to the Select Committee as a small thing and emerged as nothing. Well, the Bill can hardly be a very formidable measure and nullity at the same time. Government have been accused of doing things which they ought not to do and of not doing things which they ought to do. My Honourable and learned friend on the opposite side, Mr. Prakasam, has argued that section 298 of the Indian Penal Code amply covered all possible cases of that kind. Now, Sir, I venture to reply that I am in disagreement with that opinion. Section 298 would not as a matter of fact cover the cases which we wish to cover by this Bill. I will not follow the Honourable gentleman's argument further. I will only say that another Honourable Member, the leader of his party, found it unintelligible and I may be pardoned for finding it equally unintelligible. What I would like to remind the House is that the issue before it which has been somewhat clouded in the course of the debate is really very simple. The real issue is this—if you have a scurrilous and deliberate insult to religion or religious beliefs, can it be directly penalised under the existing law ? It cannot be directly penalised under the existing law and the object of the Bill is, as pointed out, to make deliberate and malicious and scurrilous insult to religion a substantive matter. I venture to say that the grave apprehensions that have been expressed as to the comprehensiveness of this Bill, as to the character of the actions, by speech or writing, which can conceivably come under this Bill, have been greatly exaggerated. Indeed I am myself somewhat inclined to believe that the language of the amended Bill is in some respects too narrow, though on that subject I am prepared to accept the verdict of the House. But, Sir, before I sit down there is one appeal which I wish to make to the House. It has been suggested that this Bill has been directed either to placate or to penalise particular interests. It has been suggested that particular interests are liable to be specially penalised by this Bill. I appeal to the House to look at this Bill, its intention and its consequences without any sectarian consideration whatsoever. The Bill is universal in its application. It will not penalise nor will it carry any special advantage to any one community as distinct from any other. The intention of the Government in bringing forward the measure is to do something, however inadequate, to deal with, at any rate, one aspect of what every one agrees is a very grave and serious problem. It has been suggested that this Bill does not really go to the roots of the matter. No one ever contended that the Bill really goes to the roots of the matter. It is obvious that moral remedies must be more potent and penetrating in this matter than any legal remedies, but that is no reason why we should refrain from adopting such legal remedies as are in our reach. In moving this motion, that is what I am asking the House to do.

Mr. President : The question is :

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose, as reported by the Select Committee, and as amended, be passed."

[Mr. President.]

The Assembly divided :

AYES—61.

Abdul Haye, Mr.
Abdul Matin Chaudhury, Maulvi.
Abdul Qaiyum, Nawab Sir Sahibzada.
Abdullah Haji Kasim, Khan Bahadur Haji.
Ahmad, Khan Bahadur Nasir-ud-din.
Ahmed, Mr. K.
Alexander, Mr. William.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmad, Khan Bhadur Nawabzada Sayid.
Ayangar, Mr. V. K. Aravamudha.
Ayyangar, Rao Bahadur Narasimha Gopalaswami.
Bajpai, Mr. G. S.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Coatman, Mr. J.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Courtenay, Mr. R. H.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Crofton, Mr. R. M.
Dakhan, Mr. W. M. P. Ghulam Kadir Khan.
Dalal, Mr. A. R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr. J. T.
Dunnett, Mr. J. M.
Farookhi, Mr. Abdul Latif Saheb.
Ghazanfar Ali Khan, Raja.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Haigh, Mr. P. B.
Irving, Mr. Miles.
Ismail Khan, Mr.
Iyengar, Mr. S. Srinivasa.
Jowahir Singh, Sardar Bahadur Sardar.
Kabul Singh Bahadur, Captain.
Keane, Mr. M.
Kirk, Mr. R. T. F.
Lamb, Mr. W. S.
Mitra, The Honourable Sir Bhupendra Nath.
Moonje, Dr. B. S.
Muhammad Nawaz Khan, Lieut. Sardar.
Mukherjee, Mr. S. C.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Parsons, Mr. A. A. L.
Rainy, The Honourable Sir George.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Ruthnaswamy, Mr. M.
Sams, Mr. H. A.
Shafee, Maulvi Mohammad.
Shah Nawaz, Mian Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Rai Bahadur S. N.
Sinha, Mr. R. P.
Suhrawardy, Dr. A.
Tonkinson, Mr. H.
Wright, Mr. W. T. M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

NOES—26.

Aney, Mr. M. S.
Bhargava, Pandit Thakur Das.
Chunder, Mr. Nirmal Chunder.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Gour, Sir Hari Singh.
Gulab Singh, Sardar.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Joshi, Mr. N. M.
Kartar Singh, Sardar.
Khin Maung, U.
Kunzru, Pandit Hirday Nath.
Mukhtar Singh, Mr.
Naidu, Mr. B. P.
Neogy, Mr. K. C.
Prakasam, Mr. T.
Rang Behari Lal, Lala.
Rao, Mr. G. Sarvotham.
Roy, Mr. K. C.
Sarda, Rai Sahib Harbilas.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Mr. Siddheswar.

The motion was adopted.

APPOINTMENT OF MEMBERS TO THE COMMITTEE TO CONSIDER THE QUESTION OF RESIDENCE AND ACCOMMODATION FOR MEMBERS OF THE INDIAN LEGISLATURE.

Mr. President : I have to announce that, in pursuance of the motion that was carried in the House on the 14th September, I have appointed the following six Members to serve on a Committee to consider the question of residence and accommodation for Members of the Indian Legislature, namely :

The Honourable Sir Bhupendra Nath Mitra,

Mr. Srinivasa Iyengar,

Mr. M. R. Jayakar,

Mr. H. Cocke,

Maulvi Muhammad Yakub, and

Mr. K. C. koy.

THE HINDU CHILD MARRIAGE BILL.

Rai Sahib Harbilas Sarda (Ajmer-Merwara : General) : Sir, I rise to move that the Select Committee to which the Bill to regulate marriages of children amongst Hindus was referred do consist.....

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : On a point of order, Sir. The Honourable Member who is about to make this motion, moved for consideration of the Bill, and it was another Honourable Member who moved for reference of the Bill to a Select Committee. I submit that it is the duty and the privilege of that other Honourable Member to propose the names of that Select Committee.

Rai Sahib Harbilas Sarda : Either of the two, the Mover of the Bill or of the amendment, can make the proposal.

Mr. President : To which particular Standing Order does the Honourable Member (Mr. Neogy) refer ?

Mr. K. C. Neogy : The motion that the Bill be referred to a Select Committee is not complete in itself.....

Mr. President : I wish to know from the Honourable Member the particular Standing Order on which he relies ?

Mr. K. C. Neogy : I have not got the Standing Orders with me.

Mr. President : I know the practice of this House is that the Member who moves that the Bill be referred to a Select Committee also moves that the Committee do consist of such and such Members. But I do not know if Mr. Harbilas Sarda is debarred by any Standing Order from making this motion.

Mr. K. C. Neogy : As a matter of fact the motion he made was actually defeated by the House. The motion that was carried was for reference to a Select Committee, which was moved by another Member, and it really remains now for that Member to complete his otherwise incomplete motion.

Mr. President : I think we better stick to the practice we have followed so far in such cases. Kumar Ganganand Sinha.

Kumar Ganganand Sinha (Bhagalpur, Purnea and the Santhal Parganas : Non-Muhammadan) : Sir, I beg to move :

"That the Select Committee to which the Bill to regulate marriages of children amongst the Hindus was referred do consist of the following persons, namely : Lala Lajpat Rai, Mr. M. R. Jayakar, Mr. M. A. Jinnah, Maulvi Muhammad Yakub, Colonel H. A. J. Gidney, Pandit Madan Mohan Malaviya, Lala Rang Behari Lall, Sir Hari Singh Gour, Mr. K. C. Roy, Mr. W. A. Cosgrave, Rai Sahib Harbilas Sarda, the Honourable Mr. J. Crerar, Diwan Chaman Lall, Mr. Srinivasa Iyengar, Mr M. Ruthnaswamy, Dr. Moonje and the Mover; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be seven."

The motion was adopted.

THE ADEN CIVIL AND CRIMINAL JUSTICE (HIGH COURT JURISDICTION AMENDMENT) BILL.

Sir Denys Bray (Foreign Secretary) : Sir, I beg to move that the Bill further to amend the Aden Civil and Criminal Justice Act, 1864, in order to make further provision for the jurisdiction thereunder of the High Court of Judicature at Bombay, as passed by the Council of State, be taken into consideration.

Sir, in this Bill we seek to put the finishing touches to the judicial reforms we have recently been introducing into Aden. We began some months back by appointing to Aden a Bombay civilian of standing and considerable judicial experience as District and Sessions Judge. A further step forward was made by the passing in the Bombay Legislative Council of a Bill amending the Aden Civil and Criminal Justice Act, 1864. The main purpose of the Act that was passed in the Bombay Council was the virtual transfer of the judicial administration at Aden from the Resident to the Judicial Assistant. Under that Act the Judicial Assistant is empowered to exercise all the powers that are exercisable by the Resident. In this Bill, Sir, we seek to make provision for appeals to the High Court of Bombay. I may simply emphasise two things. First, the provisions in this Bill were framed by a Select Committee of the Bombay Legislative Council. They sought indeed to introduce these provisions in their own Bill, but they were found to be *ultra vires*. The provisions before us have, moreover, the backing not only of the Bombay Government but also the general support of the High Court of Bombay.

***Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir, I do not want to make a speech but I want certain information in respect of one or two points either from my Honourable friend Sir Denys Bray, or the Finance Member. Sir, this Bill refers to certain legislative measures, but what I understood during the last Budget Session was that India has to pay £250,000 to the British Government and that India has no further commitments with regard to Aden. I would like to know whether we have still any executive or administrative responsibilities in connection with Aden, and whether we have any financial commitments either in the matter of administration or judicial administration or in any other directions, such as railways, and so forth, and whether India is committed to any further expenditure.

Sir Denys Bray : Sir, I fail to see myself how this question arises out of the Bill before the House. But I may say in a word that Aden

* Speech not corrected by the Honourable Member.

remains part of India ; that is to say, the Aden settlement proper remains as much a part of India as it did before. India is responsible for everything on the civil side connected with the actual settlement of Aden—administratively, executively, judicially and in respect of everything else I can think of. What has been transferred from India is merely the political arrangements connected with the Aden hinterland, the Aden protectorate, and the various political commitments that arise from and through the protectorate. Similarly, India has been relieved of the external defence of Aden, and it is for this purpose, and in consideration of the fact that His Majesty's Government have taken on the defence of Aden, that India naturally has to make a contribution towards the defence of Aden. Perhaps I may add this ; that the settlement in respect of Aden that has been arrived at is the settlement which was placed before the Inchcape Committee, and which that Committee enjoined on me as Foreign Secretary to promote.

" This solution would in our opinion have several advantages and we recommend that it be examined with a view to its adoption ".

The solution that has actually been adopted is the solution which earned this warm commendation from the Inchcape Committee.

Mr. B. Das : Sir, may I ask.....

Mr. President : Order, order. This is not question time.

The question I have is :

" That the Bill further to amend the Aden Civil and Criminal Justice Act, 1864, in order to make further provision for the jurisdiction thereunder of the High Court of Judicature at Bombay, as passed by the Council of State, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Mr. President : Clause 4.

Mr. S. Srinivasa Iyengar (Madras City : Non-Muhammadan Urban) : I should like to know, Sir, whether the Bombay High Court will have power of revision in respect of those cases in which there is no right of criminal appeal.

Sir Denys Bray : Sir, the present provisions still stand, that is to say, the provisions of section 29 of the Aden Civil and Criminal Justice Act, 1864. It will still be at the discretion of the Resident to reserve any point or points of law for the opinion of the said High Court in criminal cases which are not covered by appeals.

Mr. S. Srinivasa Iyengar : What about the power of revision of the High Court ?

Mr. President : Order, order.

The question is :

" That clause 4 do stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Sir Denys Bray : Sir, I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

THE INLAND BONDED WAREHOUSES (AMENDMENT) BILL.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I move for leave to introduce a Bill further to amend the Inland Bonded Warehouses Act, 1896, for certain purposes.

The purposes for which this Bill is introduced are fully given in the Statement of Objects and Reasons, and I confine myself to making my motion.

The motion was adopted.

The Honourable Sir Basil Blackett : Sir, I introduce the Bill.

THE INDIAN DIVORCE (SECOND AMENDMENT) BILL.

The Honourable Mr. J. Crerar (Home Member) : Sir, I move that the Bill further to amend the Indian Divorce Act for a certain purpose, as passed by the Council of State, be taken into consideration

In making this motion I hope I shall have the support of my Honourable friend, Sir Hari Singh Gour, because as a matter of fact it is largely due to his representations that this Bill has been submitted to the House. The point is a short one. While the House was engaged in discussing an earlier Bill to amend the Indian Divorce Act, it was pointed out by Sir Hari Singh Gour that the Indian Christian Marriage Act, which was passed about three years after the Indian Divorce Act itself was passed, permits of valid marriages being contracted between Christians and non-Christians. On the other hand, the Indian Divorce Act as it stands permits no relief to be granted except when the petitioner is a Christian. Sir Hari Singh Gour pointed out that that was in itself anomalous and that as a matter of fact a good many cases of hardship have occurred. He pointed out that it would be an equitable provision that relief should be granted under the Indian Divorce Act where either the petitioner or the respondent is a Christian. This will be the effect of the present Bill, which I ask the House to take into consideration.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Mr. J. Crerar : Sir, I move that the Bill further to amend the Indian Divorce Act for a certain purpose, as passed by the Council of State, be passed.

The motion was adopted.

THE ASSAM LABOUR AND EMIGRATION (AMENDMENT) BILL.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, I beg to move that the Bill further to amend the Assam Labour and Emigration Act, 1901, for certain purposes, as passed by the Council of State, be taken into consideration.

This is a very simple Bill of a purely formal character. Our reasons for bringing it before the Legislature have been fully explained in the Statement of Objects and Reasons, and it is hardly necessary for me to add anything to what has been stated therein. In short, some doubt has been expressed recently whether we had any legal authority to collect certain cesses which in fact have been collected ever since 1915 from employers in the tea industry for the purpose of the Assam Labour Board, and we want to regularise the position. That is the sole object of the Bill.

Sir, I move

Mr. N. M. Joshi (Nominated : Labour Interests) : Sir, I do not wish to make a long speech, except to say that Government have neglected the amendment of this old Act for a very long time. When they decided to amend the Assam Labour and Emigration Act, I think they ought to have amended the whole Act and brought it up to date. That Act requires modification in various respects for the protection of the workers on the tea plantations of Assam. I hope, Sir, that Government will not be satisfied with this Bill in which the workers of Assam are not very much interested, but they will soon bring forward a Bill to amend the Assam Emigration Act, which is now a very old and obsolete Act.

Mr. President . The Honourable Member has got the power to do so.

The question is :

"That the Bill further to amend the Assam Labour and Emigration Act, 1901, for certain purposes, as passed by the Council of State, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Bhupendra Nath Mitra : Sir, I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

RESOLUTION *RE* RATIFICATION OF THE DRAFT CONVENTIONS CONCERNING (1) SEAMEN'S ARTICLES OF AGREEMENT, AND (2) REPATRIATION OF SEAMEN.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I beg to move the following Resolution :

"This Assembly recommends to the Governor General in Council that the question of the ratification of the Draft Conventions concerning—

(1) Seamen's Articles of Agreement, and

(2) The Repatriation of Seamen,

adopted by the General Conference of the International Labour Organisation of the League of Nations at its Ninth Session held at Geneva from the 7th to the 24th June

[Sir George Rainy.]

1926, should be considered at a later date, when the amendments necessary to bring the existing law into conformity with these Draft Conventions have been further examined in consultation with parties interested."

I should like to explain briefly, Sir, why it has been found necessary to bring these Resolutions before the House. Under Article 405 of the Treaty of Varseilles, which deals with the International Labour Organisation, the Member Governments have bound themselves within a period of 18 months to bring any Draft Convention adopted by the International Labour Conference before the competent authority which has power to take action, at latest, within 18 months of the date when the Draft Convention was adopted. In this case the period of 18 months will expire on the 24th of December next, and as legislation will be necessary before the Government of India can ratify these Conventions it was necessary, in order to comply with the provisions of the Treaty, that the Draft Conventions should be brought before the Indian Legislature as the competent authority at this Session, because before the next Session begins the period of 18 months will have expired. I should like to explain also the reason why we are not in a position at present to place legislation before this House. Some Honourable Members are perhaps aware that our merchant shipping law is closely interlocked with the merchant shipping law of the United Kingdom, and it is sometimes a matter of great difficulty to ascertain whether a particular matter is regulated by Indian law or by the British Statute. It has been found, as regards these two Conventions, that legislation by the Imperial Parliament will be necessary before the Government of India can implement the provisions of the Convention, and it would not be correct for the Government of India to ratify until such legislation has been passed. The points on which legislation in the Imperial Parliament are necessary are not of anything like first class importance. Take first the Convention about the repatriation of seamen. So far as Indian seamen, engaged in India are concerned, the provisions of the Indian law already give greater protection than is required to be given by the Convention, and so far as that is concerned, there is no difficulty in ratifying. But in one small point, namely, the repatriation of foreign seamen employed on a ship registered in India, but engaged in their own country, we have been advised that that is beyond the power of the Indian Legislature to deal with. Therefore for the moment we are not in a position to ratify the Convention. We hope that the British Government will decide to ratify and will pass the necessary amendment to its own Statute and thereafter it may be necessary to have some subsidiary legislation in India, but in that case there will be no real difficulty about ratification. As regards the other Convention, namely the seamen's articles of agreement, there are three clauses in the Convention which will require legislation in India, but I do not think that any of them will give rise to much difficulty. There is however, another article, in the Convention—article 5—about which there may be some difficulty and which it will be necessary to discuss with the parties interested. It is this. Under the Draft Convention the seamen's discharge certificate shall not contain any statement as to the quality of the seamen's work or as to his wages ; under the British law the discharge certificate may contain such a statement, if expressly asked for by the seaman while the Indian law, such a statement is neither

required nor forbidden. We do not know at present what the British Government may decide to do about this Article ; and it is very desirable before we undertake any amendment of the law in this matter that we should know exactly what their position is, because if we legislated without doing so, a very difficult legal position might subsequently arise owing to a doubt as to which law in a given case ought to prevail.

I think these are the main points that arose in connection with these Conventions. I should like to make it plain that the difficulty about ratification at present arises entirely over these legal points and not over any large question of substance because our law in the main is quite as advanced in these two matters as the Convention, and on certain points it is even more advanced.

Sir, I move.

Mr. N. M. Joshi (Nominated : Labour Interests) : Sir, I move :

" That in that Resolution the words ' the question of the ratification ' be omitted and that for the words beginning from ' should be considered at a later date ' to the end of the Resolution, the words ' be ratified ' be substituted."

Sir, the object of my amendment is to request this House to recommend to the Government of India to ratify these Conventions at this meeting. The object of the original Resolution is to ask the House to postpone the consideration of this question. Sir, I want to show to the Members of this House that there are good reasons why we should not agree to the request made by the Honourable Member in charge of this Department. The attitude of the Government of India towards the question of improving the conditions of life and service of seamen is that of indifference and I am going to prove in a very brief speech that the Department does not deserve the trust which it asks this House to put in it. Sir, the life of seamen generally is very hard. Their life is full of risk and they have to work for a long time away from their homes and their families. It is, therefore, necessary that any Government which claims to be a Government caring for the working classes of that country should devote more than ordinary care to the welfare of seamen, and all over the world the Governments have done so. Unfortunately, our experience in this country is that the Government of India have not bestowed sufficient attention to this subject. For many years the Indian Merchant Shipping Act, which has some provisions for the welfare of Indian seamen, has not undergone any change. But since the International Labour Conference began to consider the question of labour and since the first Conference regarding the question of seamen was held at Genoa, the question of the conditions of service of seamen has begun to come before the Government of India and before the Legislature. But, Sir, the attitude of the Government of India towards the question of improving the conditions of seamen has been that of indifference. I remember very well when the Conventions and Recommendations of the Genoa Conference were placed before this House, the Government of India threw away almost all the Conventions and Recommendations. They, however, decided to enquire into some questions and they also promised to take some action on some others. But, Sir, the experience of the past six years shows that the Government of India have taken no action. I shall give you only a few instances. The Government of India appointed a Committee to go into the question of recruitment. When this House agreed to the recommendation of the Government of India that the Convention regarding recruitment of seamen should not

[Mr. N. M. Joshi.]

be ratified, they promised to appoint a Committee. They appointed a Committee and the Committee found that there was much bribery in the work of recruiting the seamen. The Committee also made certain recommendations, but the Government of India have not yet carried out any of those recommendations.

Sir, I shall give you another instance. The Government of India promised to make an inquiry as to whether the amendment of the law was necessary in order to provide compensation to workmen whose contract of service was terminated on account of shipwreck. Sir, I have not heard anything about that inquiry and no result has yet followed.

Sir, there is another case. The Government of India have ratified certain Conventions. They have ratified the Convention regarding the age of admission of children to employment on the sea. They have taken no action to give legislative effect to the Convention. Then, Sir, the Convention that they ratified as regards the age of admission for the work of trimmers and stokers has not yet been given effect to.

Mr. President : And yet the Honourable Member wants Government to ratify this particular Convention ?

Mr. N. M. Joshi : I want to recommend to this House that Government's Resolution should not be accepted because the Government do not deserve.....

Mr. President : The Honourable Member's case is that this Convention should be ratified and curiously enough he argues that Government have not given effect to certain other Conventions after ratifying them.

Mr. N. M. Joshi : That is unfortunately true. But it is to some advantage of the seamen of this country that they should ratify this Convention immediately, so that we can at least go on agitating and telling this House that the Government of India do not keep their word. Now, Sir, the Conventions that they ratified as regards the age of admission for the work of trimmers and stokers and for compulsory medical examination of children have not yet been carried out. Then they had also ratified a Convention.....

Mr. President : I fail to understand why the Honourable Member should go on enumerating his grievances regarding other Conventions in speaking to this Resolution which refers to one particular Convention. The conduct of Government in the matter of other Conventions has got absolutely nothing to do with the question which the Honourable Member has raised by his amendment.

Mr. N. M. Joshi : Sir, with your indulgence I wish to bring to the notice of the House that the Government have been indifferent in this matter. It is therefore better that this House should not accept the Resolution of the Government of India and should accept my amendment.

Now, Sir, the conduct of the Government of India as regards this question does not entitle them to ask this House to wait till they bring forward legislation on this subject. The Conventions which we are considering to-day are important from the point of view of Indian seamen. Sir, the first Convention is regarding the agreements of seamen. Now, if this Convention is ratified immediately, Government are bound to give

effect to the terms of that Convention. If they ratify the Convention, the seamen stand to gain in some respects. In the first place, the seamen of our country will gain as regards the continuous certificates given to them at the time of discharge. At present it is possible for the employers to include in the discharge certificate some terms regarding the quality of the work which the seamen do. It is a dangerous practice because, if you put in some words in the certificate regarding the quality of the work of the seamen, they are likely to lose. This Convention laid down that in the continuous discharge certificate no mention should be made of the quality of the work of the seamen. The seamen also have got the right to claim a separate certificate regarding the quality of their work. Then the Convention also gives the right to the seamen to get their pay when they get discharged before the termination of their contract if they provide a substitute. There are several other smaller items in which seamen stand to gain by the ratification of this Convention. I therefore think that this Resolution should not be accepted.

5 P.M.

There is one other point on which I wish to say a word especially when we are discussing the Convention passed at the Ninth Session of the International Labour Conference. At this Conference the question of recruitment of seamen came up for discussion through a speech made by my friend Mr. Davood who represented the Indian seamen at that Conference. In reply to that speech a representative of the Government of India made a statement which in my judgment was quite inaccurate.

The Honourable Sir George Rainy : This does not seem to have any relevancy to the Draft Convention that we are discussing now.

Mr. N. M. Joshi : We are discussing the Convention passed at the Ninth Session of the International Labour Conference.

Mr. President : Not all the Conventions. We are only discussing the Convention which is under consideration and which is the subject matter of this Resolution. The question is whether this Assembly should ratify this Convention to-day or at a later date. We have nothing to do with any other Conventions. The conduct of the Government may be blameworthy in the matter of those other Conventions, but the reference to it is hardly relevant in dealing with this Resolution.

Mr. N. M. Joshi : What I am contending is that this Assembly has now got an opportunity to discuss certain Resolutions and Conventions passed at the Ninth Session of the International Labour Conference. It should be the ordinary parliamentary practice that, if certain statements have been made at that conference which are not accurate, we should have an opportunity of correcting them in this House on this occasion.

Mr. President : I cannot allow the Honourable Member to utilise this occasion for that purpose.

Mr. N. M. Joshi : With your indulgence, I want to point out that this is the only opportunity when we can discuss that point.

Mr. President : Order, order. The Honourable Member is not entitled to discuss that point on this Resolution.

Mr. N. M. Joshi : If that is your decision, Sir, I cannot point out at the present time the mistake or the inaccuracy of the statements made by the representative of the Government of India.

Mr. President : If it refers to this particular Convention the Honourable Member will be in order.

Mr. N. M. Joshi : It refers to this particular Convention only indirectly and not directly.

Mr. President : It is no use persisting. The Honourable Member knows it.

Mr. N. M. Joshi : There is only one other point to which I wish to refer and it is this. That statement refers to what had happened in this House. I am sure the House would be surprised to know that a false statement had been made at the Conference as regards what had happened in this House. If you will give me one minute, Sir, I shall explain what it was.

Mr. President : I am afraid that the Honourable Member is not at all in order in referring to that subject in dealing with this Resolution.

Mr. N. M. Joshi : I do admit that. But, with your indulgence I wish to state that this House was absolutely misrepresented at that conference. (*Several Honourable Members* : "Order, order".) The statement was made at that Conference that this House unanimously threw out the ratification of that particular Convention. As a matter of fact my Honourable friend Mr. Kabeer-ud-Din Ahmed had opposed that Convention (Laughter). When one Member had opposed that Convention, certainly it was wrong to say that this House unanimously threw out the ratification of that Convention. You know, Sir, the ordinary practice in our proceedings when a Resolution is adopted.....

Mr. President : The Honourable Member must now resume his seat.

Mr. M. S. Aney (Berar Representative) : Sir, I only wish to point out one inaccuracy in the amendment, as the amended resolution would be meaningless, if it be adopted as it stands. If the amendment is adopted the Resolution would read thus.....

Mr. President : The Honourable Member may vote against the amendment.

Mr. M. S. Aney : If this amendment is adopted the Resolution would read miserably. If the words sought to be omitted by the amendment are omitted in the Resolution, the resolution would read :

"This Assembly recommends to the Governor General in Council that of the Draft Conventions, etc., etc., should be ratified."

This is certainly meaningless. The word "of" after "ratification" has to be omitted.

Mr. President : The Honourable Member may vote against it.

Mr. N. M. Joshi : No doubt the word "of" also should be omitted.

Mr. M. S. Aney : The word "of" must go.

Mr. N. M. Joshi : Yes, Sir.

Maulvi Abdul Matin Chaudhury (Assam : Muhammadan) : Sir, I rise to support the amendment of my Honourable friend Mr. Joshi and in this connection I want to protest against the obstructive tactics that are usually adopted by the Government (hear, hear) whenever any

Convention of the International Labour Conference comes up before this House for ratification. The past experience does not very much encourage us to give an entirely free hand to the Government in putting off the ratification of the Convention for an indefinite period. I wish to illustrate my point by only one example. In the year 1920 the International Labour Conference held at Geneva adopted a draft Convention for establishing facilities for finding employment for seamen. In the autumn Session of the Legislative Assembly, in 1921, the Honourable Sir Charles Innes came before the House with a Resolution that that draft Convention should not be ratified, but that an enquiry should be made about the existing evil. The Government appointed a committee of enquiry. That Committee made its report in 1922. The Committee found grave abuses existed and they condemned the present system of recruitment by means of licensed brokers. They recommended that an employment bureau should be established at the ports of Calcutta and Bombay just on the lines suggested in the Draft Convention The report of the Committee was so damaging that the Government in publishing that report suppressed the last three paragraphs of the report which dealt with the existing abuses

Mr. N. M Joshi : Sometimes, they suppress the whole of it.

Maulvi Abdul Matin Chaudhury : That was in 1922. Five years have passed. The Government know that grave abuses exist. The Government know that these poor seamen are being exploited These brave seamen who saved England from starvation during the War—(hear, hear)—have been left to their fate. This Convention has been ratified by Germany, by Holland, by Italy by Spain, by Norway, by Sweden, by Japan and by Finland.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : They are all civilised countries.

Maulvi Abdul Matin Chaudhury : But for the last seven years, the Government of India have been incubating upon it. They have not ratified it. With this example of the non-ratification of the Geneva Convention of 1920 before us, the House will be very reluctant to agree to this Resolution of the Honourable the Commerce Member. Before we agree to this Resolution, I think the House may very pertinently ask the Honourable the Commerce Member what has been the fate of the Geneva Convention of 1920, what has been done with the report of the seamen's Recruitment Committee, which the Honourable Sir Charles Innes had promised to place before us, for discussion. Before we agree to this Resolution, we must have an answer to this question from the Government.

The Honourable Sir George Rainy : Sir, my Honourable friend Mr. Joshi gave two main reasons in support of his amendment. The first of them was that there was a Convention, or possibly more than one Convention, which the Government of India had never ratified. I am afraid I do not see how that is relevant to the Resolution I have placed before the House. The Government of India may sometimes have to decide that they cannot ratify a particular Draft Convention. But here the position is that we are anxious to ratify though there are certain legal and technical difficulties. As I endeavoured to explain to the House, these difficulties are not large questions of substance but mainly legal and technical points.

Mr. K. Ahmed : Why did you not say that at Geneva and why do you say it here ?

The Honourable Sir George Rainy : I may inform the Honourable Member that I have never been in Geneva. Now it may occur to some Honourable Member to ask " Why not ratify at once and legislate later on ?" ; but, Mr. President, if I were to propose that course to the House, I should immediately fall into the condemnation of the other precedents quoted by my Honourable friend Mr. Joshi when he said that the Government of India had, in the case of certain Conventions, ratified a long time ago but taken no action to give effect to them. If that be so, then it is a condemnation which I am anxious to avoid and it is precisely for that reason that the Government of India have put forward Resolution in this form, and not in the form of recommending ratification. We cannot put a Resolution before this House recommending ratification until we are sure that we shall be in a position, if we ratify it, to give effect to the Convention. I may mention that at the Tenth Session of the Geneva Conference this question of procedure was discussed. In a report which reached me within the last week there is a passage I should like to read :

" The Experts also mentioned a difference of practice among Governments with regard to ratification. Some Governments secure the passage of any necessary legislation before ratifying, others notify ratification before such legislation is actually on the Statute-book ; the Experts pointed to the disadvantage of the latter system, though they considered that such ratifications are of great value as signifying acceptance of the principle of a Convention and recognition of the obligation to legislate in conformity therewith as soon as possible ; they suggested, however, that when such ratifications are deposited it should be stated that they will take effect only on the expiry of a specified period. The juridical questions thus raised led to an interesting discussion in Committee, where Mr. Pfister (Swiss Government) and Mr. Oersted (Employers, Denmark) expressed the view that legislation, when necessary, should in all countries precede ratification, and this point was also urged in a speech in full conference by Mr. Thorsen (Norwegian Government). We think this matter worthy of the attention of the Government of India, as it has been the practice in India in most cases to communicate ratification before legislation has been passed."

We are trying in this case to follow the procedure approved by our own delegates and to make sure that we have full legislative power to carry out the Convention before we invite the Legislature to ratify it. That in substance, Mr. President, is my reply to the arguments used by my Honourable friend Mr. Joshi.

I should like, however, to refer briefly to two more points. Mr. Joshi said that the two Conventions were very important and that their ratification would do a great deal to improve the lot of Indian seamen. Now I do not underrate the importance of these Conventions, but I think my Honourable friend overlooked the fact that they only apply to foreign-going ships registered in British India, and that the number of such ships at present is extremely small. These Conventions, when we ratify them, as I hope we shall, will do something but, in the nature of the case, they cannot do a great deal to improve the lot of the Indian seaman.

The other point to which I wish to allude is this. I am sure the House will not expect me at this hour and without previous notice to say exactly what the Government of India did or did not do, or why they did it or did not do it, as regards the long list of Conventions to which my Honourable friend referred. I will look into those cases and

see what the position is, but clearly it is out of the question that I should reply in detail to-day.

Mr. President : The original Resolution was :

" That this Assembly recommends to the Governor General in Council that the question of the ratification of the Draft Conventions concerning

(1) Seamen's Articles of Agreement, and

(2) the Repatriation of Seamen,

adopted by the General Conference of the International Labour Organisation of the League of Nations at its Ninth Session held at Geneva from the 7th to the 24th June 1926, should be considered at a later date, when the amendments necessary to bring the existing law into conformity with these Draft Conventions have been further examined in consultation with parties interested ".

Since which the following amendment has been moved :

" That the words ' the question of the ratification of ' be omitted."

2. " That for the words beginning from ' should be considered at a later date ' to the end of the Resolution, the words ' be ratified ' be substituted."

The question I have to put is that amendment be made.

The motion was negatived.

Mr. K Ahmed : At this juncture I should like to bring to the notice of the Chair that it is now very late and important business is coming on.. .....

Mr. President : Will the Honourable Member resume his seat and allow the Chair to put the original Resolution to the vote of the House ? The question I have to put is :

" That the following Resolution be adopted:—

' This Assembly recommends to the Governor General in Council that the question of the ratification of the Draft Conventions concerning

(1) Seamen's articles of Agreement, and,

(2) the Repatriation of Seamen,

adopted by the General Conference of the International Labour Organisation of the League of Nations at its Ninth Session held at Geneva from the 7th to the 24th June 1926, should be considered at a later date, when the amendments necessary to bring the existing law into conformity with these Draft Conventions have been further examined in consultation with parties interested '."

The motion was adopted.

Mr. K. Ahmed : Sir, before taking up any other matter for discussion to-day in this Assembly, I should like to point out that, important subjects are still down in the agenda for to-day and many Members have already left the House, Sir, because it is not the custom of this House to remain here after 4-30—at least that has been our experience in this Session ; and I say, Sir, that on account of that and on account of the importance of these subjects, if these questions are taken up to-day and passed without giving an opportunity to the representatives of the people of this country.....

Mr. President : Order, order. The Chair has already taken all these matters into consideration.

RESOLUTION *RE* RECOMMENDATIONS CONCERNING (1) THE REPATRIATION OF MASTERS AND APPRENTICES, AND (2) THE GENERAL PRINCIPLES FOR THE INSPECTION OF THE CONDITIONS OF WORK OF SEAMEN.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I move the following Resolution :

"That this Assembly recommends to the Governor General in Council that no action be taken on the Recommendations concerning:

(1) the Repatriation of Masters and Apprentices, and

(2) the General Principles for the Inspection of the Conditions of Work of Seamen,

adopted by the General Conference of the International Labour Organisation of the League of Nations at its Ninth Session held at Geneva from the 7th to the 24th June 1926 until the amendments necessary to bring the existing law into conformity with these Recommendations have been further examined in consultation with parties interested."

I will try to deal with this matter very briefly, Sir. The reasons for bringing forward the Resolution are very similar to those which exist in the case of a Draft Convention but there is this difference, that here we are dealing with recommendations of the Labour Organisation and not actual Draft Conventions. In the case of a Draft Convention, if a Member Government proposes to adopt it, it must formally ratify it exactly as it stands without amendment. In the case of a Recommendation there is no question of ratification, and the Member Government can accept as much or as little as it pleases of the proposals included in the Recommendation. We are, however, bound exactly in the same way as in the case of a Draft Convention to bring Recommendations before the competent authority—that is, in this case the Legislature—within the specified period.

Now, as regards the first Recommendation, namely, the repatriation of masters and apprentices, the view of the Government of India is that in all probability no amendment in the law as regards masters will be found necessary. But as regards apprentices, it will be desirable to legislate in order to bring the law bearing on the repatriation of apprentices into line with the law bearing on the repatriation of seamen. That will mean legislation both in the Imperial Parliament and also in India. The other Recommendation is as regards the general principles for the inspection of the work of seamen. Here the necessity for legislation arises out of an Article in the Recommendation which expresses the desirability that, as far as possible, all the authorities charged with the inspection of the work of seamen should be brought under a single control. That is entirely in line with the policy of the Government of India, as I think I have explained more than once in this House. Our policy is to bring the administration of the merchant shipping law, which includes inspection of the work of seamen, under the direct control of the Central Government instead of leaving it largely to the Local Government as we do at present. In order that that may be done, it will be necessary to amend the Merchant Shipping Act, and I hope it will be possible to introduce a Bill dealing with that point in the cold weather Session. It has not been possible to introduce the Bill this Session, and therefore it became necessary to bring this Resolution before the House.

Sir, I move.

Mr. N. M. Joshi (Nominated : Labour Interests) : I move an amendment to this Resolution :

"That for the words 'no action' the words 'necessary action' be substituted.
That all the words beginning from 'until the amendments necessary' to the end of the Resolution, be omitted."

The Honourable Member in charge of the Department said that these Conventions and Recommendations are only applicable to seamen working on foreign-going ships registered in India, and there are very few such ships at present in India and so they are not of great importance to Indian seamen. Sir, in this world very little is done for the working classes and especially for the seamen. So I am prepared to admit that whatever is done by these Conventions and Recommendations is indeed very little. But the working classes receive so little that even when a little is done, they think that much is done for them. It is for that reason that I say these Conventions and Recommendations are useful to the seamen.

My amendment asks this House to recommend to the Government that necessary action on the Recommendations should be taken. One of these Recommendations is intended to ask the Government to establish a proper and regular system of inspection of the conditions under which seamen work on ships, conditions as regards health, safety and other matters. Under the Indian Merchant Shipping Act there is no provision for a regular system of inspection through special inspectors. The shipping masters have got certain powers to inspect ships under certain conditions, but the shipping masters have got their ordinary work to do and they cannot under ordinary circumstances find time to inspect the ships on which the Indian seamen work. If the Recommendation is given effect to at once, the Government will have to appoint inspectors to inspect the conditions on ships.

Sir, the Recommendation also insists that if the seamen have any grievances, they should have the right to bring them to the notice of the inspectors either directly themselves, or through their representatives. Under the present Indian Merchant Shipping Act every seaman cannot do this. It is necessary that three seamen should combine together to bring to the notice of the shipping master any grievances that they may have ; nor can they bring their grievances to the notice of the shipping master through their representatives. Again, this Recommendation insists that such inspectors should be appointed as will be acceptable to the seamen as well as to the employers. The Recommendation also insists that the inspectors should from time to time consult the organisations of seamen as well as the employers. You will thus see that if necessary action is taken on this Recommendation the Indian seamen stand to gain something, although I am not prepared now to say that they will gain very much. I therefore hope that the House will pass my amendment.

The Honourable Member while moving this Resolution stated that the necessary changes will take some time. He also stated that in some circumstances it is not within his power to take action, as our law as regards merchant shipping is interlinked with the English law. I hope the Honourable Member will take steps to see that the Indian Merchant Shipping Act is made independent of the British Merchant Shipping Act,

[Mr. N. M. Joshi.]

so that if we want to make any changes in the law as regards the conditions of service of seamen we may be able to do so without being dependent upon the British Parliament.

I hope this House will accept my amendment.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : I request that the discussion may be adjourned, as there is the Unity Conference sitting downstairs.....

Mr. President : Order, order. Sir George Rainy.

The Honourable Sir George Rainy : I will try to be very brief in replying to what my Honourable friend, Mr. Joshi, has said. He admits now that the benefit which the Indian seamen can derive from the adoption of these Recommendations is not very great ; but still he would like to see them put in force, and that, I may say, is also the desire of the Government of India. There may be one or two points on which they are not able to accept the Recommendations exactly as they stand, but the Recommendation about inspection to which the Honourable Member attaches most importance, has been examined in detail, and, as far as we can see legislation will be required only on two points one of which is a very small one. To give effect to the other parts of the Recommendation, we can proceed by executive action, and very largely it would be part of our reorganisation scheme for merchant shipping work generally. There was one other small point to which I wished to refer but it escaped my memory for the moment, and I do not know that I need add anything further.

Mr. President : The original Resolution was :

" That this Assembly recommends to the Governor General in Council that no action be taken on the recommendations concerning

(1) the Repatriation of Masters and Apprentices, and

(2) the General Principles for the Inspection of the Conditions of Work of Seamen,

adopted by the General Conference of the International Labour Organisation of the League of Nations at its Ninth Session held at Geneva from the 7th to the 24th June 1926 until the amendments necessary to bring the existing law into conformity with these Recommendations have been further examined in consultation with parties interested."

Since which the following amendment has been moved :

" That for the words ' no action ' the words ' necessary action ' be substituted.

That all the words beginning from ' until the amendments necessary ' to the end of the Resolution, be omitted ".

The question that I have to put is that that amendment be made.

The motion was negatived.

Mr. President : The question is :

" That the following Resolution be adopted :

' That this Assembly recommends to the Governor General in Council that no action be taken on the recommendations concerning

(1) the Repatriation of Masters and Apprentices, and

(2) the General Principles for the Inspection of the Conditions of Work of Seamen,

adopted by the General Conference of the International Labour Organisation of the League of Nations at its Ninth Session held at Geneva from the 7th to the 24th June

1926 until the amendments necessary to bring the existing law into conformity with these Recommendations have been further examined in consultation with parties interested'.''

The motion was adopted.

RESOLUTION *RE* CENSORSHIP OF CINEMATOGRAPH FILMS.

Mr. President : The House will now resume further consideration of the following Resolution moved by the Honourable Mr. J. Crerar on the 14th September, 1927 :

''That this Assembly recommends to the Governor General in Council that he be pleased to appoint a committee to examine and report on the system of censorship of cinematograph films in India and to consider whether it is desirable that any steps should be taken to encourage the exhibition of films produced within the British Empire generally and the production and exhibition of Indian films in particular.''

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I move the adjournment of the further consideration of this question.

Mr. President : Does the Honourable Member really realise the effect of the adjournment motion ? The Governor General in Council has got the power to appoint the Committee referred to in the Resolution. If the Assembly does not express its opinion to-day it may be that the Government, without consulting the Assembly might appoint a Committee. In that event, the House will lose the opportunity of influencing the decision of the Government.

Sir Hari Singh Gour : I bow to what has fallen from the Chair but the Members are now fully jaded. It is past half past five and we have other engagements to meet, and I hope the Honourable the Home Member will realise that this Resolution is far too important to be discussed at this very late hour. We have a number of amendments on the paper and full justice cannot be done to these amendments unless we are prepared to sit till 9 or 10 at night. I therefore ask that, with the concurrence of the Honourable the Home Member, the further discussion of this motion be adjourned till Wednesday or till the winter Session in Delhi.

The Honourable Mr. J. Crerar (Home Member) : I have no desire whatever to detain the House if there is a common desire to adjourn, but I must point out that the position that will emerge is precisely what you, Sir, have indicated.

Mr. President : The question I have to put is :

''That the further discussion of this Resolution be adjourned.''

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 20th September, 1927.

LEGISLATIVE ASSEMBLY.

Tuesday, 20th September, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

MEMBER SWORN :

Mr. Thomas Ryan, C.I.E., M.L.A. (Department of Industries and Labour : Nominated Official).

QUESTIONS AND ANSWERS.

Mr. President : Maulvi Badi-uz-Zaman.

Mr. Abdul Latif Sahib Farookhi : With your permission, Sir, I shall put the question on behalf of the Honourable Member.

Mr. President : The Chair regrets that it cannot grant the permission.

Mr. Abdul Latif Sahib Farookhi : He has told me about it.

Mr. President : He may have told the Honourable Member, but he has not intimated it to the Chair.

†1162*.

‡1163*—1165*.

CASE INSTITUTED BY MR. MACLAREN, A FOREMAN IN THE BENGAL NAGPUR RAILWAY WORKSHOPS AT KHARAGPUR, AGAINST MEWARAM, A FITTER.

1166. ***Mr. M. K. Acharya** : 1. (*a*) Has the notice of Government been drawn to a criminal complaint filed recently before the first class magistrate of Midnapore, by Mr. Maclaren, a foreman in the Kharagpur Workshops (Bengal Nagpur Railway), against Mewaram, a fitter, charging the latter with defamation and assault ?

(*b*) Has the magistrate found the complaint to be false, and acquitted the accused on both the charges ?

2. (*a*) Have the Bengal Nagpur Railway Company helped Mr. Maclaren by defraying the cost of the case referred to in the preceding question ? And if they have, what was their justification ?

(*b*) After the adverse findings of the magistrate against Mr. Maclaren, have the Bengal Nagpur Railway authorities taken any action against Mr. Maclaren ? Have they recovered the cost of the suit from him ?

(*c*) Is Mr. Maclaren still in the service of the Railway Company ?

(*d*) What was his pay at the beginning of the year ?

† Not put at the meeting, but the question and answer thereto will be found at pages 4656—57 of these proceedings.

‡ *Vide* pages 4655—56 of these proceedings.

3. Have the railway authorities revised their order dismissing Mewaram ? Do the Railway Company think of recompensing him for the assault and dismissal to which he had been subjected ?

Mr. A. A. L. Parsons : 1. Government have received no report of the case mentioned in the Honourable Member's question.

2. and 3. Government have no information, but enquiries will be made.

ASSAULTS BY EUROPEANS ON INDIAN WORKMEN IN THE BENGAL NAGPUR RAILWAY WORKSHOPS AT KHARAGPUR.

1167. ***Mr. M. K. Acharya** : (*a*) Is it a fact that there had been several cases of assault similar to the one referred to in the preceding question on Indian workmen in the Kharagpur Workshops ?

(*b*) Were the following among several cases, brought to the notice of the Agent :

(*i*) Mr. W. N. Smith's assault on Madan Mohan Das :

(*ii*) Mr. A. L. Rhind's assault on Narayana Rao :

(*iii*) Mr. Harting's assault on Nayadhar : and

(*iv*) Mr. Round's assault on Sukhlal ?

(*c*) Did the Agent publish in the Bengal Nagpur Railway Gazette of the 19th February 1927 that " undoubtedly such cases do occur..... but any proved cases of physical violence or gross and excessive abuse will be promptly dealt with " ?

(*d*) What prompt action in this judiciously proved case, Mr. Maclaren and Mewaram, has the Agent taken against those who have assaulted Mewaram or got him dismissed ?

Mr. A. A. L. Parsons : Government have no information, but enquiries will be made.

CASE OF MR. A. HOLGUETTE, A COMMERCIAL INSPECTOR OF THE EAST INDIAN RAILWAY.

1168. ***Lieut.-Colonel H. A. J. Gidney** : (*a*) Has the attention of the Government been drawn to the case of Mr. A. Holguette, a Commercial Inspector of the East Indian Railway, who was forced to resign his appointment, because of a false charge brought against him, and who, after months of correspondence was reinstated by the Agent, with a complete acquittance on all the charges and was given a compensation of Rs. 10,000 ?

(*b*) Is it a fact that the Agent held that Mr. Holguette had not had a fair trial and that he had been punished without regard to the evidence and that there had been a gross miscarriage of justice, due entirely to incapacity or carelessness, or both on the part of the Divisional Superintendent, Mr. Rutherford ?

(*c*) Is it also a fact that the report against Mr. Holguette was submitted by two officers, Messrs. Kirk and Ghose ?

(*d*) Is it a fact that Mr. Rutherford in recognition of the fact that Mr. Holguette's activities stopped fraud at Howrah and gained for him

the ill will of interested parties, granted Mr. Holguette a special bonus, and secured for him an extension of service, giving him a first class recommendation as a thoroughly qualified and reliable official ?

(*e*) Is it not a fact that the report against Mr. Holguette was such that the Agent immediately ordered Mr. Holguette's reinstatement as soon as he saw it ?

(*f*) Is it not a fact that Mr. Rutherford specially commended Messrs. Kirk and Ghose on their report ?

CASE OF MR. A. HOLGUETTE, A COMMERCIAL INSPECTOR OF THE EAST INDIAN RAILWAY.

1169. ***Lieut.-Colonel H. A. J. Gidney** : (*a*) Is it a fact that the party who brought the charge of bribery against Mr. Holguette, a Commercial Inspector of the East Indian Railway, has since confessed that the whole business was a put up job ?

(*b*) Is it a fact that the case was brought to the notice of the Railway Board who agreed with the Agent's action and directed that all responsible in the case should be dealt with from a disciplinary point of view ?

(*c*) Is it a fact that Mr. Holguette was not given a charge sheet showing what charges were against him and was not allowed to be present at the enquiry, so that he could cross-examine witnesses ?

SELECTION OF MR. RUTHERFORD FOR THE APPOINTMENT OF DIVISIONAL SUPERINTENDENT, HOWRAH, EAST INDIAN RAILWAY.

1170. ***Lieut.-Colonel H. A. J. Gidney** : Is it a fact that Mr. Rutherford was an officer junior to many others and was selected over the heads of other senior officers for the appointment of Divisional Superintendent ? Is it a fact that three of the four officers selected for these appointments were members of the same family ?

DISCIPLINARY ACTION TAKEN AGAINST CERTAIN OFFICIALS OF THE EAST INDIAN RAILWAY IN CONNECTION WITH THE CASE OF MR. A. HOLGUETTE, A COMMERCIAL INSPECTOR.

1171. ***Lieut.-Colonel H. A. J. Gidney** : (*a*) Is it a fact that the case against Mr. Holguette cost the Government a large sum of money approximating to Rs. 15,000 ?

(*b*) What action has been taken against Messrs. Kirk and Ghose for their incorrect finding against Mr. Holguette ? Is it a fact that these officers are now officiating in the senior grade ? Do Government propose to punish them ?

(*c*) What action has been taken against Mr. Rutherford ? Do Government propose to remove him or take any action against him ?

(*d*) Is it a fact that while Messrs. Rutherford and Robertson were persistent in forcing Mr. Holguette out of the service, they had before them the opinion of the Railway's lawyer, that the finding against Mr. Holguette was wrong in facts and unjust and untenable ?

DISCIPLINARY ACTION TAKEN AGAINST CERTAIN OFFICIALS OF THE EAST INDIAN RAILWAY IN CONNECTION WITH THE CASE OF MR. A. HOLGUETTE, A COMMERCIAL INSPECTOR.

1172. *Lieut.-Colonel H. A. J. Gidney : (*a*) Will Government please state whether the Agent has taken any disciplinary measures against all those officers and men who were responsible for the miscarriage of justice referred to in the preceding questions, as ordered by the Railway Board ? If not, are Government prepared to institute an inquiry and insist on the punishment of all responsible for this treatment of a subordinate ?

(*b*) Will Government please state whether they are prepared to institute a committee of inquiry into all discharges and dismissals that are traceable to and for which Mr. Rutherford, Divisional Superintendent, Howrah, has been responsible since he was placed in his present important appointment ?

Mr. A. A. L. Parsons : With your permission, Sir, I propose to reply to questions Nos. 1168 to 1172 together.

Government have received no report from the Agent on the matter mentioned in the Honourable Member's questions and do not propose to make any enquiries from him ; they can trust the Agent of the East Indian Railway to have taken such action as may be required.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member kindly inform me whether the Railway Board is in receipt of a report on this matter or has any words of it ; whether the entire file has been sent to the Railway Board and whether the Railway Board issued an order to the Agent of the East Indian Railway to punish those responsible or not ?

Mr. A. A. L. Parsons : I have already answered all these questions in the answer I gave to the main question. Government have received no report from the Agent on the matter and do not propose either to make enquiries or to issue any order on the subject.

EMPLOYMENT OF SOLDIER CLERKS IN THE ARMY HEADQUARTERS.

1173. *Mr. A. H. Ghuznavi : (*a*) With reference to the reply to starred question No. 1111, on the 22nd March, 1927, relative to the employment of 25 per cent. soldier clerks in the branches of Army Headquarters, will Government please give a definition of the term " military character " ?

(*b*) Is it a fact that the 75 per cent. civilian clerks employed in the branches of Army Headquarters also do the same nature of work as is done by a soldier clerk ?

(*c*) If so, wherein lies the difference in the nature of work performed by a civilian clerk and that of a soldier clerk ?

(*d*) Is it a fact that the work in the Equipment and Ordnance Directorate of the Q. M. G.'s Branch and that of the Artillery Directorate of the M. G. S. Branch is of the highest technical nature of all other work in the different branches of Army Headquarters ?

(*e*) Is it a fact that the civilian clerks employed in these directorates have been very highly spoken of by the different Directors from time to time ?

(*f*) If the answers to (*d*) and (*e*) above, are in the affirmative, wherein lies the justification to exempt soldier clerks from passing the prescribed test of the Staff Selection Board ?

(*g*) Is it a fact that soldier clerks in most cases do not even possess the minimum educational qualifications ?

(*h*) Are Government aware that there is a widespread discontent amongst the civilian clerks of the Army Headquarters that while they are required to qualify for the appointments in different divisions, soldier clerks are exempted from the necessary examination ?

(*i*) Is it a fact that on this account, civilian clerks apply very often for transfer and better appointments elsewhere ?

(*j*) Is it also a fact that soldier clerks are recruited above first division clerks already in the office ?

(*k*) If so, why ?

Mr. G. M. Young : (*a*) It is difficult to suggest a more comprehensive definition of work of a military character than is contained in those words. The phrase however includes work that requires military knowledge and an acquaintance with matters concerning the discipline, environment and conditions generally attaching to a soldier's life, as well as work which requires special knowledge gained, as a rule, in particular military services or departments.

(*b*) The answer is, broadly speaking, in the negative. Soldier clerks are more suitable for certain kinds of work than civilian clerks.

(*c*) Does not arise.

(*d*) No, Sir. No technical qualifications are required of clerks in these branches.

(*e*) Yes, Sir, but no more than in other branches of Army Headquarters.

(*f*) These soldier clerks must possess the First Class Army School Certificate, which Government have accepted as a sufficient qualification for such clerks.

(*g*) and (*h*). The answer is in the negative.

(*i*) I have no information to this effect, but civilian clerks in Army Headquarters may be trusted, like anyone else, to apply to better themselves if they see a chance.

(*j*) No, Sir, these soldier clerks are recruited on the same principle as civilian clerks and take their place, on entry, at the bottom of the officiating roll. After entry, promotion is governed by selection according to merit and suitability.

(*k*) Does not arise.

†1174*—1175*.

† Not put at the meeting, but the questions and answers thereto will be found at pages 4657—58 of these proceedings.

STARTING OF AN URBAN UNIT OF THE INDIAN TERRITORIAL FORCE IN CALCUTTA.

1176. *Mr. K. C. Neogy : (*a*) With reference to the Government Resolution on the Indian Territorial Forces Committee Report, will Government be pleased to state whether it is intended to start an Urban Unit in Calcutta ?

(*b*) Have Government received any representation from the Indian Association of Calcutta on the subject ?

Mr. G. M. Young : (*a*) The answer is in the negative, at present.

(*b*) The answer is in the affirmative.

REMISSION OF CUSTOMS DUTY ON SCIENTIFIC INSTRUMENTS AND CHEMICALS IMPORTED FOR THE USE OF EDUCATIONAL INSTITUTIONS.

1177. *Mr. K. C. Neogy : (*a*) Have Government received any representation suggesting remission of customs duty on scientific instruments and chemicals imported for the use of educational institutions ?

(*b*) Are Government in a position to state approximately the amount of revenue involved in granting such a remission ?

The Honourable Sir George Rainy : (*a*) Yes.

(*b*) No.

ROUTE OF THE IMPERIAL AIRWAYS TO CONNECT INDIA WITH GREAT BRITAIN.

1178. *Mr. Gaya Prasad Singh : (*a*) Is it a fact that the Government state the latest development, if any, in the plan of Imperial Airways to connect India with Great Britain, through Egypt and Iraq ?

(*b*) Is it a fact that there is a proposal of a line through Constantinople, which, if agreed upon, would shorten the journey by about 48 hours ?

(*c*) Has the Persian Government given consent to take the air route through Persian territory ? If not, what alternative route is in view ; and what progress has been made in the matter ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) and (*c*). Certain difficulties have arisen over the route originally selected, and the Company is investigating the possibility of an alternative route along the southern littoral of the Persian Gulf.

(*b*) I have no information.

CERTAIN LETTERS IN THE "VETERINARY RECORD" BY PROFESSOR GAIGER AND COLONEL A. K. WALKER.

1179. *Lieut.-Colonel H. A. J. Gidney : (*a*) Has the attention of Government been drawn to a letter in "Veterinary Record", dated 30th July, 1927, by Professor Gaiger as also to another letter in the same paper

by Colonel A. K. Walker, I.V.S. (Retired), dated August 6th, 1927 ? If so, are the facts as stated in Colonel Walker's letter true ?

(*b*) If they are true, will Government be pleased to state what action it proposes to take to remedy this condition ?

Mr. A. R. Dalal : (*a*) The Government of India have seen the letters. The only statement in Colonel Walker's letter the strict accuracy of which is admitted by the Government of India is the one referring to the abolition of the post of Inspector General, Civil Veterinary Department.

(*b*) Does not arise except in the case of the post of Inspector General. The Government of India are not prepared to consider the question of reviving the post, especially now that the subject is provincial transferred, unless the Royal Commission on Agriculture recommend it and adduce strong reasons in support of their recommendation.

REFUSAL OF PASSPORTS TO EMPLOYEES OF INDIAN FIRMS IN HONG KONG.

1180. ***Mr. Gaya Prasad Singh** : (*a*) Will Government be pleased to state if they have refused passports to certain *bona fide* employees of Indian firms in Hong Kong, and to the families of Indian residents there ? If so, why ; and in how many cases have passports been refused this year ?

(*b*) Are Government aware that the merchants' agreements with many of their assistants in Hong Kong, have either expired, or are about to expire, and as the assistants cannot be detained there against their will, and others from India are not allowed to take their place by the refusal of passports, the Indian trading community in Hong Kong is subjected to great hardships ?

(*c*) Have Government received any representation on this subject either from the Hindu Merchants' Association of Hong Kong, or from any other quarter ?

The Honourable Mr. J. Crerar : (*a*) No such case is traceable. If, however, the Honourable Member has any particular case in mind and will give me the facts, I will have enquiries made.

(*b*) and (*c*). No.

EMPLOYMENT OF UNPASSED MEN IN THE OFFICE OF THE PUBLIC SERVICE COMMISSION.

1181. ***Maulvi Muhammad Yakub** : (*a*) Is it a fact that according to rule only passed candidates are eligible for employment in the Government of India Secretariat, attached and subordinate offices ?

(*b*) Is it a fact that the Public Service Commission have themselves broken the rules by employing two unpassed candidates in permanent posts ?

(*c*) Is it a fact that one of them never qualified himself for any division, is not educationally qualified to appear for any division, was only a second division clerk in the Finance Department and has been taken as an upper division assistant in the office of the Public Service Commission ?

(*d*) Is it a fact that the Public Service Commission have on their list many passed upper division assistants and stenographers awaiting employment and that the employment of the two unpassed candidates have prejudiced their preferential claim ?

(*e*) Will Government please explain why these two unpassed candidates were employed and whether they propose to revert them to make room for passed candidates whose names are already on the Public Service Commission list and who have not been employed in permanent posts ?

The Honourable Mr. J. Crerar : (*a*) Yes, except in very special cases of appointments requiring technical or special qualifications.

(*b*) Both the appointments in question fall within the exception referred to.

(*c*) It is true that the clerk in question was only a second division clerk in the Finance Department, but he had 18 years' permanent service before he was appointed to the office of the Public Service Commission. Having been made permanent before the late Staff Selection Board came into existence, he was not required to qualify by examination for the second division, and as he was selected for the post of cashier it was not necessary for him to qualify for the upper division.

(*d*) The Public Service Commission have on their lists upper division assistants and stenographers awaiting employment but, in the circumstances explained, these assistants and stenographers have no preferential claim to the appointments in question.

(*e*) The circumstances have already been explained. Government do not propose to take the action suggested by the Honourable Member.

TOTAL EXPENDITURE INCURRED IN CONNECTION WITH THE GOLD STANDARD AND RESERVE BANK OF INDIA BILL.

1182. ***Mr. Ram Narayan Singh** : (*a*) Is it not a fact that the Government of India only in compliance with the orders from the Secretary of State for India withdrew the Gold Standard and Reserve Bank of India Bill from the consideration of the Indian Legislative Assembly ?

(*b*) If the answer to the above be in the affirmative, will the Government be pleased to lay on the table all the correspondence between the Government of India and the Secretary of State for India since the very conception of the idea of the Gold Standard and Reserve Bank for this country ?

(*c*) Will the Government be pleased to state an approximate amount of total expenditure (all payments made to the officials, President, Members of the Assembly and the staff by way of salaries and allowances of every kind calculated in proportion to the number of days and hours devoted to the work in connection with the Bill either in the Assembly or outside it, in India and elsewhere, price of articles used, postage, etc., etc.), incurred by the Government in connection with the Bill ?

The Honourable Sir Basil Blackett : Parts (*a*) and (*b*). I would refer the Honourable Member to my statement in the House on the 8th instant and to my speech on the adjournment motion on the 13th instant. The

Government of India are not prepared to lay on the table the correspondence with the Secretary of State.

Part (*c*). The total expenditure incurred on account of travelling and daily allowances to Members of the Joint Committee at Bombay and Calcutta and of the office staff on account of travelling allowance, etc. (excluding pay) amounts approximately to Rs. 26,000. No additional expenditure was incurred on establishment, the work in connection with the Bill having been performed by the ordinary staff. The details for postage, etc., are not available.

Mr. Ram Narayan Singh : Sir, I do not want to put questions Nos. 1183 and 1184.

CONSTRUCTION OF THE NEW RAILWAY LINE FROM BARKAKHANA TO RANCHI.

1185. ***Mr. Ram Narayan Singh** : (*a*) Will the Government be pleased to state the progress hitherto made with regard to the construction of the new railway line from Barkakhana to Ranchi (Central India Coalfields Railway) ?

(*b*) What is the probable date of its completion ?

Mr. A. A. L. Parsons : (*a*) and (*b*). A survey of the line has just been made, and the report is expected to be ready this month. Government will decide whether the line should be built after examination of the survey report.

NUMBER OF STUDENTS IN THE MINING COLLEGE AT DHANBAD.

1186. ***Mr. Ram Narayan Singh** : (*a*) Will the Government be pleased to state the present number of students in the Mining College at Dhanbad ?

(*b*) How many of them are Biharis ?

(*c*) How many of them are natives or old residents of the Chota Nagpur Division ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Forty-five.

(*b*) One student is a resident of Bihar, but not a Bihari by birth.

(*c*) None.

ADMINISTRATION OF THE INDIAN ARMS ACT IN BIHAR AND ORISSA

1187. ***Mr. Ram Narayan Singh** : 1. Are the Government aware of the facts (*a*) that the policy pursued by the Government of Bihar and Orissa in the matter of granting agricultural or other licences for guns for protection of life and property from wild animals is hopelessly unsatisfactory and too narrow and (*b*) that as a result of this harmful policy, there is every year a great loss of human lives and property (including valuable cattle) in the whole of the Province in general and in the Division of Chota Nagpur in particular ?

2. Do the Government propose to draw the attention of the Local Government of Bihar and Orissa to these facts and to ask them kindly to be more liberal in their policy mentioned above with special reference

to the condition of the Chota Nagpur Division which is full of deep forests with wild animals ?

The Honourable Mr. J. Crerar : (1) The Government of India have no reason to suppose that the facts are as suggested.

(2) The Government of India do not consider that there are grounds for the action suggested.

Mr. Ram Narayan Singh : Will the Government of India make enquiry as to the allegations I have brought to notice ?

The Honourable Mr. J. Crerar : I am afraid I cannot add anything to the reply already given.

DEPUTY DIRECTOR GENERAL OF ARCHÆOLOGY, EXPLORATION BRANCH.

1188. ***Maulvi Muhammad Yakub** : (*a*) Will the Government kindly state the drawings and photographs prepared and published by the officer appointed as Deputy Director of Archæological Exploration in any publication of the Department or refer to them ?

(*b*) Will the Government be pleased to state what original research work apart from epigraphical notes has been contributed by this officer to the departmental literature during the last six years ?

(*c*) Will the Government kindly state the number of unexplored and unknown ancient ruins brought to light by this officer before he was considered fit to hold his present post ?

(*d*) Will the Government be pleased to state if it is a fact that an officer of vast experience in Near Eastern Archæology has been brought out from England and placed under an officer of less experience in the Exploration Branch of the Archæological Survey ?

Mr. A. R. Dalal : (*a*) Drawings and photographs in the Archæological Department are prepared by draftsmen and photographers respectively. In the publications of the Department, therefore, there are no drawings or photographs prepared by the officer in question.

(*b*) During the last six years this officer has contributed to departmental reports articles on the subjects mentioned in the statement placed in the Library.

(*c*) During the last 23 years this officer has either assisted in or personally supervised excavations on the sites mentioned in the statement placed in the Library.

(*d*) No.

INDUS VALLEY PRE-HISTORIC SCRIPT.

1189. ***Maulvi Muhammad Yakub** : Will the Government be pleased to state :

(*a*) Since when the peculiar Indus Valley pre-historic script has been before the Indologists of the Archæological Department, and

(*b*) How far has their knowledge of oriental languages helped them to decipher this writing ?

Mr. A. R. Dalal : (*a*) Specimens of the peculiar pre-historic script of the Indus Valley have been before Indologists for the last 55 years.

(*b*) Their knowledge of oriental languages has not helped them to decipher the writing.

STAY OF MISS MAYO, AUTHOR OF " MOTHER INDIA" AS A GUEST OF A SUPERINTENDENT OF THE C. I. D. AT LAHORE.

1190. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that Miss Mayo, the author of " Mother India ", was the guest of a Superintendent of the C. I. D. at Lahore, during her visit to this country, and that an Inspector of the C. I. D. was deputed to help her in making enquiries and acquaintances ?

(*b*) Is it a fact that an official of the Intelligence Department, Government of India, arranged for her stay in Lahore, with the Superintendent of the C. I. D, or helped her in any other way ?

(*c*) Do Government propose to institute an enquiry, and place the facts before the House ? If not, why not ?

The Honourable Mr. J. Crerar : (*a*) No.

(*b*) No.

(*c*) I have placed the facts before the House and no enquiry is necessary.

MISS MAYO'S BOOK " MOTHER INDIA ".

1191. ***Pandit Hirday Nath Kunzru** : (*a*) Has the following telegram from Bombay published in the *Leader* of the 7th instant come to the notice of Government :

" A special message to the ' Hindustan ', a local Gujerat daily, says that many of the British Members of Parliament have been provided with free copies of Miss Katherine Mayo's book ' Mother India '."

(*b*) If the information contained in the message is correct, will Government state whether free copies of " Mother India " have been distributed by or at the instance of the British Government ? If so, have the British Government made themselves responsible for the statements made in the book ?

(*c*) Are Government aware that " Mother India " is regarded by Indians as a malicious and filthy libel on the people of this country ?

(*d*) Have Government informed the British Government that a free distribution of this book by them would create deep and universal resentment and indignation in this country ?

The Honourable Mr. J. Crerar : (*a*) and (*b*). I invite attention to the answer I gave to Mr. M. S. Aney's question on the subject on the 19th September 1927. The British Government have neither caused the book to be distributed nor made themselves responsible for any statement contained in the book.

(*c*) Government have seen articles on the subject in the Public Press.

(*d*) The fact is obvious and it is unnecessary to bring it to the British Government's notice.

Mr. K. C. Neogy : Is the Honourable Member aware that this publication has accentuated racial feeling in India to a very great extent ?

The Honourable Mr. J. Crerar : That, Sir, is a matter of opinion.

Pandit Hirday Nath Kunzru : May I ask the Honourable Member, Sir, whether the British Government have borne any portion of the cost involved in the distribution of the book ?

The Honourable Mr. J. Crerar : Not a penny, Sir.

Mr. Gaya Prasad Singh : May I know, Sir, if the Publicity Bureau of the Government of India have received any complimentary copies of the book ?

The Honourable Mr. J. Crerar : No, Sir ; they have not.

Mr. Sarabhai Nemchand Haji : Will Government kindly inquire as to who it is that has distributed these copies to the Members of Parliament in London ?

The Honourable Mr. J. Crerar : That, Sir, is not the concern of the Government of India.

Pandit Hirday Nath Kunzru : Are Government prepared to contradict the distorted statements contained in the book in view of the racial feeling that has been accentuated by it in India ?

The Honourable Mr. J. Crerar : I think that matter could better be dealt with by a non-official agency.

Pandit Hirday Nath Kunzru : Do not Government think it worth their while to correct the misstatements and exaggerations contained in that book in view of the fact that it has been circulated in other countries and is being used as a sort of propaganda against this country ?

The Honourable Mr. J. Crerar : As I have already replied, Sir, that is a matter which can be much more effectively dealt with by a non-official agency and by those who have the most direct knowledge of the matters dealt with in the book.

Mr. K. C. Neogy : Does the Honourable Member admit that this book contains untruths and exaggerations ?

The Honourable Mr. J. Crerar : That, Sir, is asking for an expression of opinion.

Mr. K. C. Neogy : Is not the good name of the people of India a matter of concern for the Government ?

The Honourable Mr. J. Crerar : Certainly the matter is one in which the Government of India naturally take interest.

Mr. N. M. Joshi : Do not the Government of India maintain a propagandist in countries like America who could be asked to correct the misstatements contained in Miss Mayo's book ?

The Honourable Mr. J. Crerar : We have no propagandist agencies in America.

Mr. Varahagiri Venkata Jogiah : May I know, Sir, if the Government of India propose to proscribe the book ?

Mr. A. Rangaswami Iyengar : May I know, Sir, whether the Government of India do expend some money out of the revenues of India on propaganda work in America ?

The Honourable Mr. J. Crerar : No, Sir

Mr. K. Ahmed : Are Government aware that the *Manchester Guardian* has made the observation and has given the advice to the people of India that it is better for them to counteract the effects of the book and that it is good for the English people to forget them ?

The Honourable Mr. J. Crerar : I remember seeing something in the *Manchester Guardian* somewhat vaguely and remotely resembling what the Honourable Member has said.

Dr. A. Suhrawardy : Will the Honourable Member kindly inquire as to how many Members of this House have read Miss Mayo's book, " Mother India " ?

The Honourable Mr. J. Crerar : I suggest that that question should be addressed to other Members of this House and not to myself.

Dr. A. Suhrawardy : Is the Honourable Member aware that Miss Mayo's book contains extracts from the debates of this House ?

The Honourable Mr. J. Crerar : Yes, Sir.

Dr. A. Suhrawardy : Will the Honourable Member kindly inquire whether Mr Coatman was responsible for supplying the appalling statements and figures to the Honourable Member who moved the Bill regarding Hindu child marriages ?

The Honourable Mr. J. Crerar : I do not think, Sir, that question arises.

Mr. Ram Narayan Singh : Are Government prepared to proscribe the book ?

The Honourable Mr. J. Crerar : Quite apart from any legal considerations that might arise, I think that it would be very ill advised from the Honourable Member's own point of view to proscribe the book.

Mr. K. C. Neogy : Are Government taking any legal opinion in the matter ?

The Honourable Mr. J. Crerar : No, Sir.

Mr. M. Ruthnaswamy : Are the Honourable Members opposite in favour of proscribing the book ?

Mr. Ram Narayan Singh : Are Government prepared to take legal opinion in the matter as to whether the book is fit to be proscribed or not ?

The Honourable Mr. J. Crerar : The legal position is so clear that it is unnecessary to do so.

Report relating to Educational Facilities for the Children of Railway Employees.

1192 ***Pandit Hirday Nath Kunzru** : Will Government lay the report of the special officer appointed to enquire into the educational facilities available to children of railway employees on the table ?

Mr. A. A. L. Parsons : They will consider the question.

Mr. Gaya Prasad Singh : The question is : Will Government lay the report on the table ? There is nothing to be considered.

Pandit Hirday Nath Kunzru : May I know, Sir, whether the ten days' notice of this question was not enough to enable Government to consider this question ?

Mr. A. A. L. Parsons : Certainly not, Sir. While the Assembly is sitting, the Members of the Railway Board have not found time to read the report themselves.

Pandit Hirday Nath Kunzru : Are Government aware that in answer to a question of mine in March last regarding the expenditure on railway schools, Sir Charles Innes said that the matter was being inquired into by a special officer ? How are Honourable Members to get that information unless the report is laid on the table ?

ESTABLISHMENT OF A LOCAL ADVISORY COMMITTEE FOR THE GREAT INDIAN PENINSULA RAILWAY AT JHANSI.

1193. ***Pandit Hirday Nath Kunzru** : (*a*) Has the Great Indian Peninsula Railway any Advisory Committee in the United Provinces ?

(*b*) If not, are Government prepared to take steps to have an Advisory Committee established at Jhansi ?

Mr. A. A. L. Parsons : (*a*) No.

(*b*) The subject is under consideration.

Pandit Hirday Nath Kunzru : Is the matter being discussed with the new Agent of the Great Indian Peninsula Railway ?

Mr. A. A. L. Parsons : I mentioned the matter to Mr. Russell when I was down in Bombay recently and asked him to look into it ; and I understand that he is looking into it. Jhansi, however, is not, I believe, a particularly important station from the railway point of view and I am not sure if they will establish an Advisory Committee there.

Pandit Hirday Nath Kunzru : Is it not a fact that it is the most important station on the Great Indian Peninsula Railway in the province from which I come and that it has got a railway workshop ?

Mr. A. A. L. Parsons : I am not sure if it is the most important station.

ISSUE OF OCCASION CHEQUE PASSES TO EUROPEAN AND ANGLO-INDIAN EMPLOYEES OF THE NORTH WESTERN RAILWAY.

1194. ***Pandit Hirday Nath Kunzru** : (*a*) Is it a fact that on the North-Western Railway " occasion cheque passes for short distances may be issued under the rules to European and Anglo-Indian employees and to their families living at road-side stations, to enable them to attend places of worship, entertainments, institutes, railway or Auxiliary Force sports " ?

(*b*) Are the same facilities afforded to Indian employees ? If not, what steps do Government propose to take to put a stop to the racial and religious discrimination involved in this rule ?

Mr. A. A. L. Parsons : (*a*) and (*b*). I am enquiring and will let the Honourable Member know the result.

Pandit Hirday Nath Kunzru : What is it that the Honourable Member is inquiring into—the accuracy of the statement or the prevalence of the practice referred to in the question ?

Mr. A. A. L. Parsons : I am inquiring in order to obtain information to answer the Honourable Member's question which I do not at present possess.

Pandit Hirday Nath Kunzru : There are two parts of the question, (*a*) and (*b*). Which part is the Honourable Member inquiring into ?

Mr. A. A. L. Parsons : I am inquiring about both the parts of the question, as both ask for information.

Pandit Hirday Nath Kunzru : May I take it that Government are not sure whether the statement contained in part (*a*) of my question is correct ?

Mr. A. A. L. Parsons : I am sure the Honourable Member would be the last to make a statement in a question : if he had done so, you, Sir, might have disallowed it.

Mr. M. S Aney : Why is it that the Government were not able to make the necessary inquiries in the ten days they had at their disposal ?

Mr. A. A. L. Parsons : The inquiries which have been made have not so far produced the necessary information. Therefore I was obliged to give a reply in the terms in which I have given it As soon as I obtain the information, I will furnish it to the Honourable Member and if other Members are interested in it, I will lay it on the table.

Mr. K. C. Neogy : Is it a fact, when Government generally find it rather inconvenient to answer a question, that they complain of shortness of time or that they say they want to make more enquiries ?

Mr. A. A. L. Parsons : I should not be prepared to admit that the Government ever finds it inconvenient to answer questions. In this particular case, I was not able to get the information in time.

Lieut.-Colonel H. A. J. Gidney : Did Government find it inconvenient to answer my question because they thought it was extremely undesirable to do so ?

Mr. A. A. L. Parsons : They thought it undesirable to do so in view of the terms in which that question was framed.

Pandit Hirday Nath Kunzru : May I ask the Honourable Member whether the rule referred to in question No. 1194 is not contained in the pamphlet entitled " Rules for the issue of free passes and privilege ticket orders, North-Western Railway "?

Mr. A. A. L. Parsons : The Honourable Member's information, I am afraid, is in greater detail than mine.

ISSUE OF CHEQUE PASSES ON THE NORTH WESTERN RAILWAY TO CHRISTIAN MINISTERS OF RELIGION.

1195. ***Pandit Hirday Nath Kunzru** : (*a*) Are Government aware that on the North Western Railway " cheque passes may occasionally be

issued by Divisional Superintendents to ministers of religion to minister to the spiritual wants of railway employees at places where the services of clergymen are not ordinarily available " ?

(*b*) Are similar facilities given for the satisfaction of the spiritual wants of Hindus and Muhammadans ? If not, what is the ground for the preference shown to Christians ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) I am enquiring and will let the Honourable Member know the result.

CLASSIFICATION OF ANGLO-INDIAN AND INDIAN EMPLOYEES OF THE EAST INDIAN RAILWAY.

1196. ***Pandit Hirday Nath Kunzru** : Is it a fact that the non-European employees are divided into two classes, A and B, by the East Indian Railway and that while Anglo-Indians are assigned to class A Indians are assigned to class B ?

Mr. A. A. L. Parsons : The answer is in the negative.

INDIAN REPRESENTATION ON THE EAST AFRICAN ROYAL COMMISSION.

1197. ***Pandit Hirday Nath Kunzru** : (*a*) Have Government seen newspaper reports to the effect that Sir Hilton Young will preside over the East African Royal Commission and that Sir George Schuster and Mr. J. H. Oldham will be its members ? Are they now in a position to state who will represent India on the Commission ?

(*b*) Are they aware that H. H. the Aga Khan has strongly urged that the Government of India should press for the nomination of two Indian members to the Commission ?

Mr. G. S. Bajpai : (*a*) Government have seen press reports to the said effect, but have received no authoritative information yet regarding the personnel of the Commission.

(*b*) Government have seen reports in the Press to that effect.

Pandit Hirday Nath Kunzru : Are Government able to say who will represent India on the Commission ?

Mr. G. S. Bajpai : No, Sir.

Mr. B. Das : Have the Government recommended any Indian ?

Mr. G. S. Bajpai : I answered a question on this subject which was asked the other day by Sir Purshotamdas Thakurdas. My answer was that the Secretary of State for India had been asked to nominate a representative, not the Government of India.

Pandit Hirday Nath Kunzru : Are Government in a position to assure the House that the representatives of India will at least be Indians ?

Mr. G. S. Bajpai : It is not possible for the Government of India to give any assurance on that subject, seeing that the nomination rests not with the Government of India, but with the Secretary of State for India.

Pandit Hirday Nath Kunzru : Are they themselves still pressing the matter on the attention of the Secretary of State ?

Mr. G. S. Bajpai : That is so, Sir.

Mr. K. Ahmed : Do Government propose to recommend the name of an Indian to the Secretary of State ?

Mr. G. S. Bajpai : If my Honourable friend were more audible and less inarticulate, I would attempt to answer his question. (Laughter.)

Mr. K. Ahmed : Do Government propose to take steps to recommend the names of two or three Indians to the Secretary of State for India to serve on the Commission ?

Mr. G. S. Bajpai : I think, Sir, the Honourable Member is merely repeating the views which were expressed by this House on the 18th August. The Government of India are in full possession of the views of this House, and they have taken such action as it was in their power to take.

Mr. K. Ahmed : Can Government give any undertaking that they will fulfill their promise of nominating an Indian to the Commission ?

Mr. G. S. Bajpai : The Government merely promised to forward the proceedings of this House to the Secretary of State for India. That promise has been carried out.

Mr. K. Ahmed : I am asking that the Government of India should make a recommendation and should not be merely content with sending the proceedings. Isn't it an evasive reply ?

Stoppage of Recruitment to the Local Traffic Service of State Railways.

1198. ***Pandit Hirday Nath Kunzru** : (*a*) Has recruitment to the Local Traffic Service been stopped or not ?

(*b*) Is it a fact that the Agents of State Railways have recommended the abolition of the service ?

(*c*) Were the Local Traffic Service men classed as Indians holding superior appointments when the Lee Commission enquired into the position of Indians in the higher services ?

Mr. A. A. L. Parsons : (*a*) Recruitment to the Local Traffic Service from outside has been held in abeyance.

(*b*) Government have received no recommendations from the Agents of State-worked Railways to this effect.

(*c*) They were shown in the sanctioned cadre and actuals of the Superior Traffic establishment as India-recruited, the fact that they belonged to the Local Traffic Service being explained.

Pandit Hirday Nath Kunzru : If they were shown as belonging to the superior establishment, when will Government take steps to promote such men as are in the Local Traffic Service to the superior grade ?

Mr. A. A. L. Parsons : I am afraid I am unable to answer that question I gave information in reply to another question a few days ago as to the position of the Local Traffic Service, pointing out that there

were considerable difficulties in amalgamating it with the superior service which we hoped to overcome but did not expect to overcome very quickly.

Pandit Hirday Nath Kunzru : Am I to understand that the Government accept the principle that it will sooner or later promote these men to the higher grade in which they were supposed to be included when the Lee Commission came here ?

Mr. A. A. L. Parsons : No, Sir. I do not think I can go as far as that.

Pandit Hirday Nath Kunzru : How is it then that they were included in the superior grade when the Lee Commission came here ?

Mr. A. A. L. Parsons : They were recruited to the Local Traffic Service and in a particular statement which was laid before the Lee Commission, they had to be shown either as superior or inferior. They were shown in that statement actually as superior but it was clearly explained therein that they were local traffic service men. There is no question of the Lee Commission having been mislead on that point.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member kindly state whether the Government of India are addressing the Secretary of State as to the retention or otherwise of these Local Service men ?

Mr. A. A. L. Parsons : As far as I remember, I do not think the Railway Board have addressed the Secretary of State for India on the subject. They have not yet formulated their own proposals, nor am I certain that this is a matter which would require to go to the Secretary of State.

Pandit Hirday Nath Kunzru : May I take it, Sir, that in the meanwhile no new recruits are being appointed to the Local Service ?

Mr. A. A. L. Parsons : That is in the reply which I gave. As far as I know we are not now taking anybody into the Local Service, but I am not quite sure whether we did not take some men a short time ago. Certainly our intention is not to take any more men into it.

STATUS AND PROSPECTS OF MEMBERS OF THE BAR APPOINTED TO INDIAN CIVIL SERVICE POSTS.

1199. ***Pandit Hirday Nath Kunzru** : (*a*) Are members of the Bar who are appointed to superior judicial posts classed as belonging to the Indian Civil Service or not ?

(*b*) What is their position with regard to appointment to higher posts ?

The Honourable Mr. J. Crerar : (*a*) Members of the Bar appointed direct to listed posts on the Indian Civil Service cadre do not become members of the Indian Civil Service. They enjoy, however, the status of members of an all-India Service.

(*b*) They are eligible on their merits for all judicial appointments borne on the cadre of the Indian Civil Service except the High Court Judgeships reserved for members of that service under section 101 (4) of

the Government of India Act. They are, however, eligible, if duly qualified, for all High Court Judgeships not so reserved.

Pandit Hirday Nath Kunzru : Are Government aware that in some of the highest appellate courts some posts are reserved, either by rule or by convention, for members of the Provincial Civil Service ? Are the members promoted from the Bar eligible for any of these posts or will they have to take their chance in connection with the posts which are not reserved for members of the Indian Civil or Provincial Services.

The Honourable Mr. J. Crerar : I must ask for notice of that question.

FUNCTIONS AND DUTIES OF THE OFFICERS OF THE BUREAU OF PUBLIC INFORMATION.

1200. ***Pandit Hirday Nath Kunzru** : (*a*) Will Government be pleased to state the functions and duties of the officers of the Bureau of Public Information ?

(*b*) Is it one of their duties to furnish information to private individuals ? If so, can their assistance be asked for in the collection of material on any subject ?

(*c*) Does the supply of such information constitute a principal part of their work ?

The Honourable Mr. J. Crerar : (*a*) The Honourable Member is referred to the reply given to question No. 305 by Mr. O'Donnell on the 1st March 1921.

(*b*) and (*c*). This has not been prescribed as one of their duties, but, as I think the Honourable Member is aware, they do everything in their power to furnish information to private individuals on any subject that can reasonably be regarded as coming within the scope of the Bureau.

Mr. K. C. Neogy : Is it a part of the duty of this Department to furnish information to American tourists ?

The Honourable Mr. J. Crerar : The Department is prepared to give information so far as matters on public record are concerned to all persons who desire to study the conditions of the country. I may add they are equally prepared to obtain similar facilities for Indian travellers who desire to visit European countries.

Mr. K. C. Neogy : Will the Government kindly state whether this Department institutes any enquiry as to what use the materials placed at the disposal of the travellers would be put to ?

The Honourable Mr. J. Crerar : The matter supplied is all contained in public documents. Under no circumstances, is any access given to confidential documents.

Mr. K. Ahmed : Is it a fact that one of the functions of this Department is to spend money on secret service ?

The Honourable Mr. J. Crerar : No, Sir.

Pandit Hirday Nath Kunzru : May I ask for an answer to part (*c*) of my question ? What proportion of their work consists in the supply of information either to Indians or Europeans ?

The Honourable Mr. J. Crerar : I am afraid I should have to make a more extensive examination of the records of the Department than I have been able hitherto to do to give any arithmetical reply to that question.

Pandit Hirday Nath Kunzru : Will the Honourable Member give an approximate answer ?

Lieut.-Colonel H. A. J. Gidney : Is it not a fact that it is the duty of this Department to supply information to the public ?

The Honourable Mr. J. Crerar : On matters coming within the scope of their functions.

Mr. K. C. Neogy : Is it a part of the duty of the officers of this Department to canvass for votes in this House ?

Mr. K. Ahmed : Are the Government aware that there is a strong feeling among the elected Members of this Assembly that they are not allowed to criticise the functions or actions of the officers of the Bureau of Public Information ? It has been referred to by successive Home Members from Sir Malcolm Hailey onwards that this Department has to do some secret service which is beyond the sphere of the Members of this Assembly to enter into. (Laughter.)

FUNCTIONS OF THE BUREAU OF PUBLIC INFORMATION IN CONNECTION WITH THE VIEWS AND POLICIES OF GOVERNMENT.

1201. ***Pandit Hirday Nath Kunzru** : (*a*) Is the Bureau intended to explain and popularize the views and policies of Government when they are in conflict with Indian views and policies.

(*b*) Are its officers freer from Government control than other Government servants because they are the agents of Government for official propaganda ?

The Honourable Mr. J. Crerar : (*a*) I would refer the Honourable Member to the answer I have given to part (*a*) of his question No. 1200.

(*b*) The officers of the Bureau, like all Government servants, are governed by the Government Servants' Conduct Rules.

Pandit Hirday Nath Kunzru : May I know if they are allowed to write to newspapers in this country ?

The Honourable Mr. J. Crerar : Yes, Sir, in so far as subjects which are within their function are concerned.

Mr. Gaya Prasad Singh : Is this Department in any way analogous to the C. I. D. ?

Mr. M. R. Jayakar : Are they propagandists of Government views ?

The Honourable Mr. J. Crerar : No, Sir.

Mr. M. S. Aney : Will Government once for all place on the table a statement showing the proper functions of this Department for the information of all ?

The Honourable Mr. J. Crerar : That, Sir, is contained in my reply to question No. 1200.

Mr. K. C. Roy : Is it a fact that the functions of this Department were defined by the Committee over which Sir Tej Bahadur Sapru presided ?

The Honourable Mr. J. Crerar : There was an Advisory Committee appointed and there is still an Advisory Committee in existence.

Mr. K. C. Roy : Will the Government be pleased to lay on the table the report of the Sapru Committee so that Members may know exactly what the functions of this Department are ?

Mr. M. Ruthnaswamy : Are any other Government servants allowed to contribute to newspapers ?

The Honourable Mr. J. Crerar : Subject to the Government Servants' Conduct Rules, they are.

Mr. A. Rangaswami Iyengar : Sir, may I know how many meetings of this Advisory Committee have so far been held and what have been its proceedings ?

The Honourable Mr. J. Crerar : I must ask for notice of that.

Mr. Gaya Prasad Singh : Will the report of that Committee be laid on the table ?

The Honourable Mr. J. Crerar : I will consider that.

Pandit Hirday Nath Kunzru : May I know whether the information communicated to the Press by these officers is published over their own signatures or as editorial paragraphs and leaders ?

The Honourable Mr. J. Crerar : Newspapers rarely publish articles over the writers' signatures.

Mr. Gaya Prasad Singh : We should like to hear Mr. Coatman !

Mr. M. Ruthnaswamy : Will the Honourable Member give us some idea of the restrictions imposed on Government servants by the Government Servants' Conduct Rules in regard to their contributions to the Press ?

The Honourable Mr. J. Crerar : I would invite the attention of the Honourable Member to the rules themselves.

Pandit Hirday Nath Kunzru : May I know if these officers write to newspapers in England and America ?

The Honourable Mr. J. Crerar : Yes, Sir ; contributions are not limited to the Press in this country.

Pandit Hirday Nath Kunzru : May we know, Sir, on what occasions the Publicity Department during the last 12 months contributed articles to the foreign press ?

The Honourable Mr. J. Crerar : I think, Sir, that is a notice question.

Mr. K. C. Neogy : Are these contributions made solely in the interests of India ?

The Honourable Mr. J. Crerar : Yes, Sir.

Mr. K. C. Neogy : Do the officers concerned get any remuneration for their contributions ?

The Honourable Mr. J. Crerar : I think that in the majority of cases, at any rate, the contributions are purely honorary.

Pandit Hirday Nath Kunzru : Do they write under instructions from Government or on their own initiative ?

The Honourable Mr. J. Crerar : Under general instructions, in particular cases, on their own initiative.

MESSING ARRANGEMENTS OF MEMBERS OF THE UNIVERSITY TRAINING CORPS OF THE UNITED PROVINCES WHILE IN CAMP.

1202. ***Pandit Hirday Nath Kunzru** : (*a*) Is it a fact that members of the United Provinces University Training Corps have been informed that they will be supplied with uncooked rations in accordance with the scale fixed for Indian soldiers and given 2 as. 6 p. a day during the next annual camp ?

(*b*) Are Indian soldiers supplied with sugar and fuel free of cost as part of their rations and will the members of the University Training Corps have to pay for both these things out of their daily allowance of 2 as. 6 p. ?

(*c*) Will the various detachments also have to pay the cooks which they are required to bring with them out of the daily allowance referred to above ? If so, why ? Will the new arrangement cost Government more than the contract system under which the University Training Corps were fed till last year ?

(*d*) Is it a fact that the scale of rations fixed for the University Training Corps is lower than that fixed for British soldiers ? If so, how do Government justify this difference.

Mr. G. M. Young : Government have no information of the details mentioned by the Honourable Member. Arrangements for the messing of members of the University Training Corps while in camp are left entirely to the University authorities concerned, to whom Government make a lump sum grant for the purpose.

Pandit Hirday Nath Kunzru : Do I understand that the sum contributed this year is the same as that which was contributed last year ?

Mr. G. M. Young : The sum is Rs. 3,500 for 15 days' training.

Pandit Hirday Nath Kunzru : May I know whether the sum this year is the same as last year ? I have not been able to hear the Honourable Member.

Mr. G. M. Young : I don't know, Sir. There is a fixed sum which is Rs. 3,500 for 15 days' training. I believe it was the same last year as it is this year.

Pandit Hirday Nath Kunzru : May I know in this connection, Sir, whether in accordance with the recommendations of the Auxiliary Force and Territorial Force Committee, the University Training Corps is to be regarded as a provincial or an urban unit ? The point of my question is that the Auxiliary and Territorial Forces Committee recommended that members of urban units should be paid extra messing charges at the rate of 5½ annas per day.

Mr. G. M. Young : I am not prepared to go into the general questions of urban and provincial units. As regards the present question, Government have no information of the details ; they make a lump sum grant to the Universities and the Universities use it according to their own discretion. No complaints have been received from any University so far that this grant is inadequate.

Pandit Hirday Nath Kunzru : Whose duty will it be to carry out the recommendations of the Auxiliary and Territorial Forces Committee, if not that of the Central Government ?

Mr. G. M. Young : I do not see how that question arises.

Pandit Hirday Nath Kunzru : Is it not the fact that while the Auxiliary Force and Territorial Force Committee, whose recommendations have been accepted, recommended that 5½ annas per day should be paid as an extra messing charge, the members of the Corps only receive 2½ annas per day now ?

(No answer was given.)

Pandit Hirday Nath Kunzru : With regard to part (*d*), will Government enquire why the rations supplied to the members of the University Training Corps are on a lower scale than that applicable to Indian soldiers ?

Mr. G. M. Young : No, Sir ; Government do not propose to enquire into any of these details. As I have already informed my Honourable friend, the arrangements for the messing of the University Training Corps while in camp are left entirely to the University authorities concerned. Government make a lump sum grant. If the sum is insufficient, doubtless the Universities will make representations to that effect.

Pandit Hirday Nath Kunzru : Is the Honourable Member aware that the arrangements are made not by the University authorities but by the Adjutant ?

Mr. G. M. Young : No, Sir ; I am not aware of that.

Pandit Hirday Nath Kunzru : Will the Honourable Member be good enough to enquire into that ?

Mr. G. M. Young : No, Sir. The arrangements are left entirely to the Universities : the Adjutant has no instructions from Government to make the arrangements instead of the Universities.

Pandit Hirday Nath Kunzru : If the lump sum grant is not raised by Government, how is the University going to give 5½ annas per day as recommended by the Auxiliary Force and Territorial Force Committee ?

Issue of Rifles to the United Provinces University Training Corps.

1203. ***Pandit Hirday Nath Kunzru** : When do Government propose to issue rifles to the United Provinces University Training Corps ?

Mr. G. M. Young : The Honourable Member is referred to part (*b*) of my answer to his starred question No. 514.

Pandit Hirday Nath Kunzru : May I know whether since that question was answered, Government have taken any steps to supply rifles to the University Training Corps ?

Mr. G. M. Young : Government were taking steps when my Honourable friend asked his question. They are still taking steps.

Pandit Hirday Nath Kunzru : Have they taken any further steps, or are they still at the same stage ?

Mr. G. M. Young : They are proceeding with the same steps, Sir.

PROPORTION OF LEWIS GUNNERS IN UNIVERSITY TRAINING CORPS.

1204. ***Pandit Hirday Nath Kunzru** : Is it a fact that every Indian infantry battalion is supposed to consist of 75 per cent. riflemen and 25 per cent. Lewis gunners ? Does this rule apply to the Indian Territorial Force or the University Training Corps ? If not, why not ?

Mr. G. M. Young : The proportion mentioned in the first part of the question is approximately correct. The answer to the second part is in the negative. The University Training Corps are not supplied with Lewis guns because they are not liable for military service. The period of training for other units of the Indian Territorial Force is not long enough to permit of instruction in the use, mechanism and tactical handling of Lewis guns. The first essential is to train men fully in the use of the rifle.

Pandit Hirday Nath Kunzru : Did the Auxiliary Force and Territorial Force Committee recommend any difference between the training given to the University Training Corps and to the Indian Defence Force simply because they recommended that the University Training Corps should not be liable for general service ?

Mr. G. M. Young : I understand the Honourable Member to be asking me questions on the contents of the Report of the Auxiliary and Territorial Forces Committee of which he appears to have a copy in his hand. I have not.

Pandit Hirday Nath Kunzru : May I ask, since it concerns the Honourable Member's Department, whether there need be any difference between the training given to the University Training Corps and the training given to the Indian Defence Force simply because the University Training Corps is not to have any liability for general service ?

Mr. G. M. Young : That, Sir, is a question of opinion.

Pandit Hirday Nath Kunzru : May I ask whether it is not a question of fact, the matter being entirely in the power of the Government of India ?

Mr. G. M. Young : As I heard the Honourable Member's question, it was not a question of fact.

Pandit Hirday Nath Kunzru : May I know whether there is any warrant in the Auxiliary and Territorial Forces Committee's recommendations for making any distinction between the training given to the University Training Corps and the training given to the Indian Defence Force ?

OFFICIAL ASSISTANCE TO MISS MAYO IN COLLECTING MATERIALS FOR HER BOOK "MOTHER INDIA".

1163. *Mr. M. S. Aney : (*a*) Has the attention of the Government of India been drawn to Miss Mayo's book "Mother India" and the numerous statements regarding India and Indian people contained therein ?

(*b*) Is it a fact that Mr. Coatman, Head of the Publicity Department of the Government of India, was associated with Miss Mayo in collecting materials for her book ?

(*c*) Is there any truth in the rumour that Miss Mayo was in some way or other subsidised by the Scout Service Funds ?

(*d*) Is it a fact that Mr. Coatman saw the proofs of the book ?

(*e*) Will the Government find out and disclose the names of such officials as helped Miss Mayo in the collection of materials of that book or in writing it ?

The Honourable Mr. J. Crerar : (*a*) Government have seen the book.

(*b*), (*c*) and (*d*). There is no truth whatever in these suggestions and I should like to repudiate them emphatically. I would also refer the Honourable Member to the Foreword to the book itself, in which the author expressly states that she submitted the manuscript of the book to no one connected with official life.

(*e*) Government have no reason to suppose that any official gave Miss Mayo any assistance beyond what is given to any member of the public.

ISSUE OF A CONTRADICTION TO THE NUMEROUS ALLEGATIONS CONTAINED IN MISS MAYO'S BOOKS "MOTHER INDIA" AND "ISLES OF FEAR".

1164. *Mr. M. S. Aney : (*a*) Will the Government be pleased to state whether they have issued any instructions to the Head of the Publicity Department to promptly issue any book or pamphlet to give an authoritative contradiction to any of the numerous allegations contained in the two books of Miss Catherine Mayo "Mother India" and "Isles of Fear" ?

(*b*) If not, will the Government be pleased to say whether they propose to do so hereafter ?

(*c*) If not, why ?

The Honourable Mr. J. Crerar : (*a*) and (*b*). Government have not given and do not propose to give such instructions.

(*c*) They do not consider that such instructions would serve any useful purpose.

Mr. K. C. Neogy : Do Government attach any importance to the resentment that has been caused among the public by this book ?

The Honourable Mr. J. Crerar : Government have naturally observed that with interest and concern.

Mr. K. C. Neogy : Are Government in sympathy with the statements that have appeared in this book ?

The Honourable Mr. J. Crerar : That, Sir, is rather too general a question for me to reply to either affirmatively or negatively.

Mr. M. R. Jayakar : Does that book represent the opinions of Government on the culture and traditions of Indians ?

The Honourable Mr. J. Crerar : I have already explained that Government accept no responsibility for what has appeared in this book.

Mr. K. C. Neogy : Is the Government attitude one of neutrality in this matter ?

(No answer.)

Mr. K. C. Neogy : Do Government possess any opinion on the statements contained in the book ?

The Honourable Mr. J. Crerar : The Honourable Member is asking for an opinion.

Mr. K. C. Neogy : Do Government possess any opinion at all ? That is not a question of opinion, but of fact.

Mr. B. Das : Are Government going to proscribe that book ?

Mr. K. Ahmed : In view of the fact that there is great commotion and disorder in the House and in the country, do Government propose.....

Mr. President : Order, order.

Mr. K. Ahmed : The question arises, Sir, and I am entitled to put supplementary questions. May I know under what rule or standing order the Chair rules me out of order ?

Mr. President : Order, order. Mr. Aney.

DATE OF APPOINTMENT OF MR. BOOTH AS POSTMASTER GENERAL IN THE PUNJAB.

1165. ***Mr. M. S. Aney** : (*a*) When was Mr. Booth first appointed to assume charge of the post of Postmaster General in the Punjab ?

(*b*) For what time during the aforesaid period has he been at Lahore and Simla, respectively ?

(*c*) Is the Postmaster General provided with Government quarters both at Lahore and Simla and, if so, at what rent per annum ?

Mr. H. A. Sams : (*a*) 23rd March, 1922.

(*b*) For 7 and 5 months respectively in a year.

(*c*) No.

QUESTIONS NOT PUT, WITH ANSWERS TO THE SAME.

REVERSAL OF THE JUDGMENT IN THE RAJPAL CASE.

1162. ***Maulvi Badi-uz-Zaman** : (*a*) Are the Government aware of the decision of the test case in the *Vartman* case delivered by the Division Bench of the Lahore High Court ?

(*b*) Are the Government aware that Indian Muslims throughout the country have censured the Rajpal judgment in the strongest possible language ?

(*c*) Are Government aware of the feelings of Muslims in this matter, to the effect that they can never be satisfied unless the Rajpal judgment which has been the cause of serious disturbance in the country is reversed ?

(*d*) Do the Government propose to take steps to set aside the Rajpal judgment delivered by a single bench consisting of Mr. Justice Dalip Singh of the Lahore High Court ?

(*e*) Do the Government of India propose to instruct the Local Government to take further action against one Rajpal, the publisher of *Rangila Rasul* ?

The Honourable Mr. J. Crerar : (*a*) Yes

(*b*) and (*c*). Government have seen reports of meetings and resolutions.

(*d*) and (*e*). No.

REBATES OFFERED BY HEAVY STEEL MANUFACTURERS OF THE UNITED KINGDOM ON JOISTS AND OTHER MATERIALS.

1174. ***Mr. Jamnadas M. Mehta** : (*a*) Has the attention of Government been drawn to Reuter's telegram from London, dated 1st September 1927, stating that 28 firms of heavy steel manufacturers of the United Kingdom are offering a rebate from 2nd September of seven shillings six pence per ton on joists and five shillings per ton on other materials ?

(*b*) Have Government considered the effect of this step on the Indian steel industry ? And do Government propose to take any further steps to protect the industry ?

The Honourable Sir George Rainy : The Government of India have seen the telegram referred to, but a British official wireless message of the same date states that the rebate will be given only to home consumers. If this is correct, the rebate should have no effect on the Indian steel industry.

APPOINTMENT OF ASSISTANT ACCOUNTANT IN THE CALCUTTA PORT TRUST.

1175. ***Mr. Jamnadas M. Mehta** : (*a*) Are Government aware of the strong feeling of resentment in commercial and other circles in Calcutta against the contemplated appointment of a European as the Assistant Accountant in the Calcutta Port Trust ?

(*b*) Have Government received any protests from public bodies in this behalf ?

(*c*) What steps do Government propose to take in order to prevent their policy of Indianisation being departed from by the Calcutta Port Trust ?

The Honourable Sir George Rainy : (*a*) and (*b*). The Port Commissioners, Calcutta, have invited applications from fully qualified Chartered Accountants, European or Indian, and not from Europeans only. Government have seen protests in the Indian Press against the qualification demanded, and have received representations on the subject from the Indian Chamber of Commerce, the Marwari Association, and the Bengal

National Chamber of Commerce, Calcutta, and the Indian Merchants Chamber, Bombay.

(c) Under section 34 of the Calcutta Port Act, appointment to this post, which carries a monthly salary of less than Rs. 1,000, does not require the previous sanction of Government. The Government of India have, however, requested the Government of Bengal to forward the representation of the Indian Chamber of Commerce to the Port Commissioners for their careful consideration.

SHORT NOTICE QUESTION AND ANSWER.

INDIAN DELEGATION TO THE 11TH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE.

Mr. Sarabhai Nemchand Haji : With your permission, Sir, I beg to ask two questions of which the Honourable Member for Industries and Labour has been good enough to accept short notice.

1. (*a*) Will the Government please state the clauses of the Treaty of Versailles under which they have made the following statement in a recent communiqué regarding the nomination of the Indian Delegation to the 11th Session of the International Labour Conference to be held in Geneva in 1928 " in selecting the Delegates for Employers and Labour the Government of India will attach due importance to the recommendations made by organised representative associations of employers and employed ?

(*b*) Do the words " organised representative associations " cover non-Indian national organisations in India ?

(*c*) If so, will the Government please state how they reconcile it with the definite findings of the Credentials Committee of the Ninth Session of the Conference that " the representation of a country at the General Conference should be a national one " ?

2. Will the Government please state if they propose to send to the next International Labour Conference as many Advisers of the Employers' and Workers' Delegates as are provided for by the Treaty of Versailles.

The Honourable Sir Bhupendra Nath Mitra : 1. (*a*) Article 389.

(*b*) In the view of the Government of India important organizations composed of employers or workers in India cannot be debarred from participation on racial grounds.

(*c*) In precisely the same way as the Credentials Committee reconciled the opinion quoted by the Honourable Member with their recommendation that Sir Arthur Froom's credentials should be validated by the Conference.

2. Government have not yet considered the question.

Mr. Sarabhai Nemchand Haji : With regard to 1 (*c*) of the statement of the Honourable Member that the Credentials Committee accepted the nomination of Sir Arthur Froom, is it true that the Credentials Committee laid down that that nomination of Sir Arthur Froom was valid for the purpose of that particular conference which was a shipping conference ?

The Honourable Sir Bhupendra Nath Mitra : I would refer the Honourable Member to the proceedings of that Credentials Committee. He was present at Geneva and tried his best to persuade them to accept his opinion in regard to Sir Arthur Froom's nomination. He failed in his efforts.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Council of State :

"I am directed to inform you that the Council of State have, at their meeting held on the 19th September, 1927, agreed without any amendments to the following Bills which were passed by the Legislative Assembly on the 14th September, 1927 :

A Bill further to amend the Cantonments Act, 1924, for certain purposes.

A Bill to amend the Indian Emigration Act, 1922, for a certain purpose.

A Bill further to amend the Indian Income-tax Act, 1922, for certain purposes.

RESOLUTION *RE* MANUFACTURE AND SALE OF KHADI—*contd.*

Mr. President : The House will now resume further discussion of the following Resolution moved by Mr. Ram Narayan Singh on the 13th September 1927 :

"This Assembly recommends to the Governor General in Council to start Khadi (hand-spun and hand-woven clothes) depôts in each provincial capital with branches in each district therein for the manufacture and sale of Khadi under the entire management of the local Provincial Congress Committee and to set apart at least a sum of one crore of rupees for the purpose in the next annual Budget."

Mr. Ram Narayan Singh (Chota Nagpur Division : Non-Muhammadan) : With your permission, Sir, I beg to state that this Khadi Resolution is a very important one and its importance requires that there ought to be a large attendance in the House and a good many Members ought to take part in this discussion. As the House has grown rather thin, I am afraid, full justice will not be done to the subject. I, therefore, beg leave of the House to withdraw the Resolution. My friends have also advised me to do so. I beg to add one thing more.....

Mr. President : The Honourable Member is not entitled to make a speech on a motion that leave be given to him to withdraw his Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

RESOLUTION *RE* PENSIONS OF THE EMPLOYEES OF THE TELEGRAPH DEPARTMENT.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : With your leave, Sir, I will move the Resolution that stands in the name of the Honourable Mr. Jamnadas Mehta, and runs as follows :

"That this Assembly recommends to the Governor General in Council to be pleased to revise the rules and regulations relating to the pensions of the employees of the Telegraph Department to make them equitable and just by providing :

(1) that an employee rendering 21 years' net service, i.e., excluding any kind of fundamental leave, shall, on being invalided, be in receipt of half the average pension ;

[Mr. K. C. Neogy.]

(2) that an employee rendering 25 years' net service as above shall receive a retiring pension of five-eighths of average pay and in addition a bonus of one year's pay ;

(3) that an employee rendering 30 years' net service shall receive five-eighths of average pay and in addition a bonus of 15 months' pay.''

Sir, I regret the circumstances which have not enabled my Honourable friend Mr. Jamnadas Mehta to be present in this House to move the Resolution himself. I do not propose to take the House into any very great details in regard to all the items mentioned in this Resolution, but I will beg of them to extend their sympathy to the general principle which underlies this Resolution and which I think can be stated in a very few words. The conditions of service in the Telegraph Department are particularly hard, and in view of that fact the pension rules should be relaxed for the benefit of the members of that particular branch of the public service. Sir, there are three very serious statements made in support of this contention. The first is that in the majority of cases the members of the telegraph service die before they reach the age of retirement. The second is that in about 90 per cent. of cases the officers after retirement do not live beyond five years to enjoy their pension. The third is that, although theoretically a telegraphist is held to be entitled to full pension after 30 years' service for all practical purposes he puts in 37 years of active service having regard to the fact that he does not enjoy any holidays. I do not vouch for the accuracy of these allegations, and all I can say is that when they are made they are certainly serious enough to merit an inquiry at the hands of Government. Sir, it may be that service conditions in certain other branches of the public service may be quite as onerous as in the Telegraph Department ; and if that be so, then the enquiry that I suggest might not necessarily be confined to the Telegraph Department. However, Sir, that raises a very wide issue which, I am afraid, will not fall within the scope of the department of which my Honourable friend Sir Bhupendra Nath is in charge. I mention this point particularly because the Honourable Member in charge is responsible for the administration of the Labour Department which concerns itself with the welfare of the working classes generally, and as the Honourable Member particularly is responsible for the administration of such humanitarian measures as the Workmen's Compensation Act and other measures of a similar character, I naturally expect a greater degree of sympathy from him than from other Members of Government when I put forward this claim for an inquiry. If, as a matter of fact, service conditions in any particular branch of the public service really cut short a man's natural span of life, then surely it is a case in which these conditions and pension rules should be suitably revised. I do not think I need say anything more to commend this suggestion of mine to the Government, but before I sit down, I want to make it clear that it is not my intention to press this Resolution, and that I am perfectly willing to withdraw it if my Honourable friend Sir Bhupendra Nath Mitra can hold out a hope that an inquiry into the facts I have mentioned will be made.

Mr. N. M. Joshi (Nominated : Labour Interests) : Sir, while supporting this Resolution, I wish to confine myself to the case of the telegraph peons and to what is called the line staff. Sir, the employees belonging to the Telegraph Department other than the telegraph peons and the line staff and other menials in the offices at least get their pension on

a superior scale according to the Civil Service Regulations, but unfortunately the telegraph peons and the line staff are considered to belong to an inferior service and not to what is called the superior service and get pension on an inferior scale. I have spoken on this point in this House several times, and I take this opportunity again to bring to the notice of the department concerned that there is no justification for making this distinction. They consider the postmen to belong to the superior service, while the telegraph peons who do the same kind of work are considered to belong to the inferior service and are therefore given inferior rates of pension. I hope, Sir, the department will see their way to do justice to the telegraph peons and the line staff belonging to this department. Sir, in the case of the telegraph peons, as my Honourable friend Mr. Neogy has pointed out, there are special conditions why they should not only get pension according to the superior Civil Service Regulations, but according to a scale better than the ordinary regulations. Sir, about two or three years ago I asked a question in this House whether Government will make inquiries as to why the telegraph peons die earlier than other employees of the Government do. The Government of India at that time refused to make an inquiry. I hope, Sir, in the interests of their poor employees the Government of India will not persist in refusing to make an inquiry into the fact whether the telegraph peons die a somewhat premature death.

Sir, there is another difficulty in the case of these telegraph peons. These peons are examined periodically by doctors, and if they are found unfit, they get a much smaller pension than they would ordinarily get. I hope, Sir, the Government of India will either do away with the medical examination of the telegraph peons or that they will introduce medical examination for their superior servants as well. It is not only the telegraph peons and the inferior staff who suffer in health by old age or by any other reason. There are many superior officers who do not maintain a uniform state of health throughout their service. If these superior officers are also examined periodically, I am quite sure a fair proportion of them will have to be retired every year.

Sir, unfortunately, these telegraph peons and the line staff are considered to belong to the inferior staff, and the trouble with the Government of India is that, when a body of men are stamped as belonging to an inferior service, they do not find time to listen to their grievances and to remedy them. These telegraph peons are considered to be menials. The question of these menial servants was placed before Government several times by us through questions, and for the last four years I have been receiving one stereotyped reply, namely, that the question is being considered by the Government of India. Sir, since I first asked this question about the pension of menials, the Lee Commission has sat and reported, and most of the superior officers have got concessions in pay, prospects, leave rules and passage, and various other concessions. But, Sir, during all these years the Government of India are still considering the question of the pension of menials. I do not know when they will find time to look into this question.

Then, Sir, there is one more point on which I should like to say a few words. As these menials and telegraph peons are said to die prematurely, it is better that in their case the Government of India should

[Mr. N. M. Joshi.]

introduce a provident fund system instead of the pension system, or let these people be given the choice between pension and provident fund. Sir, even in the case of the provident fund, the Government of India are indifferent. Questions have been asked several times, and every time the Government of India say that the question is being considered. Sir, I wish you to tell me whether there is any other method by which you or I can make the Government of India move in the case of these poor people.

Sir, there is only one more point on which I should like to say one word. The Government of India give pensions to their superior servants on a superior scale. As a matter of fact, I feel, Sir, that if any distinction is to be made between the superior and the inferior servants, there should be a discrimination in favour of the inferior servants. The superior servants are paid very generously by the Government of India.

It is quite possible for the superior service who get Rs. 2,000 a month or Rs. 3,000 a month or Rs. 80,000 a year to save something out of their pay for their old age. But it is not possible for a man who gets Rs. 10, or 15 or 20 a month to save anything out of the small pay to make provision for his old age. I therefore feel, Sir, that the Government of India will show some sense of justice and bring the pension scales of inferior servants to at least the ordinary scales of civil servants. I hope, Sir, that the Government of India will inquire into this matter and will not take up much more time to do justice to the bulk of their employees.

12 NOON.

I support this Resolution.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, before I heard my Honourable friend Mr. Neogy I was determined in my mind that I would oppose this Resolution. This Resolution reminds me of another Bill which we have made into an Act, namely the Cotton Yarn Protection Bill. The millowners were agitating for protection. This is in the same line. The vested interests clamour for more and more help. The vested interests of the telegraphists are here demanding special scales of pay and pension which, if the Government were to introduce in one department, they would have eventually to concede in other departments and from what we know of the Honourable the Finance Member he will not permit any extra money going into the pockets of the employees of the Government of India. But I would like to confine my remarks to this Resolution. It has given my friend Mr. Joshi an opportunity to air the grievances of peons and menials on whose behalf he can speak with great authority, and in case the Honourable the Industries and Labour Member is going to consider sympathetically the concession of these pension rules, he will have to concede first Mr. Joshi's point and then the interests of the telegraphists in Bombay and Calcutta. But in my opinion and in the opinion of many Members in this part of the House, some people are getting fat salaries and fat benefits which the Indian element in the Telegraph Department have always been deprived of and they have always admitted this. With these remarks, I hope the Honourable Member for Industries and Labour will give Mr. Neogy such an assurance as will satisfy him and enable him to withdraw his motion.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, I confess I find myself in the same difficult position in which my Honourable friend Mr. Neogy found himself placed. He tried to persuade this House to support a measure without being sure of the facts of which he was talking. His main point was that he had heard somewhere and from somebody that the mortality among the telegraphists was higher than that in any other branch of the public service.

Mr. N. M. Joshi : Telegraph peons.

The Honourable Sir Bhupendra Nath Mitra : My friend Mr. Neogy was referring to telegraphists. He was on quite a different track from my Honourable friend Mr. Joshi. Now, Sir, the information which we have managed to collect shows that the mortality among telegraphists during the period of their service is no greater, and certainly not substantially greater, than the mortality in the rest of the public service. Well, that throws out the most important of my Honourable friend's hypothetical assumptions. That being so, Sir, so far as the particular body of people with whom he was dealing are concerned, the question of special concessions does not arise. And that is the only answer I have to give to my Honourable friend Mr. Neogy. My friend Mr. Joshi tried to bring within the purview of this limited Resolution certain other grievances of other people in whom he takes a great interest ; and here again, as he had not had the time to work out his case, he placed before the House a number of misstatements.

Mr. N. M. Joshi : I did not.

The Honourable Sir Bhupendra Nath Mitra : As I listened to his speech, I was amused, when I heard that a telegraph line man belonged to the inferior service and that the scale of pension for the inferior service was something outside the scope of the Civil Service Regulations.

Mr. N. M. Joshi : May I explain, Sir, that the pension given to these menials may be within the scope of the Civil Service Regulations, but the pensions given to them are on a smaller scale than the pensions given to what is called the superior service. That is my grievance.

The Honourable Sir Bhupendra Nath Mitra : That may be so. But their scale of pay also is lower than the scale of pay of various officials in superior service. But that is not the proposition we were dealing with. The Resolution is confined to the grievances of a certain class of telegraph employees. It does not cover the wider ground of the pensions of all the inferior servants of the Government of India. If my Honourable friend Mr. Joshi wants to discuss that proposition on the floor of the House, it is open to him to bring forward a separate Resolution.

Mr. N. M. Joshi : May I point out, Sir.

Mr. President : Order, order. I cannot allow the Honourable Member to go on interrupting the speaker now and again.

The Honourable Sir Bhupendra Nath Mitra : Now, Sir, in view of the facts which I have set forth, I should advise the House very strongly to negative the particular Resolution which has been brought forward by my Honourable friend Mr. Neogy. I have nothing further to add on the subject.

Mr. N. M. Joshi : May I say, Sir, one word ?

Mr. President : The Honourable Member has no right to make a second speech.

Mr. N. M. Joshi : I am not making a second speech.

Mr. President : Will the Honourable Member resume his seat ?

Mr. K. C. Neogy : Sir, I do not think my Honourable friend, Sir Bhupendra Nath Mitra, was quite kind to me when he assumed that I was referring to certain gossip which I had heard in the bazaar when I made those statements. As a matter of fact, I had in my hand a statement prepared on behalf of a responsible trade organisation representing the Telegraph Department and the three points that I mentioned find place in this particular memorandum. Sir, I do not know why my Honourable friend is particularly keen on throwing out this Resolution. I never expressed my intention to press it on the House at all, and this strikes me as being rather unkind on his part. I should have thought that he would give a little more time to this question and make a more thorough inquiry than it has been possible for him to make into the allegations to which I have drawn attention. Admittedly he himself is not very sure of his ground, because I should have expected him to give me slightly more definite details with regard to the mortality statistics in the Telegraph Department. As the Honourable Member is in charge of the Labour Department, surely it is not wrong on our part to expect him to be a little more sympathetic. When an allegation is made in regard to the higher rate of mortality in this particular branch, surely it is the duty of the Honourable Member in charge to make a thorough investigation into the allegations. And before he is in a position to satisfy this House that there is nothing absolutely in that allegation, he should not ask this House to negative this Resolution. Sir, I beg leave of the House to withdraw my Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

Pandit Thakur Das Bhargava (Ambala Division : Non-Muhammadan) : Sir, for certain reasons I am constrained to submit that I do not wish to move this Resolution* to-day, and I beg leave to withdraw it.

Mr. V. V. Jogiah (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : I too, Sir, beg leave to withdraw my Resolution†.

Kumar Gangnand Sinha (Bhagalpur, Purnea and the Santhal Parganas : Non-Muhammadan) : In view of the fact that there is a very thin attendance in the House I do not want to risk my Resolution.‡ I shall bring it up later on.

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*" This Assembly recommends to the Governor General in Council that the policy of the railway administration in India be immediately Indianized, and further recommends that the Railway Board should have a majority of Indians and no future appointment should go to a non-Indian until the majority is secured to and maintained for Indians."

†" This Assembly recommends to the Governor General in Council to take steps, at an early date, to constitute the contiguous Telugu-speaking areas in the Madras Presidency into a separate Province for all legislative, administrative and judicial purposes."

‡" This Assembly recommends to the Governor General in Council that he may be pleased to take immediate steps to stop the exportation out of India of sacred objects and of Indian antiquities, manuscripts, works of ancient art and such other things as are either national heirlooms and are objects of national pride or are necessary for a proper understanding and appreciation of India's past and for the study and reconstruction by Indians of the history of ancient and mediæval India."

MOTION *RE* PRIVILEGES AND STATUS OF MEMBERS OF THE LEGISLATIVE ASSEMBLY.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I beg to move the motion which stands in my name and which runs as follows :

"That this Assembly do appoint a Committee under the Chairmanship of the Honourable the President and consisting of the Honourable Members named below, to enquire into the privileges and status of Members of this Assembly and to make recommendations :

(1) The Honourable the Home Member.
(2) The Honourable Sir Bhupendra Nath Mitra.
(3) Mr. K. C. Roy.
(4) Nawab Sir Sahibzada Abdul Qaiyum.
(5) Pandit Motilal Nehru.
(6) Lala Lajpat Rai.
(7) Mr. M. A. Jinnah.
(8) Mr. Shanmukham Chetty.
(9) Pandit Madan Mohan Malaviya.
(10) Sir Purshotamdas Thakurdas, and
(11) the Mover."

Sir, the motion which I am moving to-day before the House ought to have been brought before the House long before this.

Mr. President : Is the Honourable the Home Member in charge of this motion on behalf of Government ?

The Honourable Mr. J. Crerar (Home Member) : I am prepared to deal with the matter, Sir.

Maulvi Muhammad Yakub : In fact, the subject matter of this motion ought to have formed the subject of inquiry by the Southborough Committee and the status and privileges of Members of this House should have been formulated in the form of regulations as soon as the Legislative Assembly came into being. As a result of their not being so formulated in the form of such regulations we, the Members of this House, are deprived of all the privileges which are enjoyed by the Members of other Parliaments within the British Empire, nor do we possess any rights, privileges or status in the public life of the country or on ceremonial occasions as Members of the Legislative Assembly. Even the name of the Legislative Assembly has been removed from the Warrant of Precedence. It is for this reason, Sir, that I consider it necessary to move the present motion before the House. The Muddiman Committee on their own initiative took up this question, but there being no material before them, they were unable to go into the details of the question. The Muddiman Committee in their report have said :

"It has not been suggested to us from any source that Legislatures in India should be provided with a complete code of powers, privileges and immunities as is the case with most of the Legislatures in other parts of the Empire."

Notwithstanding this, Sir, the Muddiman Committee made certain recommendations They made three recommendations. First they recommended that Members of the Legislative Assembly should be exempted from serving as jurors and assessors, secondly, immunity from arrest and imprisonment for civil causes during meetings of the Legislature in question and for periods of a week before and after such meeting, and their third

[Maulvi Muhammad Yakub.]

recommendation was that the corrupt influencing of votes within any of the legislative bodies by bribery, intimidation and the like should be made a penal offence. But this should not be dealt with, as at present, as a question of privilege. All these three recommendations have now been put on the Statute-book in the form of rules and regulations, but as the Muddiman Committee themselves said, these recommendations were not really in the nature of privileges of Members of the House. There are several other questions which have come up before the House during the last few years in which the necessity of such regulations has been very keenly felt by the House. For instance, Sir, one Honourable Member of this Assembly after having been duly elected by his constituency and after having received an invitation from His Excellency the Governor General to attend the Assembly was not allowed by the Executive authority of the country to attend the House and he was absent throughout the whole Session. This is a question which will form the subject of discussion by the Committee which I am proposing. Only the other day we saw in the papers that the house of another Honourable Member of this House, while he was attending this Session of the Assembly in Simla, was searched at Lahore by the local authorities. This question also should be discussed by the Committee and we must see how far such action can be taken against Members of the Assembly while they are attending a session. Then, Sir, the question of allowance and residence may also come up before this Committee if the amendment of my Honourable friend Mr. Das is accepted by the House. These and many other questions of a similar kind are very necessary to be discussed. Honourable Members of the other House were more vigilant in this respect. A similar motion was moved in the Council of State as long ago as 1926 by my Honourable friend Mr. K. C. Roy, who, I am glad, has now been degraded to this House, and whose name I have placed on my Committee. Unlike the Honourable Members of the Council of State, I will not press that the question of the prefix of "Honourable" should form a subject for discussion by my Committee, because I consider that all the Members of the Assembly are Honourable without borrowing feathers from anybody. With these words, Sir, I beg to move the motion which stands in my name.

Kumar Ganganand Sinha : I move, Sir, that the name of Mr. K. V. Rangaswami Ayyangar be added to the Committee.

Mr. President : The question is :

"That the name of Mr. K. V. Rangaswami Ayyangar be added to the Committee."

The motion was adopted.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I beg to move the amendment standing in my name, namely :

"That after the words 'to enquire into the privileges' the word 'allowances' be inserted ;

That the following names be added at the end :

Mr. K. C. Neogy, and

Mr. N. M. Joshi."

and with your permission, Sir, I should like to add also the name of Colonel Crawford. Sir, my Honourable friend Mr. Yakub has already signified

his approval of my amendment. Another House which sits somewhere on the other side of the hill passed a Resolution in that House during the last Session whereby they enhanced the privileges they have been enjoying all along.

Whether that House is a representative House is the question and this House will never give that House the privilege of being called a representative House. The Members of the other House enjoy the title of " Honourable ". I hope this Committee, when it deliberates, will see how far they are Honourable gentlemen. We are all Honourable gentlemen. The title " Honourable " should be dropped in the case of Members of both Houses. If the Members of the other House enjoy such benefits, the Members of this House are equally entitled to enjoy them. Regarding allowances, I am not particular whether I get any allowance or not, but I do not like that there should be any differentiation between this House and the other House, which is so particular, like old women, about its privileges and allowances. I hope the Committee will go into the question of allowances. There should be no differentiation between the other House and this House, which, if I may be allowed to say so, is representative of the people of India and the Parliament of India ; and if this House has its own way, the other House should not exist at all.

Regarding the three names I have suggested, I have suggested Mr. Neogy's name and Mr. Joshi's name as they were Members of the first Assembly after the Reforms, and as we are going to consider the privileges and status of Members, it is best that Honourable Members who have fought the battle before us and who know how to extract a certain amount of privilege from the Government should be there. I have suggested Colonel Crawford's name, a member of European group, to add to the representative character of this Committee. With these remarks, I commend by amendment.

Mr. President : What is the third name ?

Mr. B. Das : Colonel Crawford.

Mr. President : The question is that the names of Mr. K. C. Neogy.....

The Honourable Mr. J. Crerar (Home Member) : Sir, I wish to speak.....

Mr. President : On the question of adding names ?

The Honourable Mr. J. Crerar : On the amendment.

Mr. President : The question is :

" That the names of Mr. K. C. Neogy, Mr. N. M. Joshi and Colonel Crawford be added to the Committee."

The motion was adopted.

The Honourable Mr. J. Crerar : Sir, I should like to say a few words both on Mr. Das's amendment and on the motion. In the first instance, I will deal very briefly with the motion itself. As the Honourable the Mover pointed out, this question was one of the questions dealt with by the Reforms Enquiry Committee, and on receipt of their recommendations the Government of India took the action which they at that time thought proper to take and certain legislation was passed. That appeared to the Government of India what was necessary to do in the

[Mr. J. Crerar.]

present state of affairs. It may that as a result of the enquiry by the Statutory Commission, changes may be made in the constitution of this country which would render reconsideration of the subject matter of this motion necessary. But, as matters at present stand, the view of Government is that it would be premature to make the enquiry suggested by the Honourable Member. We do not intend as a matter of fact to oppose the motion, but we wish to make it quite clear that we cannot lend our support to it. In particular, though the Government of India will be glad to hear what views are entertained on these important matters, matters on which non-official Members of this House are certainly entitled and expected to have opinions of their own, while they will be glad to receive these opinions, they do not think that it would be proper that members of the Government should themselves be associated in the deliberations of the Committee. Consequently we cannot agree to the inclusion in this Committee of members of Government.

Secondly, with regard to the amendment moved by Mr. Das, we consider that it would be undesirable and in fact inadmissible that this Committee should go into questions relating to the allowances of Members ; it raises specifically financial questions. Subject to these remarks, the position of Government, I reiterate, is this. If this motion commends itself to the House, though we consider that it is premature, though we are not prepared to give it support, we at the same time are not prepared definitely to oppose it. We cannot agree to the inclusion of allowances of Members as a matter to be dealt with by the Committee and we cannot agree that members of Government should be members of the Committee.

Maulvi Muhammad Yakub : Sir, I am glad that the Honourable the Home Member has at least declared that Government members are not going to oppose my motion. But, Sir, really I consider that the points raised by the Honourable the Home Member in his speech are self-contradictory. In the first place, he says that he considers this motion premature, because the Royal Commission will soon be coming and the whole question will be revised ; and in the same breath the Honourable Member says that the commission would like to know the opinion of the Members of this House on this question. Now, Sir, unless a motion like this is accepted by the House, unless the question comes before the House and a report is made by the Committee, how will the Statutory Commission be in possession of the views of the Members of this House ? On the very ground which the Honourable the Home Member has pressed I consider that this is exactly the proper time when this motion ought to be moved and accepted by this House, because we are on the eve of the Statutory Commission, and if really the Commission would like to know the views of Honourable Members of this House on the question of their privileges and status, this is really the time when this question should be discussed, so that our report may be ready before the Commission has arrived.

As regards the inclusion of Government members on this Committee, personally I thought that at least there are certain questions on which the Members on this side of the House and the Members on the treasury benches can co-operate with each other, but if the Honourable the Home Member considers that the members of the Government cannot take part

in our discussions, that is to say, they do not want to give us any help in the matter of the status and privileges of the Members of this House, we on this side of the House are not very eager to have them on our Committee.

Mr. President : Does Mr. Das wish to press his amendment or would he like to leave the motion as it is, unamended ?

Mr. B. Das : May I ask the Honourable the Home Member.....

Mr. President : Government are going to oppose that amendment.

Mr. B. Das : I may point out that it may lead to a reduction of the allowances, and not to a recommendation for increase.

Mr. President : Is it the pleasure of this House that leave be given to Mr. Das to withdraw his amendment, namely :

"That after the words 'to enquire into the privileges' the word 'allowances' be inserted ?"

As no Member objected, the amendment was, by leave of the Assembly, withdrawn.

Mr. President : The question is :

"That this Assembly do appoint a Committee under the Chairmanship of the Honourable the President and consisting of the Honourable Members named below, to enquire into the privileges and status of Members of this Assembly and to make recommendations :

Mr. K. C. Roy,
Nawab Sir Sahibzada Abdul Qaiyum,
Pandit Motilal Nehru,
Lala Lajpat Rai,
Mr. M. A. Jinnah,
Mr. R. K. Shanmukham Chetty,
Pandit Madan Mohan Malaviya,
Sir Purshotamdas Thakurdas,
Mr. K. V. Rangaswami Ayyangar,
Mr. K. C. Neogy,
Mr. N. M. Joshi,
Col. J. D. Crawford, and
the Mover."

The motion was adopted.

Mr. President : This House now stands adjourned *sine die*.

The Assembly then adjourned *sine die*.

APPENDIX B.*

Translation of the Urdu Speech of Khan Bahadur Makhdum Syed Rajan Bakhsh Shah (South West Punjab : Muhammadan).

Khan Bahadur Makhdum Syed Rajan Bakhsh Shah (South West Punjab : Muhammadan) : Mr. President, first of all allow me to thank you for giving me an opportunity to speak. It was very necessary that I should speak about two things ; firstly, because this is a religious Bill and secondly, that the Urdu language may not be deprived of its share of such a good deed done within the four walls of this Chamber.

The primary duty of every Government is to keep peace in the country and the Government which neglects this duty is not fit to govern.

The present Bill which has been introduced in this House by the Honourable the Home Member goes to prove that the Government has some regard for the country's good.

The need for the Bill arose because, owing to the bad luck of the country, a Judge of the Lahore High Court let off a man by the name of Rajpal who had hurt the feelings of His Majesty's innumerable subjects by his very mean acts. Section 153 has always been applied to such offences as the one committed by Rajpal. All the High Courts considered this section to be quite sufficient. The subject matter in the cases of "*Vichatar Jiwan*", "*Vartman*" and Rajpal were identical in each case. Mr. Justice Dalal of the Allahabad High Court and the Divisional Bench of the Lahore High Court sentenced the accused under this very section, but Justice Dalip Singh let off the accused.

Although practically the Rajpal decision can have no standing against the decisions of such experienced and learned Judges, still the subordinate Courts, acting on the Rajpal decision, which has not been set aside as yet, can only produce bad results in the country.

I cannot understand why a few Honourable Members are opposing this Bill and think it to be a Muslim Bill. There is no doubt that the Bill is being brought in because a Judge of a High Court let off a Hindu accused who had used obscene language and the worst possible expressions against Islam and its Founder. Indian Muhammadans expressed their resentment at this and requested the Government either to set aside such a wonderful decision and to dismiss the Judge who had hurt the feelings of crores of Muhammadans, or to remove the defect, if there be any in reality, in the present law.

The Honourable Members who are opposing the present Bill mean to say that the present law is quite sufficient. If it is so, Mr. Justice Dalip Singh has committed such an error as was not to be expected of a Judge of a High Court.

Mr. President: The Honourable Member is not justified in criticising the judgment of the High Court.

Khan Bahadur Makhdum Syed Rajan Bakhsh Shah : Will the Honourable Members blame the Hindu Press which is upholding the Rajpal decision with all its strength? If not, what then does the opposition to this Bill mean? Our Hindu brothers would have done much better if

* *Vide* page 4598 of these proceedings.

they had, along with the Muhammadans, asked the Government to appeal to a full Bench against such a dangerous decision and to have it set aside. In that case there would have been no necessity for this Bill ; but that was not done. The Rajpal decision is at the bottom of this Bill. Has this Bill been brought in to save only Islam from the attacks made on it ? Certainly not. It has been introduced to save all religions from such attacks.

I very much blame every person who vilifies the religion of another. I was quite surprised to hear from the Honourable Mr. Amar Nath Dutt that the Government was siding with the Muhammadans in an unfair manner. In the first place, keeping the pitiable state of the country in view, the Honourable Member should not have used such irresponsible expressions.

Secondly, when the Hindu-Muslim Unity Conference is taking place in Simla, the utterance of such bigoted sentiments by an Honourable Member is wholly undesirable.

Mr. Amar Nath Dutt : On a point of order, Sir, I do not follow the Honourable Member, but I am told that some reference was made to my speech in a way not consistent with the dignity of the House.

Mr. President : Syed Rajan Bakhsh Shah.

Khan Bahadur Makhdum Syed Rajan Bakhsh Shah : The Muhammadans have much to complain of against the present policy of the Government and they have reason to do so, when in every province of the country their rights are being trampled upon and the Government is quite callous about it. For instance look at the unsatisfactory reply the Honourable the Home Member gave in response to my query in this Chamber to-day.

It has been said that the Muhammadans who were self-seekers or promoters of discord have alone engineered this Rajpal decision agitation. I can assure the Honourable Members that the Muhammadans of every school of thought from one end to the other of the country, whether they were Swarajists, Moderates or pro-Government, took part in it thinking it to be a religious duty, because no Muhammadan will ever tolerate the finger of derision being pointed at his true Prophet.

The Government and this Honourable House should remember that the Muhammadans will sacrifice their lives and property but they will never suffer a word to be said against the honour of their Holy Prophet.

Maulvi Muhammad Yakub : Sir, the Honourable Member is not talking on the Bill but is making irrelevant remarks.

Mr. President : Syed Rajan Bakhsh Shah.

Khan Bahadur Makhdum Syed Rajan Bakhsh Shah : With all the force I can command I support this Bill, as introduced by the Honourable the Home Member and as amended by the Select Committee.

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TO THE

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

VOLUME V

(6th September to 20th September 1927)

FIRST SESSION

OF THE

THIRD LEGISLATIVE ASSEMBLY, 1927

SIMLA
GOVERNMENT OF INDIA PRESS
1928

Legislative Assembly.

President :

THE HONOURABLE MR. V. J. PATEL.

Deputy President :

MAULVI MUHAMMAD YAKUB, M.L.A.

Panel of Chairmen :

MR. M. A. JINNAH, M.L.A.
MR. M. R. JAYAKAR, M.L.A.
MR. K. C. NEOGY, M.L.A.

Secretary :

MR. W. T. M. WRIGHT, C.I.E., I.C.S.

Assistants of the Secretary :

MR. D. G. MITCHELL, C.I.E., I.C.S.
MR. S. C. GUPTA, BAR-AT-LAW.
MR. G. H. SPENCE, I.C.S.

Marshal :

CAPTAIN SURAJ SINGH BAHADUR, I.O.M.

Committee on Public Petitions :

MAULVI MUHAMMAD YAKUB, M.L.A., *Chairman.*
MR. K. C. NEOGY, M.L.A.
MR. JAMNADAS M. MEHTA, M.L.A.
LIEUT. COLONEL H. A. J. GIDNEY, M.L.A.
MR. C. DURAISWAMY AIYANGAR, M.L.A.

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